NEW SOUTH WALES.

VOTES

AND

PROCEEDINGS

OF

THE LEGISLATIVE ASSEMBLY

DURING THE SESSION

OF

1873-4,

WITH THE VARIOUS DOCUMENTS CONNECTED THEREWITH.

IN SIX VOLUMES.
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NEW SOUTH WALES.

VOTES AND PROCEEDINGS.

SESSION 1873-4.

(IN SIX VOLUMES.)

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1873–4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

PERMANENT ARTILLERY FORCE.

(RETURNS RESPECTING.)

Ordered by the Legislative Assembly to be printed, 5 March, 1874.

RETURN showing Rank of Officers of New South Wales Artillery, with the duties performed by each—in all four Officers.

Rank.	Duties.
Major (1) Commanding	Charge of fortifications, guns, stores in connection therewith, responsible that same are kept in proper order, and that the forts are ready for action, that magazines are properly packed, precautions used to prevent accident—holds examination of interior of ordnance when necessary, keeping records of the same, sees that guns are properly mounted, governs the distribution of stores, and submits requisitions when necessary, inspects all outlying forts monthly—Member of the Warlike Store Board, and President of Sanitary Board,—available for President or Prosecutor on all Courts-Martial, or to sit on any Board or Court of Inquiry—submits such suggestions to Commandant as he may consider necessary relative to mounting ordnance or other Artillery duty—has charge of the clothing, discipline, and interior economy of the battery, issues all payments through Pay-sergeant twice weekly, drills the battery, and is responsible that the field battery is in every respect fit for immediate service—superintends Artillery practices, taking angles of the forts, and marking instruments for calculating distances of objects, &c.,—has charge of working parties moving or mounting heavy guns.
Captain (1) Adjutant	Assists the Commanding Officer, is responsible for drill of recruits and all books and rosters, available as President or Prosecutor of Courts-Martial or Boards and Courts of Inquiry, visits fortifications monthly, has charge of working parties mounting guns; when week on duty has charge of drills, inspects rations, visits guards once by day and once by night, assists in marking instruments.
Subalterns (2) In the Imperial Service three Subalterns are allowed.	Have charge of one division of field battery each, have charge of men's messing, submitting the accounts weekly to Commanding Officer, inspects kits, bedding, &c., when on duty visits guards once by day and once by night, attends at issue of rations and has charge of drills, visits fortifications, and has charge of working parties.

RETURN of Battery, showing distribution and duties.

Distribution.	Sergeant Major.	Sergeants.	Corporals.	Bombardiers.	Trumpeters.	Gunners.	Duties.
Fit for duty	1	1	...	1	3	33	Available for guards, working parties at military stores and fortifications, fatigue duties in barracks, general duties of Artillery, and attend drills and parades twice daily five days each week; Saturdays cleaning up barracks and forts; Sunday, church parade.
On Government House Guard	...	1	1	...	...	6	
On Regimental Guard	...	...	1	...	...	3	
Sick ..... In hospital	...	...	...	1	...	3	
Sick ..... In barracks	...	...	...	...	...	1	
Prisoners... In prison	...	...	...	...	...	3	
Prisoners... In barracks	...	1	...	...	...	...	
Clerk	...	1	...	...	...	...	Keeping and paying all cash accounts, keeping store accounts of all Government property in charge, receiving and issuing all clothing and necessaries to men, and keeping all orderly-room books of battery.
Officers' servants	...	...	...	...	...	4	Attend drills, and efficient as Artillerymen.
Cooks	...	...	...	...	...	2	
Instructor of drill	1	...	...	...	...	...	Details and parades all guards, working or fatigue parties, superintends drill of recruits, performs duties of Battery Sergeant-major, and drills Volunteer Artillery.
Absent without leave	...	...	...	...	...	1	

2

RETURN OF BATTERY—*continued.*

Distribution.	Sergeant Major.	Sergeants.	Corporals.	Bombardiers.	Trumpeters.	Gunners.	Duties.
Brigade Paymaster's Office	...	...	...	...	...	1	Lent to Brigade Pay and Quartermaster, by order of Commandant, to keep accounts connected with Permanent and Volunteer Forces.
Garrison hospital cook	...	...	...	...	...	1	
Regimental employ	...	...	2	...	...	5	1 Corporal in charge of Canteen; 1 carpenter, performs all necessary work for battery, attends parades and does guards; 1 gunner, cleans orderly room, and messenger, and fires time gun at 1 p.m.; 1 gunner in charge of library and recreation room, and assists in the orderly room; 1 gunner in charge of Government boats, assists in canteen; 1 gunner cook and waiter sergeants' mess.
Acting bombardiers	...	...	...	...	...	3	
Blue's Point	...	...	...	...	...	2	Cleaning ordnance stores, painting guns, shot shell, attending to racers—keeping them from rusting, moving guns and carriages periodically, keeping gun-pits in order, taking charge of and keeping in proper order all public property at outlying batteries. This number of men is not sufficient to perform the work, but having to furnish a guard in Government House, and the men only getting three nights in bed, no more can be spared.
George's Head	...	...	...	1	...	2	
South Head	...	...	...	1	...	3	
Bradley's Head	...	...	...	...	...	2	
Middle Head	...	...	...	...	...	3	
Total	1	5	4	4	3	78	

GEO. J. AIREY,
Major Commanding N.S.W. Artillery.

Sydney: Thomas Richards, Government Printer.—1874.

[3*d.*]

1873–4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

NEW SOUTH WALES ARTILLERY.

(PETITION OF MEMBERS OF.)

Ordered by the Legislative Assembly to be printed, 11 *March*, 1874.

The humble Petition of the undersigned Members of the N.S.W. Artillery, to the Honorable House of Legislative Assembly of the Colony of New South Wales assembled,—

HUMBLY SHOWETH:—

That your Petitioners are desirous of being relieved from serving in the N.S.W. Artillery; and your Petitioners, to support this application, give the following reasons:—

1st. That your Petitioners have read in the newspaper, from time to time, reports of speeches tending to degrade them as a body of men in the eyes of the public; more particularly your Petitioners refer to the reported speeches of the Honorable Premier at Mudgee and East Sydney, wherein your Petitioners have been held up to ridicule as "Painted Soldiers," refuse of "Town's Loafers," &c. Your Petitioners feel that these opprobrious epithets, coming from such an authority, have necessarily lowered the prestige of the Force, and in consequence thereof the said Force was never popular with the public.

2nd. That the Officers appointed to command the N.S.W. Artillery do not possess the confidence and respect of the men under command; that such Officers, from their previous experience, were not sufficiently qualified for their position. Through the above, there has been a maladministration of justice, inequality of punishments, suppression of complaints, undue intimidation, favouritism, and other serious evils.

For these reasons, and others which must be apparent to your Honorable House, your Petitioners humbly pray that your Honorable House will take such steps as will relieve your Petitioners.

And your Petitioners, as in duty bound, will ever pray.

[*Here follow* 63 *Signatures.*]

1873–4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

NEW SOUTH WALES ARTILLERY.

(CASE OF G. B. SARGENT.)

Ordered by the Legislative Assembly to be printed, 25 *March*, 1874.

RETURN to an *Order* of the Honorable the Legislative Assembly of New South Wales, dated 24 March, 1874, That there be laid upon the Table of this House,—

"Copies of all Papers in the Court-martial proceedings which took place "on Wednesday, the 11th February, 1874, at Dawes' Battery, for the trial "of No. 79 Gunner George Beresford Sargent, in the New South Wales "Artillery."

(Mr. Buchanan.)

NEW SOUTH WALES ARTILLERY.

(A.)

PROCEEDINGS of a Garrison Court-martial, held at Sydney, New South Wales, on the 11th day of February, 1874, by order of Lieutenant-Colonel John Soame Richardson, Commandant, bearing date the 10th day of February, 1874, and under the authority of His Excellency Sir Hercules George Robert Robinson, K.C.M.G., Governor and Commander-in-Chief, dated the 10th day of February, 1874.

President :—

Captain Warner Spalding, New South Wales Artillery.

Members :—

Lieutenant Russell, Lieutenant Lindeman, } New South Wales Artillery.

(B.)

At 10·30 o'clock A.M. the Court opens.

No. 79 Gunner George Beresford Sargent, New South Wales Artillery, is brought a prisoner before the Court.

The order for convening the Court is read.

The names of the President and Members are read over in the hearing of the prisoner, and they severally answer to their names.

Question by President to prisoner : Do you object to be tried by me as President, or by any of the Officers whose names you have heard read over.

Answer : Yes, I object to the President, Captain Spalding, on the ground that you have been twice President of Courts-martial which have tried and convicted me, and I therefore believe that your sitting as President of this Court-martial will be calculated to prejudice me in any decision you may arrive at in reference to this case. I also object to Lieutenant Lindeman sitting as a Member of this Court because he was the Officer who caused me to be confined. I have no objection to any other Officer of this Court-martial.

The Court is cleared.

Decision :

The Court, by a majority of two-thirds, disallow the objections.

The Court is reopened, and the above decision is read to the prisoner.

(C.)

The President and Members are duly sworn.

The prisoner No. 79 Gunner George Beresford Sargent, New South Wales Artillery, is arraigned upon the following charges :—

Charges :

1st charge.—Having at Sydney, New South Wales, on the 17th January, 1874, without leave from his Commanding Officer, absented himself from the New South Wales Artillery, and having remained so absent until 21st January, 1874.

2nd charge.—Disgraceful conduct in having, at Sydney, on the 17th January, 1874, stolen the following property belonging to Battery Sergeant-Major Henry Green, New South Wales Artillery, viz., one whip-cane, value 10s.

3rd charge.—Disgraceful conduct in having, at Sydney, New South Wales, on the 17th January, 1874, feloniously received the following article, the property of Battery Sergeant-Major Henry Green, New South Wales Artillery, knowing the same to have been stolen, viz., one whip-cane, value 10s.

(D.)

Question to prisoner : Are you guilty or not guilty of the charges against you which you have heard read ?

Answer : Not guilty.

Prosecution :

Major G. J. Airey, New South Wales Artillery, appears as prosecutor, and proceeds to call witnesses.

First witness for prosecution.—No. 47 Sergeant H. Garty, N.S.W. Artillery, being duly sworn, is examined by the prosecutor and states :—I was the non-commissioned officer in charge of the new batteries on the north side of Sydney Harbour, New South Wales, on the 17th January, 1874 ; I ordered the prisoner, now before the Court, No. 79 Gunner G. Sargent, N.S.W. Artillery, on the same day, to proceed from George's Head Battery to Dawes' Point Barracks, and receive over from Acting Quartermaster Sergeant M'Bride the groceries for the use of the men stationed at the different batteries ; the prisoner left George's Head at or about 9 a.m. on the morning of the 17th January, 1874, and should have returned by 10 p.m., in time for tattoo roll call same night ; he did not return, and had no permission to be absent to my knowledge ; I reported his absence on my coming up to the barracks on the 19th January, 1874.

Cross-examined by the prisoner :

Q. Were you on pass from George's Head Battery from the 19th to the 21st January, 1874 ?

A. Yes.

The witness withdraws.

Second

Second witness for prosecution.—No. 3 acting Quarter-master Sergeant P. M'Bride, N.S.W. Artillery, being duly sworn, is examined by the prosecutor and states :—I issued the rations for the different batteries on the north side of Sydney Harbour, New South Wales, to the prisoner now before the Court, on the 17th January, 1874, at or about 2 p.m. ; shortly afterwards, Gunner Sargent returned and handed back to me all the rations, except those for George's Head, and intimated to me that it was blowing too hard to pull back in the boat, and that he intended to return by the steamer to George's Head.

The prisoner declines cross-examining this witness.

The witness withdraws.

Third witness for prosecution.—No. 1 Battery Sergeant-major Henry Green, N.S.W. Artillery, being duly sworn, is examined by the prosecutor and states :—On the 17th January, 1874, I was in the regimental canteen at Dawes' Battery, Sydney, New South Wales, and had with me a whip-cane at the time ; I laid it down on the table behind the counter and left the canteen, forgetting at the time my whip ; the same evening I sent down to the canteen sergeant asking for the whip ; he said he could not find it ; Sergeant Garty, New South Wales Artillery, the non-commissioned officer in charge of the batteries on the north side of Sydney Harbour, New South Wales, reported to me on the 19th January, 1874, that the prisoner now before the Court had been absent without leave from George's Head from tattoo roll call at 10 p.m. the 17 January, 1874.

Cross-examined by the prisoner :

Q. Do you bear me any malice or ill-will ?
A. None.
Q. Did you ever say to me that by Christ I will salt you yet ?
A. I do not ever recollect making use of that expression.
Q. Did you ever use words to that effect ?
A. I do not recollect it.

The witness withdraws.

Fourth witness for prosecution.—No. 5 acting Sergeant H. Collett, N.S.W. Artillery, being duly sworn, is examined by the prosecutor, and states :—I am the non-commissioned officer in charge of the canteen at Dawes' Battery, Sydney, New South Wales ; on the 17th January, 1874, I was in the canteen, and early on that afternoon the Sergeant-major came into the canteen, and I saw him put his whip down on the table near the counter ; he shortly afterwards went out, and I saw the whip several times that afternoon on the table ; about 6 or 7 o'clock the same day Sergeant-major Green sent down for his whip ; I looked for it, and found it was gone ; about a quarter of an hour or twenty minutes before this Gunner Sargent was standing at the end of the counter, about a yard from where the whip was placed ; there were some other men standing in front of the counter, but not near the table, with the exception of Gunner Sargent ; the whip was lying on the table when I came back from my tea ; no one could take the whip unless they had walked round the counter, which is about a yard wide ; I saw no one else round the counter, and no one could have gone round without my seeing them, unless they did so when my back was turned and drawing a pint of beer, which would take me about three seconds.

Cross-examined by the prisoner :

Q. Did you see the whip-cane of the Sergeant-major lying on the table when I was standing at the end of the counter ?
A. I cannot say, not having noticed it at the time.

Examined by the Court :

Q. State what you know respecting the first charge ?
A. On the 21st January, 1874, I was the non-commissioned officer in charge of the picket at Dawes' Battery, Sydney, New South Wales ; the prisoner now before the Court was brought in by escort about 2·30 o'clock p.m., and handed over to my charge ; I knew that Gunner Sargent, N.S.W. Artillery, had been absent without leave.

The prisoner declines cross-examining this witness.

The witness withdraws.

Fifth witness for prosecution.—No. 14 Gunner Michael Mallon, N.S.W. Artillery, being duly sworn, is examined by the prosecutor, and states :—I was orderly at the barrack-gate, Dawes' Battery, Sydney, New South Wales ; on the 17th January, 1874, between 7 and a quarter past 7 o'clock p.m. I saw the prisoner now before the Court going out of the barrack-gate ; he had with him a carpet-bag and a stick or whip ; it was getting dusk at the time, and I could not swear whether it was a whip or a stick.

The prisoner declines cross-examining this witness.

The witness withdraws.

Sixth witness for prosecution.—No. 37 Gunner Richard Fennally, N.S.W. Artillery, being duly sworn, is examined by the prosecutor and states :—I left Dawes' Battery, Sydney, New South Wales, about 7 o'clock p.m., on the 17th January, 1874, with the prisoner now before the Court ; I walked with him up George-street for about a quarter of a mile, and noticed at the time that he had a cane with him ; and as I never saw him with it before I asked him where he got it ; he told me that the Sergeant-major was so busy that he had forgotten his cane, which he left in the canteen, and that he (Gunner Sargent) had taken it for a lark, and would send it up on the following morning by Sergeant Garty ; I did not examine the cane.

Cross-examined by the prisoner :

Q. Were you in the canteen with me before we left the Barracks ?
A. Yes.
Q. Did you see me take the whip from out of the canteen ?
A. No.
Q. Can you say whether the whip belonged to the Sergeant-major or not ?
A. I could not swear to it, but I have seen one like it with the Sergeant-major.
Q. Did the Sergeant-major speak to you about the whip subsequently to its being lost and previously to my being charged with having taken it ?
A. Yes.

The witness withdraws.

Seventh

Seventh witness for prosecution.—No. 62 Bombardier Walter Pope, N.S.W. Artillery, being duly sworn, is examined by the prosecutor, and states:—On the 21st January, 1874, I was the non-commissioned officer in charge of the Governor's guard at Government House, Sydney, New South Wales; about 2 o'clock p.m. I was ordered by Lieutenant Lindeman, N.S.W. Artillery, to take a file of the guard and apprehend the prisoner now before the Court, who was in a public-house; I did so and afterwards brought the prisoner down to Dawes' Point Barracks and handed him over to Sergeant Collett of the regimental picket.

The prisoner declines cross-examining this witness.

The witness withdraws.

At 1 o'clock the Court adjourns until 2 o'clock.

At 2 o'clock the Court re-opens.

No. 1 Sergeant-major H. Green, N.S.W. Artillery, is re-called, and is examined on his former oath:—

Question by the Court: Have you seen your whip cane since you left it in the canteen on the 17th January, 1874?

Answer: No.

The witness withdraws.

The prosecution is closed.

Question by the Court to the prisoner: Do you intend to call any witnesses in you defence?

Answer: Yes.

(E.)

DEFENCE.

The prisoner having been called upon to make his defence, calls the following witnesses:—

First witness for the defence.—No. 62, Bombardier Walter Pope, N.S.W.A., is examined by the prisoner upon his former oath:—

Q. Did you leave the Barracks on the 17th January, 1874, about 7 p.m., in company with me and Gunner Fennally, N.S.W.A.?

A. I went out of the gate at the same time with you, but not in your company.

Q. Did you not walk with us as far as the omnibus stand, at the top of the hill?

A. Yes, I believe I did.

Q. Did you see a stick or whip in my possession?

A. I did not notice one, but you might have had it, as I did not take any particular notice.

Q. Do you know the Sergeant-major's stick or whip?

A. I could not swear to it.

The prosecutor declines cross-examining this witness.

The witness withdraws.

Second witness for defence.—No. 72 Gunner John Craven, N.S.W.A., being duly sworn, is examined by the prisoner:—

Q. Do you remember the Sergeant-major Green using the following words to me, viz.:—"By Christ, I will salt you yet"?

The prosecutor objects to this question.

The Court is cleared.

The prisoner is informed that his question has been disallowed, in consequence of it not being pertinent to the charge.

Q. Did the Sergeant-major speak to you about the whip after it was alleged to have been lost, and previous to my being charged with having taken the same?

A. He did.

Q. Did the Sergeant-major endeavour to make you say that I had taken his whip?

A. He asked me if I had met you with a whip, and if it was his; I told him I had met you with a whip but whether it was the Sergeant-major's or not I am not in a position to say.

The prosecutor declines cross-examining this witness.

The witness withdraws.

Third witness for defence.—No. 71 Gunner C. Kenny, N.S.W.A., being duly sworn, is examined by the prisoner, and states:—I know that Sergeant Garty, N.S.W.A., was absent from George's Head, on pass, from the 19th to 21st January, 1874.

The prosecutor declines cross-examining this witness.

The witness withdraws.

The prisoner closes his defence, reads an address, which is marked "X," signed by the President, and attached to the proceedings.

(F.)

The Court is cleared for the purpose of considering the finding.

FINDING.

1st charge, guilty; 2nd do., guilty; 3rd do., not guilty.

The Court find that the prisoner, No. 79 Gunner George Beresford Sargent, N.S.W. Artillery, is guilty of the first charge—is guilty of the second charge—is not guilty of the third charge.

(G.)

Proceedings before Sentence.

The Court being re-opened, the prisoner is again brought before it.

Major G. J. Airey, N.S.W. Artillery, is duly sworn:—

Q. What record have you to produce in proof of former convictions?

A. I produce to the Court a verified extract from Regimental Court-martial Book.

(This document being read, compared with the original, and found correct, is marked "T," signed by the President, and attached to the proceedings.)

Q.

Q. Is the prisoner under any sentence at the present time?
A. No.
Q. What is the prisoner's general character?
A. Very bad.
Q. What is his age?
A. 29 $\frac{8}{12}$ years.
Q. What is the date of his attestation?
A. 19 December, 1871.
Q. What service is he allowed to reckon towards his discharge?
A. One year and 242 days.
Q. Is the prisoner in possession of any decorations or honorary rewards?
A. No.

(H.)

The Court is again cleared.

Sentence.—The Court sentence the prisoner, No. 79 Gunner George Beresford Sargent, New South Wales Artillery, to be imprisoned with such labour as in the opinion of the medical officer of the prison he may be equal to, for one hundred and sixty-eight days (168 days) in the Gaol at Darlinghurst, Sydney, N.S. Wales. Sentence:—Impt.—168 days. Discharged with ignominy.

The Court further sentence him to be discharged with ignominy from Her Majesty's service.

Signed at Dawes' Battery, Sydney, New South Wales, this 11th day of February, 1874,—

WARNER SPALDING,
Captain, N.S.W.A.,
President.

Having read the proceedings of this Court-martial in the case of Gunner Sargent, N.S.W. Artillery, I have been compelled to order its re-assembly, it appearing to me that there is no evidence of the absence of the prisoner from the 19th to 21st January; but it is perfectly competent to the Court to find him guilty of such absence as is proved by the evidence, recording the variation as between the charge and finding in express terms.

Record of a fresh sentence must of course be made.

JOHN S. RICHARDSON, Lt.-Col.,
Commandant.

13/2/74.

Revision.

On Wednesday, the 18th day of February, 1874, at 10·30 o'clock a.m., the Court reassembled by order of Lieutenant-Colonel John Soame Richardson, Commandant, for the purpose of reconsidering their finding.

Present, the same members as before.

The memorandum containing the instructions to the Court, and the reasons of the revising authority for requiring a revision of the finding is read.

The Court having attentively considered the observations of the revising officer and the whole of the proceedings,—

Do now revoke their former finding and sentence. The Court are now of opinion that No. 79 Gunner George Beresford Sargent, N.S.W. Artillery, is guilty of the 1st charge, with the exception of having absented himself without leave from his Commanding Officer, from the N.S.W. Artillery, from the 19th January, 1874, until the 21st day of January, 1874. 1st charge, guilty in part.

Guilty of the 2nd charge. 2nd charge, guilty.

Not guilty of the 3rd charge. 3rd charge, not guilty.

The Court do now sentence him, the prisoner, No. 79 Gunner George Beresford Sargent, N.S.W. Artillery, to be imprisoned with such labour as in the opinion of the medical officer of the prison he may be equal to, for one hundred and fifty-four days (154 days) in the Gaol at Darlinghurst, Sydney, New South Wales. Sentence:—Imprisonment 154 days. Discharged with ignominy.

The Court do further sentence him to be discharged with ignominy from Her Majesty's service.

Signed at Dawes' Battery, Sydney, New South Wales, this 18th day of February, 1874,—

WARNER SPALDING,
Captain, N.S.W. Artillery,
President.

Confirmed—Hercules Robinson, 19 February, 1874.

Promulgated at Dawes' Battery, Sydney, New South Wales, February 20th, 1874.—Geo. J. Airey, Major, Commanding N.S.W.A.

(X.)

Gentlemen,

You have each and all sworn to well and truly try and determine the charge preferred against me, according to the evidence, and I must respectfully ask for a finding of not guilty upon each and all of the charges against me.

1st. I am charged with being absent from the N.S.W. Artillery from the 17th January until the 21st of same month. There has been no evidence to that effect: Sergeant Garty admits his absence from George's Head Battery from the 19th until the 21st January. Where, gentlemen, have you any evidence for the prosecution that I did not return to George's Head Battery upon the 19th, which I say I did, and there remained until the morning of the 21st, when I returned to Sydney for the groceries which I had forgotten? On my arrival at Circular Quay I went into the public-house referred to in Bombardier Pope's evidence, when I was seen by Lieut. Lindeman, and under his orders made a prisoner. The charge in my indictment says I was absent from the 17th (seventeenth) until the 21st January. I plead not guilty, and I ask you, gentlemen, where is the evidence to the contrary?

The

The 2nd and 3rd charges, gentlemen, I believe to be a malicious prosecution. For this I refer you to the cross-examination of Battery Sergeant-major Green, and the evidence for the defence by Gunner Craven.

Independently of this, I maintain that there is not a particle of evidence to criminate me. Take the evidence of each witness for the prosecution, separately or collectively, and still you can find none. Battery Sergeant-major Green gives no evidence either that I stole or received his whip. I wish to call the Court's attention to the cross-examination of Acting Sergeant Collett, wherein he states that he could not say that the whip I was charged with stealing was on the table while I was standing at the end of the counter. Gunner Mallon's evidence is of so little importance that I do not think it necessary to occupy your time with it. Gunner Fennally's evidence I wholly deny; and I further call your particular attention to the substance of it. Is it evidence, if true, to convict a man of stealing or of feloniously receiving?

I would also point out to your particular attention the evidence of Bombardier Pope for the defence, and hoping you will give these matters your careful investigation and consideration. I also ask you, each and all, to dismiss from your minds any knowledge you have respecting me, and try me according to your oaths and the evidence before you.

I cannot conclude without stating that I consider the whole proceedings of this Court are illegal, on the following grounds:—

(1.) When 2-3rds (two-thirds) of a Garrison Court-martial, that is, the Officers forming it, are objected to by the prisoner, and justifiable grounds being given, those objections should be referred to the Commanding Officer.

(2.) I should have received twenty-four hours' warning, which I did not.

GEO. B. SARGENT.

(3.) I submit that the question asked of Gunner Craven, and disallowed by the Court, is not irrelevant.

GEO. B. SARGENT.

WARNER SPALDING, Captain, N.S.W.A.

I CERTIFY that No. 79 Gr. G. B. Sargent, of the New South Wales Artillery, is in a good state of health and fit to undergo imprisonment, solitary or otherwise, and without hard labour.

J. H. G. BEDFORD,
Staff Asst.-Surgeon,
Reg. Mil. Sur.

Garrison Hospital,
Paddington, 11/2/74.

CERTIFIED copy of entries of the previous convictions by Courts-martial of No. 79 Gunner G. B. Sargent, N.S.W. Artillery, taken from the Court-martial Book of the New South Wales Artillery.

Description of Court-martials by which tried.	Place and date of trial.	Charges upon which tried.	Finding and sentencing of the Court.	Minute of confirmation.	Sentence whether inflicted or remitted.
Regimental...	Sydney, 25th November, 1872.	Having, at South Head Battery, Sydney, New South Wales, on the 18th November, 1872, without leave from his Commanding Officer, absented himself from the N.S.W. Artillery, and having remained so absent until the 21st November, 1872.	"Guilty." 35 days imprisonment with hard labour in the Military Prison, Victoria Barracks.	Confirmed,—Sir Hercules Robinson, 30th November, 1872.	Inflicted.
Garrison.....	Sydney, 3rd June, 1873.	1st charge.—Disgraceful conduct in having, at Sydney, New South Wales, on the 23rd May, 1873, stolen the following articles, viz., forty-nine Ball programme cards, the property of His Excellency Sir Hercules Robinson, K.C.M.G.; one novel, named "A Perfect Treasure," value, 2s., the property of Mr. Strickland; and the Australian Almanac, 1869, value, 5s., the property of the Government of New South Wales. 2nd charge.—Disgraceful conduct in having, at Sydney, New South Wales, on the 23rd May, 1873, feloniously received the following articles, knowing them to have been stolen, viz., forty-nine Ball programme cards, the property of His Excellency Sir Hercules Robinson, K.C.M.G.; one novel named "A Perfect Treasure," value 2s., the property of Mr. Strickland; and the Australian Almanac, 1869, value 5s., the property of the Government of New South Wales.	"Guilty" of the 1st charge with the exception of having stolen one novel named "A Perfect Treasure," and the Australian Almanac, 1869. "Not guilty" of the 2nd charge. 35 days imprisonment with hard labour in the Military Prison, Victoria Barracks.	Confirmed,—Sir Hercules Robinson, 5th June, 1873.	Inflicted.

Authenticated by Geo. J. Airey, Major, Commanding N.S.W. Artillery.

Dated at Sydney, this 11th day of February, 1874.

WARNER SPALDING,
Captain, N.S.W. Artillery,
President.

Sydney: Thomas Richards, Government Printer.—1874.

[6d.]

1873-4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

NEW SOUTH WALES ARTILLERY.

(COURTS-MARTIAL HELD IN.)

Ordered by the Legislative Assembly to be printed, 26 *March*, 1874.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 3 March, 1874, That there be laid upon the Table of this House, a Return showing,—

" (1.) The number of Courts-martial held in the Permanent Artillery Force " from 1st August, 1871.

" (2.) The names of the Officers composing the Court; of the accuser and " accused; the offences,—and the punishment in each case."

(*Mr. Garrett.*)

NEW SOUTH WALES ARTILLERY.

RETURN showing the number of Courts-martial held in the Permanent Artillery Force from 1st August, 1871; the names of the Officers composing the Court; of the accuser and accused; the offences,—and the punishment in each case.

No. of Courts-martial.	Composition of the Court.	Accuser.	Accused.	Offences.	Finding and Sentence.
Twenty-eight, viz.:— 3—Three times. 2—Twice. 15—Once.	Capt. A. S. Heathcote, V.C., N.S.W. Inf.; Capt. Spalding, N.S.W. Art.; Lieut. Underwood, N.S.W. Inf.	Captain Airey..	No. 11 Gunner Robert Asprey.	*1st charge.*—Having, at Sydney, N. S. Wales, on the 23rd day of December, 1871, been drunk. *2nd charge.*—Insubordination, accompanied with personal violence, in having, at Sydney, N. S. Wales, on the 23rd day of December, 1871, struck with his clenched fist, No. 43 Acting Bombardier George Harrison, being his superior officer, and being in the execution of his office. *3rd charge.*—Having, at Sydney, N. S. Wales, on the 27th day of December, 1871, whilst a prisoner in the guard-room at Dawes' Point, escaped from such confinement before he was set at liberty by proper authority.	Guilty of all the charges.—To be imprisoned with hard labour for three hundred and thirty-six (336) days in the Gaol at Darlinghurst, and to be fined twenty shillings. Inflicted the fine and 168 days imprisonment. Remitted 168 days imprisonment.
	Capt. Spalding, Lieut. Lindeman, Lieut. Russell, N.S.W. Art.	Major Airey ...	No. 11 Gunner Robert Asprey.	*Again tried.* *1st charge.*—Having, before being regularly relieved, left his post when sentry over Government House, at Sydney, N. S. Wales, between the hours of 11 a.m. and 1 p.m. on the 12th March, 1873. *2nd charge.*—Conduct to the prejudice of good order and military discipline, in having been riotous in the streets of Sydney, and for resisting and offering violence to the picquet ordered to take him into confinement *3rd charge.*—Having, at Sydney, on the 12th March, 1873, been drunk.	Guilty of all the charges. To be imprisoned with hard labour in the military prison at the Victoria Barracks, for two hundred and fifty-two (252 days). Inflicted 138 days. Remitted 114 days.
	Capt. Spalding, Lieut. Lindeman, Lieut. Russell, N.S.W. Art.	Major Airey ...	No. 11 Gunner Robert Asprey.	*Again tried.* Having deserted from the New South Wales Artillery, at Sydney, on the 21st November, 1873.	Guilty.—To be imprisoned with hard labour for 336 days in the military prison, Victoria Barracks.
	Capt. Heathcote, V.C., N.S.W. Inf.; Capt. Spalding, N.S.W. Art.; Lieut. Strong, N.S.W. Inf.	Captain Airey..	No. 10 Bombardier W. R. Cole.	*1st charge.*—Having, on the 27th December, 1871, been drunk when on duty, when in charge of the regimental guard, Dawes' Battery, Sydney. *2nd charge.*—Conduct to the prejudice of good order and military discipline, in having, at Sydney, N. S. Wales, on the 27th December, 1871, made use of disrespectful language towards No. 5 Acting Sergeant Henry Collett, N. S. Wales Artillery, his superior officer, in substance and to the effect following, that is to say—"Let him go to b——y."	Guilty of both charges.—To be reduced to the ranks, and further to be imprisoned with hard labour for 84 days in Darlinghurst Gaol. Inflicted reduction and 49 days imprisonment. Remitted 35 days imprisonment.
	Capt. Spalding, N.S.W. Art.; Lieut. Underwood, Lieut. Strong, N.S.W. Inf.	Captain Airey..	No. 27 Gunner Edward Shadwick.	*1st charge.*—Conduct to the prejudice of good order and military discipline, in having, at Sydney, N. S. Wales, on the 27th day of December, 1871, when sentry on the guard-room at Dawes' Battery, by neglect, allowed No. 11 Gunner Robert Asprey, then a prisoner in the guard-room under his charge, to escape, thereby neglecting to obey the orders of his post. *2nd charge.*—Conduct to the prejudice of good order and military discipline, in having, at Sydney, N. S. Wales, on the 27th December, 1871, when on sentry on the guard-room, Dawes' Battery, delivered over his charge to No. 50 Gunner George Howell, N. S. Wales Artillery, without a non-commissioned officer being present at the relief.	Not guilty of the 1st charge. Guilty of the 2nd charge.—To be imprisoned with hard labour in the Gaol at Darlinghurst for 21 days.

No. of Courts-martial.	Composition of the Court.	Accuser.	Accused.	Offences.	Finding and Sentence.
Twenty-eight, viz. :— 3—Three times. 2—Twice. 16—Once.	Capt. Heathcote, V.C., N.S.W. Inf.; Lieuts. Wilson and Strong, N.S.W. Inf.	Captain Airey..	No. 12 Gunner Thomas Haynes.	Having, at the Battery, South Head, on the 6th March, 1872, been drunk.	Guilty.—To be imprisoned with hard labour for 42 days.
	Capt. Spalding, N.S.W. Art.; Lieuts. Underwood and Chatfield, N.S.W. Inf.	Captain Airey..	No. 23 Gunner Philip M'Govern,	Having, on the 30th March, 1872, been drunk when on duty, when employed as Post Office orderly at Sydney, New South Wales.	Guilty.—To be imprisoned with hard labour for 35 days, and fined £1. Inflicted the fine and 28 days' imprisonment; remitted 7 days' imprisonment.
	Capt. Spalding, N.S.W. Art.; Lieuts. Wilson and Chatfield, N.S.W. Inf.	Major Airey ...	No. 23 Gunner Philip M'Govern.	*Again tried.* *1st charge.*—Having, at Sydney, on the 6th Dec., 1872, without leave from his commanding officer, absented himself from the N.S.W. Artillery, and having remained so absent until 2 a.m. on the 7th December, 1872. *2nd charge.*—Having, at Sydney, New South Wales, on the 7th December, 1872, been drunk. *3rd charge.*—Having, at Sydney, New South Wales, on the 7th Dec., 1872, wilfully damaged the following article, viz. :—One zinc bucket, the property of the Government of New South Wales.	Guilty of all the charges.—To be imprisoned with hard labour in the military prison, Victoria Barracks, for 84 days, to be fined £1, and to be put under stoppages till he shall have made good the following article, viz. :—1 zinc bucket; value, 5s. Inflicted 66 days; remitted 18 days.
	Capt. Spalding, Lieut. Lindeman, Lieut. Russell, N.S.W. Art.	Major Airey ...	No. 23 Gunner Philip M'Govern.	*Again tried.* For having, at Sydney, New South Wales, on the 5th September, 1873, been drunk.	Guilty.—To be imprisoned in military prison for 84 days, and fined £1. Fine remitted.
	Capt. Heathcote, V.C.; and Lieuts. Wilson and Underwood, N.S.W. Infantry.	Major Airey ...	No. 13 Gunner John M'Aleer.	*1st charge.*—Having, at Sydney, New South Wales, on the 21st April, 1872, without leave from his commanding officer, absented himself from the N.S.W. Artillery, and having remained so absent until the 22nd April, 1872. *2nd charge.*—Having, at Sydney, New South Wales, on the 22nd April, 1872, been drunk.	Guilty of both charges.—To be imprisoned with hard labour in the military prison, Victoria Barracks for 126 days, and fined £1. Inflicted the fine and 60 days; remitted 66 days' imprisonment.
	Capt. Spalding, N.S.W. Art.; Lieuts. Strong and Chatfield, N.S.W. Inf.	Major Airey ...	No. 64 Gunner John Whitworth.	Conduct to the prejudice of good order and military discipline, in breaking out of Barracks when confined thereto, at Dawes' Battery, on the 1st May, 1872, and remaining absent until the 6th May, 1872.	Guilty.—To be imprisoned with hard labour for 42 days in the military prison, Victoria Barracks.
	Capt. Spalding, N.S.W. Art.; Lieuts. Wilson and Strong, N.S.W. Inf.	Major Airey ...	No. 64 Gunner John Whitworth.	*Again tried.* Having, on the 16th September, 1872, been drunk, when employed as Post Office orderly, at Sydney, New South Wales.	Guilty.—To be imprisoned with hard labour for 84 days in the military prison, Victoria Barracks, and fined £1. Inflicted the fine and 67 days; remitted 17 days' imprisonment.
	Capt. Spalding, N.S.W. Art.; Lieuts. Wilson and Underwood, N.S.W. Inf.	Major Airey ...	No. 17 Gunner William Bamford.	*1st charge.*—Having deserted from the N.S.W. Artillery on the 11th November, 1871. *2nd charge.*—Having, at Sydney, New South Wales, on the 11th November, 1871, made away with the following articles of his kit, viz. :—3 white shirts and 1 pair of socks. *3rd charge.*—Having, at Sydney, New South Wales, on the 11th November, 1871, lost by neglect, the following articles of his kit, viz. :—3 white shirts and 1 pair of socks.	Guilty of the 1st and 3rd charges; not guilty of the 2nd charge.—To be imprisoned with hard labour for 84 days in Darlinghurst Gaol, and to be marked with the letter D. Inflicted 84 days; remitted marking with letter D.
	Major Fitzsimons, N.S.W. Inf.; Lieuts. Underwood and Chatfield, N. S. W. Inf.	Major Airey ...	No. 9 Sergeant Jacob Wright.	*1st charge.*—Disgraceful conduct in having, at Sydney, New South Wales, on the 29th August, 1872, stolen the following property, belonging to the Officers, N.S.W. Artillery, viz., one bottle of brandy; value, 4s. 8d. *2nd charge.*—Disgraceful conduct in having at Sydney, New South Wales, on the 29th August, 1872, feloniously received the following article, the property of the Officers. N.S.W. Artillery, knowing the same to be stolen, viz., one bottle of brandy.	Guilty of the 1st charge; not guilty of the 2nd charge. To be reduced to the ranks.

No. of Courts-martial.	Composition of the Court.	Accuser.	Accused.	Offences.	Finding and Sentence.
Twenty-eight, viz.:— 3—Three times. 2—Twice. 15—Once.	Capt. Spalding, N.S.W. Art.; Lieuts. Underwood and Chatfield, N.S.W. Inf.	Major Airey ...	No. 53 Gunner Thomas Leddy.	*1st charge.*—Disgraceful conduct in having at Sydney, New South Wales, on or about the 1st October, 1872, stolen the following property belonging to No. 6 Sergeant John Griffiths, N.S.W. Artillery, viz., one ruler; value, 4s. *2nd charge.*—Disgraceful conduct, in having at Sydney, New South Wales, on or about the 1st October, 1872, feloniously received the following article, the property of Sergeant John Griffiths, N.S.W. Artillery, knowing the same to be stolen, viz., one ruler; value, 4s.	Guilty of the 1st charge; not guilty of the 2nd charge. To be imprisoned with hard labour in the military prison, Victoria Barracks, for 84 days; and to be put under stoppages of payment till he shall have made good the sum of 4s.
	Capt. Spalding, Lieut. Lindeman, Lieut. Russell, N.S.W. Art.	Major Airey ...	No. 79 Gunner George Beresford Sargent.	Having, at South Head Battery, Sydney, New South Wales, on the 18th November, 1872, without leave from his commanding officer, absented himself from the N.S.W. Artillery, and having remained so absent until the 21st November, 1872	Guilty. To be imprisoned with hard labour in the military prison, Victoria Barracks, for 35 days. Inflicted 29 days; remitted 6 days.
				Again tried.	
	Capt. Spalding, Lieut. Lindeman, Lieut. Russell, N.S.W. Art.	Major Airey ...	No. 79 Gunner George Beresford Sargent.	*1st charge.*—Disgraceful conduct, in having at Sydney, New South Wales, on the 23rd May, 1873, stolen the following articles, viz.,—forty-nine ball programme cards, the property of His Excellency Sir Hercules Robinson, K.C.M.G.; one novel, named "A Perfect Treasure," value 2s., the property of Mr. Strickland; and one Australian Almanac, 1869, value 5s., the property of the Government of New South Wales. *2nd charge.*—Disgraceful conduct in having at Sydney, New South Wales, on the 23rd May, 1873, feloniously received the following articles, knowing the same to have been stolen, viz.,—forty-nine ball programme cards, the property of His Excellency Sir Hercules Robinson, K.C.M.G.; one novel, named "A Perfect Treasure," value, 2s., the property of Mr. Strickland; and one Australian Almanac, 1869, value 5s., the property of the Government of New South Wales.	Guilty of the 1st charge, with the exception of having stolen one novel, "A Perfect Treasure," and one Australian Almanac, 1869. Not guilty of the 2nd charge. To be imprisoned in the military prison, Victoria Barracks, with hard labour, for 35 days.
				Again tried.	
	Capt. Spalding, Lieut. Lindeman, Lieut. Russell, N.S.W. Art.	Major Airey ...	No. 79 Gunner George Beresford Sargent.	*1st charge.*—Having, at Sydney, New South Wales, on the 17th January, 1874, without leave from his commanding officer, absented himself from the N.S.W. Artillery, and having remained so absent until the 21st January, 1874. *2nd charge.*—Disgraceful conduct in having at Sydney, New South Wales, on the 17th January, 1874, stolen the following property belonging to Battery Sergeant-major Henry Green, viz., one whip-cane, value 10s. *3rd charge.*—Disgraceful conduct in having at Sydney, New South Wales, on the 17th January, 1874, feloniously received the following article, knowing the same to be stolen, viz., one whip-cane (the property of Battery Sergeant-major Henry Green), value 10s.	Guilty in part of the 1st charge; guilty of the 2nd charge; not guilty of the 3rd charge. To be imprisoned with such labour as in the opinion of the medical officer of the prison he may be equal to for 154 days in the Gaol at Darlinghurst, and to be discharged with ignominy.
	Capt. Spalding, Lieut. Lindeman, Lieut. Russell, N.S.W. Art.	Major Airey ...	No. 58 Gunner James Long.	*1st charge.*—Having, at Sydney, N.S.W., on the 28th February, 1873, without leave from his commanding officer, absented himself from the N.S. Wales Artillery, and having remained so absent until the 4th March, 1873. *2nd charge.*—For having, at Sydney, N.S. Wales, on the 28th February, 1873, made away with the following articles of his kit, viz., 1 white shirt, 1 puggaree, 1 serge jumper, 1 pair socks, 2 towels, 1 button-brush, 1 pair boots, 2 pairs gloves, 1 cloth brush, 1 tin blacking, 1 canteen, 1 helmet-cover, 1 water-bottle and strap.	Guilty of the 1st charge; not guilty of the 2nd, 3rd, or 4th charges. To be imprisoned in the Garrison cells for 35 days.

Number of Courts-martial.	Composition of the Court.	Accuser.	Accused.	Offences.	Finding and Sentence.
Twenty-eight, viz.:— 3—Three times. 2—Twice. 15—Once.				*3rd charge.*—For having, at Sydney, N.S.W., on the 28th February, 1873, lost by neglect, the following articles of his kit, viz., 1 white shirt, 1 puggaree, 1 serge jumper, 1 pair socks, 2 towels 1 button-brush, 1 pair boots, 2 pairs gloves, 1 cloth-brush, 1 tin blacking, 1 canteen, 1 helmet-cover, 1 water-bottle and strap. *4th charge.*—For having, at Sydney, N.S. Wales, on the 28th February, 1873, sold the following articles of his kit, viz., 1 white shirt, 1 puggaree, 1 serge jumper, 1 pair socks, 2 towels, 1 button-brush, 1 pair boots, 2 pairs gloves, 1 cloth-brush, 1 tin blacking, 1 canteen, 1 helmet-cover, 1 water-bottle and strap.	
	Capt. Spalding, Lieut. Lindeman, Lieut. Russell, N.S.W. Art.	Major Airey ...	No. 58 Gunner James Long.	*Again tried.* *1st charge.*—Having, at Sydney, N.S. Wales, on the 19th November, 1873, deserted from the N.S.W. Artillery. *2nd charge.*—For having, at Sydney, on the 19th November, 1873, made away with the following articles, viz., 1 mess-tin, 2 pairs gloves, 3 shirts, 1 puggaree, 3 pairs socks, 1 knife and fork, 1 button-brush, 1 sponge, 3 great-coat straps, and 1 water-bottle and strap. *3rd charge.*—Having, at Sydney, on the 19th November, 1873, lost by neglect, the following articles, viz., 1 mess-tin, 2 pairs gloves, 3 shirts, 1 puggaree, 3 pairs socks, 1 knife and fork, 1 button-brush, 1 sponge, 3 great-coat straps, and 1 water-bottle and strap. *4th charge.*—Having, at Sydney, on the 19th November, 1873, sold the following articles, viz., 1 mess-tin, 2 pairs gloves, 3 shirts, 1 puggaree, 3 pairs socks, 1 knife and fork, 1 button-brush, 1 sponge, 3 great-coat straps, and 1 water-bottle and strap.	Guilty of the 1st and 3rd charges; not guilty of the 2nd and 4th charges. To be imprisoned with hard labour for 252 days, in the military prison, Victoria Barracks, and to be placed under stoppages of pay until he shall have made good the articles lost by neglect.
	Lieut.-Col. J. S. Richardson, Commandt., Lieut. Lindeman, Lieutenant Russell, N.S.W. Art.	Major Airey ...	No. 24 Gunner George Patterson	*1st charge.*—Having, at Sydney, N.S. Wales, on the 21st March, 1873, been drunk. *2nd charge.*—Insubordination, accompanied with personal violence, in having, at Sydney, N.S. Wales, on the 21st March, 1873, offered violence against No. 6 Sergeant John Griffith, N.S.W. Artillery, by rushing on him and attempting to strike him, and saying "you you b——r," the said Sergeant Griffith being his superior officer, and being in the execution of his office. *3rd charge.*—Insubordination, accompanied with personal violence, in having, at Sydney, N.S.W., on the 21st March, 1873, offered violence to Major G. J. Airey, by seizing his horse's bridle, and calling him "a b——y bastard, a b——y marine, a robber, a scamp, a b——y scoundrel," the said Major Airey being his superior officer, and being in the execution of his office.	Guilty of all the charges. To be imprisoned with hard labour for 730 days in the Gaol at Darlinghurst, and to be discharged with ignominy. Inflicted 204 days, and discharged with ignominy Remitted 526 days.
	Capt. Spalding, Lieut. Lindeman, Lieut. Russell, N.S.W. Art.	Major Airey ...	No. 28 Gunner William Pringle	Conduct to the prejudice of good order and military discipline in breaking out of barracks when confined thereto, at Sydney, N.S.W., on the 8th May, 1873, and remaining absent until the 11th May, 1873.	Guilty. To be imprisoned with hard labour in the military prison, Victoria Barracks, for 42 days.
	Capt. Spalding, Lieut. Lindeman, Lieut. Russell, N.S.W. Art.	Major Airey ...	No. 85 Gunner George Ludy.	Having, on the 4th June, 1873, been drunk on duty when on the Government House guard at Sydney, N.S. Wales.	Guilty. To be imprisoned in the military prison, Victoria Barracks, with hard labour, for 35 days.

No. of Courts-martial.	Composition of the Court.	Accuser.	Accused.	Offences.	Finding and Sentence.
Twenty-eight, viz.:— 3—Three times. 2—Twice. 15—Once.	Capt. Spalding, Lieut. Lindeman, Lieut. Russell, N.S.W. Art.	Major Airey ...	No. 82 Gunner Lawrence Carr.	Having, at Sydney, New South Wales, on the 18th September, 1873, been drunk.	Guilty. To be imprisoned, with hard labour, in the military prison, Victoria Barracks, for 56 days, and fined £5.
	Capt. Spalding, Lieut. Lindeman, Lieut. Russell, N.S.W. Art.	Major Airey ...	No. 26 Bombardier William Rowley.	Having, at Sydney, New South Wales, without leave from his commanding officer, absented himself from the N.S.W. Artillery, from 6·30 a.m., and having remained so absent until 4 p.m. on the 23rd September, 1873.	Guilty. To be reduced to the ranks.
	Capt. Spalding, Lieut. Lindeman, Lieut. Russell, N.S.W. Art.	Major Airey ...	No. 105 Gunner John Mooney.	For having deserted from the N.S.W. Artillery, at Sydney, New South Wales, on the 18th Oct., 1873.	Guilty. To be imprisoned, with hard labour, in the military prison, for 168 days, and to forfeit his New Zealand medal. Inflicted 103 days, remitted 55 days and forfeiture of medal.
	Capt. Spalding, Lieut. Lindeman, Lieut. Russell, N.S.W.Art.	Major Airey ...	No. 95 Bombardier William Webster.	1*st charge.*—Having, at Sydney, on the 30th January, 1874, without leave from his commanding officer, absented himself from tattoo roll call of N.S.W. Artillery, at 10 p.m., and having remained so absent until 10·40 p.m. same date. 2*nd charge.*—Having, at Sydney, New South Wales, on the 30th January, 1874, been drunk.	Guilty. To be reduced to the ranks.
	Capt. Christie, Major of Brigade; Capt. Baynes, Bde., Pay, & Qr.-mstr.; Lieut. Russell, N.S.W. Art.	Major Airey ...	No. 8 Sergeant William Henry Harris.	1*st charge.*—Conduct to the prejudice of good order and military discipline, in having, at Sydney, New South Wales, on the 4th February, 1874, used threatening language towards Corporal and Acting Sergeant Henry Collett, N.S.W. Artillery, in substance and to the effect following, that is to say:—"I will punch your head, you b——y hypocrite—you b——y fool." 2*nd charge.*—Having, on the 4th February, 1874, at Sydney, New South Wales, been drunk. 3*rd charge.*—Having, at Sydney, New South Wales, on the 4th February, 1874, whilst under arrest in the Artillery Barracks, Sydney, New South Wales, broken his arrest before he was set at liberty by proper authority. 4*th charge.* — Insubordination, in having, at Sydney, New South Wales, on the 4th February, 1874, disobeyed the lawful command of Battery Sergeant-major Henry Green, New South Wales Artillery, his superior officer, by refusing to give up the keys belonging to the Sergeant's mess. 5*th charge.*—Conduct to the prejudice of good order and military discipline, in having, at Sydney, New South Wales, on the 4th February, 1874, wilfully assaulted Corporal and Acting Sergeant Henry Collett, N.S.W. Artillery, he being at the time in command of the battery picquet on duty. 6*th charge.*—Conduct to the prejudice of good order and military discipline, in having, at Sydney, New South Wales, on the 4th February, 1874, resisted and offered violence to the picquet ordered to take him into confinement.	Guilty of the 1st, 3rd, 4th, 5th, and 6th charges. Not guilty of the 2nd charge. To be reduced to the ranks, and imprisoned in the military prison, Victoria Barracks, with hard labour, for 42 days.

JOHN S. RICHARDSON,
Lieut.-Col., Commandant.

Brigade Office,
Sydney, 18 March, 1874.

Sydney: Thomas Richards, Government Printer.—1874.

[6*d.*]

1873–4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

NEW SOUTH WALES ARTILLERY.

(CASE OF SERGEANT HARRIS.)

Ordered by the Legislative Assembly to be printed, 2 April, 1874.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 12 March, 1874, That there be laid upon the Table of this House,—

"Copies of the proceedings, finding, and all other documents connected "with the trial by Court-martial of Sergeant Harris, of the New South "Wales Permanent Artillery Force."

(*Mr. Garrett.*)

NEW SOUTH WALES ARTILLERY.

LIEUT.-COLONEL RICHARDSON to THE COLONIAL SECRETARY.

Brigade Office,
Sydney, 1 April, 1874.

SIR,

I have the honor to forward herewith copies of all proceedings, finding, and all other documents connected with the trial by Court-martial of Sergeant Harris, of the N. S. W. Permanent Artillery Force, pursuant to the request contained in the letter from your office of the 16th ultimo.

I have, &c.,
JOHN S. RICHARDSON, Lieut.-Col.,
Commandant.

Application for Court-martial.

Letter to Governor. 6/2/74.
Governor's approval. 7/2/74.
Garrison orders. 9, 10, 16 (2), & 17/2/74.

Proceedings of Court-martial.

Letter to Governor. 6/3/74.
Garrison orders (2). 13/3/74.
Court of Inquiry. 14/3/74.
Letter to Governor. 16/3/74.
Governor's minute thereon. 17/3/74.
Memo. to Major Airey. 27/3/74.

[*Enclosures.*]

APPLICATION FOR A GARRISON COURT-MARTIAL.

New South Wales Artillery,
Head Quarters, Sydney,
6 February, 1874.

SIR,

I have the honor to submit charge against No. 8 Sergeant Wm. Henry Harris, of the Battery under my command, and request you will obtain the sanction of His Excellency the Governor that a Garrison Court-martial may be assembled for his trial at Sydney.

The prisoner is now in Sydney. The witnesses are at Sydney.

I have, &c.,
GEO. J. AIREY,
Major, Commdg. N.S.W.A.

Charges submitted against No. 8 Sergeant Wm. H. Harris, New South Wales Artillery.

1st charge.—Conduct to the prejudice of good order and military discipline, in having, at Sydney, New South Wales, on the 4th February, 1874, used threatening language towards Corporal and Actg.-Sergeant Henry Collett, N.S.W. Artillery, in substance and to the effect following, that is to say:—"I will punch your head"; "you b****y hypocrite"; you b****y fool."

2nd charge.—Having, on the 4th February, 1874, at Sydney, New South Wales, been drunk.

3rd charge.—Having, at Sydney, New South Wales, on the 4th February, 1874, whilst under arrest in the Artillery Barracks, Sydney, New South Wales, broken his arrest before he was set at liberty by proper authority.

4th charge.—Insubordination in having, at Sydney, New South Wales, on the 4th February, 1874, disobeyed the lawful command of Battery-Sergeant Major Henry Green, N.S.W. Artillery, his superior officer, by refusing to give up the keys belonging to the Sergeant's mess.

5th charge.—Conduct to the prejudice of good order and military discipline in having, at Sydney, New South Wales, on the 4th February, 1874, wilfully assaulted Corporal and Actg.-Sergeant Henry Collett, N.S.W. Artillery, he being at the time in command of the battery picquet on duty.

6th charge.—Conduct to the prejudice of good order and military discipline in having, at Sydney, New South Wales, on the 4th February, 1874, resisted and offered violence to the picquet ordered to take him into confinement.

MEDICAL OFFICER'S CERTIFICATE.

I certify that No. 8 Sergeant Wm. H. Harris, New South Wales Artillery, is in a good state of health, and fit to undergo imprisonment, solitary or otherwise, and with or without hard labour; and that his present appearance and previous medical history both justify the belief that hard labour employment will neither be likely to originate nor to reproduce disease of any description.

W. J. J. BEDFORD.

SUMMARY

SUMMARY OF EVIDENCE.

No. 5 *Acting Sergeant Collett*, N. S. W. Artillery, states:—I was in the sergeant's mess at about 1 o'clock p.m. on the 4th February, 1874, when Sergeant Harris commenced speaking to me about the canteen, and after some conversation, Sergeant Harris told me in a very offensive manner that I was a "b****y hypocrite" and a "b****y fool," and said he would "punch my head"; he then gave me a shove, and shoved me across the table; he was drunk at the time; I called the sergeant-major and reported the circumstances to him; I heard sergeant-major place Sergeant Harris under arrest; I went shortly after to the guard-room where I was on picquet, and saw Sergeant Harris outside the barracks in George-street, and knowing that he was in arrest I called to him to return to barracks; he looked round, and not returning, I called for a file of men and sent them after him; when the men got hold of him he commenced resisting them and wanted to fight; he broke away from them and ran at me, and endeavoured to strike me; the escort got hold of him again, and after a deal of resistance on his part we got him into the cell; after he had been in the cells about half an hour he said he wanted to go to the rear, and I took an escort to let him out; he resisted the escort again and broke away from them, ran at me and kicked me on the leg; after bringing him back again to the cells he said my wife was nothing but "a b****y whore to the sergeant-major since we have been in barracks," and called me "a white liver b****r" several times; I had previously put handcuffs on him by order of the sergeant-major.

No. 4 *Sergeant James Lanigan*, states:—About 1·15 p.m. o'clock on the 4th February, 1874, I was present in the sergeant's mess when an altercation took place between Sergeant Harris and acting Sergeant Collett; Sergeant Harris called Sergeant Collett a "b****y hypocrite" and a "b****y fool," and I also heard him say that he would "punch his head"; Sergeant Harris was drunk at the time; I afterwards saw him struggling violently with the escort in George-street; I heard the sergeant-major put him under arrest, and ordered him to give up the key of the mess, which he refused to do.

No. 1 *Battery Sergeant-major Henry Green*, N. S. W. Artillery, states:—On the 4th February, 1874, about 1·15 p.m. o'clock, acting Sergeant Collett came to me and reported Sergeant Harris for being drunk and calling him a "b****y hypocrite" and a "b****y fool," and threatening to "punch his head"; I immediately went down to the sergeant's mess to see what was the matter; acting Sergeant Collett repeated the same again in the presence of Sergeant Harris; Sergeant Lanigan was present at the time and stated that he had heard the same; I then placed him under arrest, and I ordered him to give up the keys of the sergeant's mess; he refused to do so, and said "he would give them up to no man"; he was drunk at the time; I then reported the case to the commanding officer; on my returning to barracks from the Major's quarters, about 1·30 p.m., I saw Sergeant Harris going up the hill from the barracks; I heard acting Sergeant Collett call Sergeant Harris back; he turned round, pulled his coat off, and ran at Sergeant Collett to strike him; Sergeant Collett stooped to avoid the blow, at the same time caught him by the leg and threw him down on his back; by this time I got Gunners Barrett, Mallon, and Haywood out to assist Sergeant Collett; Sergeant Harris was very violent; I ordered him to be placed in the cells; the escort and non-commissioned officer of the picquet could do nothing with him until he was placed in irons; I told Sergeant Collett to take the irons off so soon as he became quiet; I then went and reported to Major Airey what had been done.

No. 14 *Gunner Michael Mallon*, N. S. W. Artillery, states:—I was on the gate-picquet on the 4th February, 1874; about 1·20 p.m. I saw Sergeant Harris go out of barracks into George-street; just then Sergeant Collett, who was coming up to the guard-room, called Sergeant Harris back, and I, thinking that Sergeant Harris did not hear him, called him also; Sergeant Harris would not come back; Sergeant Collett then ordered me to go and fetch him back; I went up to Sergeant Harris and he pulled his coat off; Sergeant Collett in the meantime came into the street and Sergeant Harris went towards him as if to strike him, and Sergeant Collett threw him; I and Gunners Barrett and Haywood then took Sergeant Harris to the cell; while taking him he resisted the whole of the time and made use of the words "Collett —your wife is a whore to the sergeant-major"; we took him into the cell and locked him up.

No. 30 *Gunner Thomas Barrett*, N. S. W. Artillery, states:—On the 4th February, 1874, shortly after dinner, I was called by Sergeant Collett to take Sergeant Harris, who was in George-street, back to barracks; I went and assisted to bring him in; he was very violent and excited, and resisted the escort very much; we brought him to the cells; he appeared to me as if he was drunk at the time.

No. 48 *Gunner William Haywood*, N. S. W. Artillery, states:—On the 4th February, 1874, shortly after dinner, I was called to take Sergeant Harris, who was in George-street, into barracks; I went and assisted to take him to the cells; he was violent and resisted the escort; he was so much excited I could not tell whether he was drunk or sober; I went with him to the cells and he was locked up; shortly after his being locked up I went with Sergeant Collett to give him a drink of water, when he called Sergeant Collett "a white-livered dog."

No. 75 *Gunner John Bullen*, states:—I was on guard at Dawes' Battery on the 4th February, 1874; about 3·30 p.m. I went to the cell-door with Sergeant Collett to take Sergeant Harris to the rear; after the door was opened, Sergeant Harris made a rush at Sergeant Collett, and made a kick at him, and called him "a white-livered dog," and acted so violently that Sergeant Collett ordered him to be taken back to the cells, where I and Gunner Lynch took him; he resisted us all the time; he was in a very excited state; I could not say if it was from drink.

No. 21 *Gunner Lynch*, N. S. W. Artillery, states:—I was on guard at Dawes' Battery on the 4th February, 1874; sometime between 3 and 4 p.m. o'clock I went to take Sergeant Harris from the cell to the rear; when going there Sergeant Harris abused Sergeant Collett and called him "a b****y dog" or "damned dog," or some such words; Sergeant Collett ordered him to be taken back again to the cell, when he became violent, and we carried him back and locked him up.

RANK and name of the competent person to appear before the Court to prove former convictions, &c., in compliance with the War Office Circular, 772—23rd July, 1834. } Major Airey, New South Wales Artillery.

Date of Enlistment.	Description, Return, and Character of the Prisoner.							Return of Officers present and fit for duty at Head Quarters (not including the immediate Commanding Officer.)			
	Present Age.		Service allowed to reckon.		General Character.	Badges.		Field Officers.	Captains.	Subalterns.	Names of the Field Officers and Captains.
	Years.	Months.	Years.	Months.		With Pay.	Without Pay.				
					Good	.....	.....	...	1	2	Capt. Spalding on leave, which expires on 7th instant.

EXTRACTS from the Court-martial Book of previous Convictions against No. New South Wales.

Date of Trial.	Description of Court.	Crimes.	Sentence, and by whom confirmed.	Punishment.	
				Inflicted.	Remitted.

Nil.

EXTRACTS from the Defaulter's Book.

Date and Place of Crime.	Crime.	Punishments and Remarks.
Sydney.		
25 March, 1873.....	Insubordinate conduct in the orderly-room	Admonished.
10 June, 1873	Insubordinate language to Battery Sergeant-major Green, in saying your are not fit for the position you hold.	Severely reprimanded.
1 January, 1874.....	Absent from guard-mounting parade at 6·30 till 6·45 a.m.	Admonished.

LIEUT.-COLONEL RICHARDSON to HIS EXCELLENCY THE GOVERNOR.

Brigade Office,
Sydney, 6 February, 1874.

YOUR EXCELLENCY,

N.S.W. Artillery.
No. 8 Sergeant William Henry Harris.

I have the honor to request you will be pleased to sanction the assembly of a Garrison Court-martial for the trial of the non-commissioned officer named in the margin, pursuant to the accompanying application from the Officer Commanding New South Wales Artillery.

I have, &c.,
J. S. RICHARDSON, Lieut.-Col.,
Commandant.

Approved.—H.R., 7/2/74.

Brigade Office,
Sydney, 9 February, 1874.

GARRISON AFTER-ORDER.

UNDER the authority of His Excellency the Governor, bearing date 7th February, 1874, a Garrison Court-martial will assemble at the Artillery Barracks, on Wednesday next, the 11th instant, immediately after morning parade, for the trial of No. 8 Sergeant William Henry Harris, New South Wales Artillery, and such other prisoners as may be brought before it.

President:

Captain W. W. SPALDING, N.S.W. Artillery.

Members:

Lieut. LINDEMAN, N.S.W. Artillery.
Lieut. RUSSELL, N.S.W. Artillery.

Major Airey, N.S.W. Artillery, will attend as prosecutor.

By Command,
W. B. B. CHRISTIE, Capt.,
Major of Brigade.

Brigade

Brigade Office,
Sydney, 10 February, 1874.

GARRISON ORDERS.

1. The trial of Sergeant Harris, N.S.W. Artillery, is postponed until further orders.

By Command,
W. B. B. CHRISTIE, Capt.,
Major of Brigade.

Brigade Office,
Sydney, 16 February, 1874.

GARRISON ORDER.

THE Garrison Court-martial for the trial of No. 8 Sergeant William Henry Harris, N.S.W. Artillery, will assemble at the Artillery Barracks at 10·30 a.m. on Wednesday next.

Captain W. B. B. Christie, Major of Brigade, will be President, instead of Captain Spalding, N.S.W. Artillery.

Captain Spalding, N.S.W. Artillery, will attend as prosecutor in place of Major Airey.

Prisoner to be warned, and all evidence to attend.

By Command,
W. B. B. CHRISTIE, Capt.,
Major of Brigade.

Brigade Office,
Sydney, 16 February, 1874.

GARRISON AFTER ORDER.

CAPTAIN Thomas Baynes, Brigade, Pay, and Quarter Master, will be a member of the Garrison Court martial, directed to assemble at the Artillery Barracks at 10·30 a.m. on Wednesday next, in place of Lieutenant Lindeman, N.S.W. Artillery.

JOHN S. RICHARDSON,
Commandant.

Brigade Office,
Sydney, 17 February, 1874.

GARRISON ORDER.

THE assembly of the Garrison Court-martial for the trial of No. 8 Sergeant William Henry Harris, N.S.W. Artillery, is postponed till 10 a.m. on Thursday, the 19th instant.

JOHN S. RICHARDSON,
Commandant.

A.

PROCEEDINGS of a Garrison Court-martial, held at Sydney, New South Wales, on the 19th day of February, 1874, by order of Lieutenant-Colonel John Soame Richardson, Commandant, bearing date the 9th, 16th, and 17th days of February, 1874, and under the authority of His Excellency Sir Hercules George Robert Robinson, K.C.M.G., Governor and Commander-in-Chief, dated the 7th day of February, 1874.

President:

Captain W. B. B. CHRISTIE, Major of Brigade.

Members:

Captain THOMAS BAYNES, Brigade, Pay, and Quarter-Master.
Lieut. J. J. R. RUSSELL, N.S.W. Artillery.

B.

First day, at 10·30 o'clock, the Court opens.

No. 8 Sergeant William Henry Harris, N.S.W. Artillery, is brought prisoner before the Court.

The order for convening the Court is read.

The names of the President and Members are read over in the hearing of the prisoner, and they severally answer to their names.

Question by the President to the prisoner: Do you object to be tried by me as President, or by any of the officers whose names you have heard read over?

Answer: I object to you as President of this Court-martial on the ground that you have no relative rank in the Permanent Force of New South Wales.

The Court is cleared.

Decision:

The Court by a majority of two-thirds disallow the objection.

The Court is re-opened, and the above decision is read to the prisoner.

The prisoner objects to Captain Baynes because he is senior in rank to the President.

The Court is cleared.

Decision:

The Court disallow the objection.

The Court is re-opened, and the above decision is read to the prisoner.

The prisoner objects to Lieut. Russell, N.S.W. Artillery, on the ground that he is biased, and in support of his objection

Calls

Calls upon Major Airey, N.S.W. Artillery.

Question by the prisoner (2) *:* Did you tell Lieut. Russell that I was responsible to some extent for the agitation in the battery?

Answer : I do not remember having told Lieut. Russell so.

The prisoner calls upon Harris Levi Nelson, M.L.A.

Question by the prisoner (3) *:* Did you table a motion in the House of Assembly, respecting the N.S.W. Artillery?

Answer : I asked a question of the Colonial Secretary whether he was aware of great dissatisfaction existing in the N.S.W. Artillery, but I did not table a motion.

Question 4 *:* Have you ever seen me, or have you at any time received any letters from me?

Answer : I never saw you to the best of my recollection, nor have I received any communication from you.

The prisoner being asked if he wishes to call any additional evidence in support of his objections, declines doing so; but gives the following reasons for his objection :—I consider that Lieut. Russell, being one of the subordinate officers, must have been influenced by the officer commanding this battery, and by my supposed connection with the agitation lately existing in the battery. The prisoner declines producing further evidence or making further statements.

The Court is cleared.

Decision :

The Court disallow the objection.

The Court is re-opened, and the above decision is made known to the prisoner.

(C.)

The President and Members are duly sworn.

The prisoner, No. 8 Sergeant William Henry Harris, New South Wales Artillery, is arraigned upon the following charges :—

Charges :

1st charge.—Conduct to the prejudice of good order and military discipline, in having, at Sydney, New South Wales, on the 4th February, 1874, used threatening language towards Corporal and acting Sergeant Henry Collett, N.S.W. Artillery, in substance and to the effect following, that is to say: "I will punch your head, you b****y hypocrite, you b****y fool."

2nd charge.—Having, on the 4th February, 1874, at Sydney, New South Wales, been drunk.

3rd charge.—Having, at Sydney, N.S. Wales, on the 4th February, 1874, whilst under arrest in the Artillery Barracks, Sydney, N.S. Wales, broken his arrest, before he was set at liberty by proper authority.

4th charge.—Insubordination, in having, at Sydney, N.S. Wales, on the 4th February, 1874, disobeyed the lawful command of Battery Sergeant-Major Henry Green, N.S. Wales Artillery, his superior officer, in refusing to give up the keys belonging to the Sergeants' mess.

5th charge.—Conduct to the prejudice of good order and military discipline in having, at Sydney, N.S. Wales, on the 4th February, 1874, wilfully assaulted Corporal and acting Sergeant Henry Collett, N.S. Wales Artillery, he being at the time in command of the battery picquet, on duty.

6th charge.—Conduct to the prejudice of good order and military discipline, in having, at Sydney, New South Wales, on 4th February, 1874, resisted and offered violence to the picquet ordered to take him into confinement.

(D.)

Question (5) *to prisoner :* Are you guilty or not guilty of the charges against you which you have heard read?

Answer : Not guilty.

Prosecution :

Captain Warner Spalding, New South Wales Artillery, appears as prosecutor, and proceeds to call witnesses.

First witness for prosecution : No. 5 Corporal and Acting-Sergeant H. Collett, N.S.W.A., being duly sworn, is examined by the prosecutor.

Question 6 *:* Were you in the Sergeant's mess at Dawes' Battery on the 4th February, 1874?

Answer : I was.

Question 7 *:* Will you state to the Court whether the prisoner now before the Court, Sergeant W. H. Harris, N.S.W.A., was in the sergeant's mess, and at what time on the 4th February, 1874?

Answer : He was; about 1 o'clock p.m.

Question 8 *:* Did you have any conversation with the prisoner?

Answer : The prisoner spoke to me.

Question 9 *:* What did he say to you?

Answer : He spoke to me about being in the canteen so long.

Question 10 *:* Did you answer him?

Answer : I did, and said that I could not help it, as I was put in by the Major.

Question 11 *:* Did Sergeant Harris make any further remarks to you.

Answer : He did, and said I was a b****y hypocrite, and a b****y fool, and he told me that he would punch my b****y head.

Question 12 *:* Was the prisoner drunk or sober at the time?

Answer : He was drunk.

Question 13 *:* Did you immediately report the matter or not?

Answer : I did, and went and informed the sergeant-major.

Question 14 *:* What did the sergeant-major do?

Answer : He came down into the sergeant's mess and placed Sergeant Harris under arrest.

Question 15 *:* What period of time elapsed between the prisoner's using the language you have stated, to you, and his being placed in arrest?

Answer : One or two minutes.

Question 16 : Were you in the regimental guard-room, or near it, shortly after the prisoner was placed in arrest?

Answer :

Answer: I was near the guard-room.
Question 17: What duty were you then on?
Answer: I was in charge of the regimental picquet acting as a guard.
Question 18: Did you see the prisoner there; and, if so, where was he?
Answer: I did, I saw him in George-street.
Question 19: Did you speak to the prisoner; and, if so, what did you say?
Answer: I did; and called on the prisoner to return to the barracks?
Question 20: Why did you order the prisoner to return to the barracks?
Answer: Because I heard the sergeant-major place him in arrest before this.
Question 21: Did the prisoner obey your orders?
Answer: He did not.
Question 22: What did you then do?
Answer: I called for a file of men, and sent them out to Sergeant Harris to bring him back to barracks.
Question 23: When you called Sergeant Harris back did he take any notice of your order?
Answer: He did, by turning round.
Question 24: Do you consider he heard your order?
Answer: I do.
Question 25: Did the prisoner accompany the escort quietly, or did he offer any resistance?
Answer: He did, by breaking away from the escort.
Question 26: Where did he go, and what did he do?
Answer: He made a run at me, and endeavoured to strike me; the escort then came up, and with great resistance I got the prisoner to the cells.
Question 27: What time elapsed between the time the prisoner was placed in arrest and placed in the cells?
Answer: About half-an hour.
Question 28: By whose orders was he placed in the cells?
Answer: I took him there on my own responsibility.
Question 29: How long on that occasion did the prisoner now before the Court remain in the cells?
The prisoner objects to this question on the ground of irrelevancy.
The prosecutor without argument withdraws the question objected to.
Question 30: Did the prisoner send any message to you shortly after he was confined in the cell, and, if so, will you state what it was?
Objection to question: The prisoner objects to this question on the ground of its being irrelevant.
The prosecutor in answer to this objection taken by the prisoner, states that the question is relevant to the charges Nos. 5 and 6, inasmuch as he is charged with having assaulted Corporal and Acting-sergeant H. Collett, N.S.W.A., he being at the time in command of the battery picquet, and as he is in possession of evidence that tends to prove that this assault took place outside the cells, he desires to prove that the prisoner was taken out of the cells at his own request.
The Court is cleared.

Decision:

The Court decide that the question is irrelevant.
The Court re-opens and the above decision is read.
The Court adjourn until 2 o'clock p.m.
At 2·10 o'clock p.m. the Court re-assemble pursuant to adjournment, all the members being present.
The trial is proceeded with.
Examination of No. 5 Corporal and Acting-sergeant Collett, N.S. Wales Artillery, is continued.

Question by the prosecutor (31): Did you, or did you not, in accordance with the prisoner's request, take an escort to the cells for the purpose of taking the prisoner to the rear half-an-hour or so after the prisoner had been confined?
Answer: I did.
Question 32: Did the prisoner now before the Court accompany the escort quietly, or did he resist?
Answer: He did for about ten paces, when he resisted the escort by breaking away from them.
Question 33: Where did he then go, and what did he do?
Answer: He then made a race at me, and kicked me on the leg.
Question 34: What then became of the prisoner?
Answer: I then ordered the escort to take the prisoner back into the cells, and in taking him back to the cells he called me a white-livered b****r several times.

Objection by prisoner:

The prisoner takes objection to the relevancy of a portion of this answer.
The Court is cleared for the purpose of considering the objection.

Decision:

The Court disallow the objection.
The Court is re-opened, and the above decision is read to the prisoner.

Cross-examined by the prisoner:

Question 35: What took you into the sergeants' mess at that particular time?
Answer: I went in to get a nobbler of brandy.
Question 36: Is 1 o'clock your dinner hour?
Answer: About a quarter to 1 o'clock p.m.
Question 37: Where was I when you went into the mess?
Answer: Sitting on the sideboard.
Question 38: When did it occur to you that I was drunk?
Answer: After you made use of the language you did towards me.
Question 39:
The above question is expunged at prisoner's request, and the following substituted:—
Question 40: If you considered me drunk why did you not report me at once?
Answer: I reported you as soon as I took notice of your being drunk.

Question

Question 41: Did you start the conversation you alluded to in your evidence?
Answer: I did not start any conversation.
Question 42: What time is the canteen usually closed after dinner?
Answer: At about 1 o'clock p.m.
Question 43: Did you not taunt me with the canteen being so long in your possession?
Answer: I did not until you spoke to me.
Question 44: Is it not your habit to go to dinner when you close the canteen?
Answer: It is.
Question 45: Did you not, when reporting me to the sergeant-major, say—"Come down at once; we have got Harris now"?
Answer: I did not.
Question 46: In what part of George-street was I when you ordered me back?
Answer: At the northern end of it.
Question 47: What were your duties as a non-commissioned officer (sober) towards a non-commissioned officer supposed to be drunk?
Answer: My duty was to report you to the senior non-commissioned officer.
Question 48: What were the words you said to the sergeant-major when you reported me?
Answer: I repeated to the sergeant-major the words you spoke to me.
Question 49: Were you ever ejected from the sergeants' mess for disputing with other non-commissioned officers?

Objection by prosecutor:

The prosecutor objects to this question, on the ground of its being irrelevant.

In reply, the prisoner states that he is desirous of putting this question, with the view of proving the quarrelsome character of the witness.

The Court is cleared.

Decision:

The Court disallow the objection.

The Court is re-opened, and the above decision is read.

Question 49: Were you ever ejected from the sergeants' mess for disputing with other non-commissioned officers?
Answer: Not to my knowledge.
Question 50: Were you not ejected from the sergeants' mess for calling a non-commissioned officer a mean man?

Objection by prosecutor:

The prosecutor objects to this question on the ground of its irrelevancy.

In reply, the prisoner states that in consequence of the unsatisfactory answer given by the witness to a previous question, regarding his ejection from the sergeants' mess, he feels compelled to put this question, in order to get at the particular circumstances he desires to refer to.

The Court is cleared.

Decision:

The Court disallows the objection.

The Court is re-opened, and the above decision is read.

Question 50: Were you not ejected from the sergeant's mess for calling a non-commissioned officer a mean man?
Answer: I have no recollection of being ejected from the sergeant's mess; but I remember having called one of the non-commissioned officers a mean man.
Question 51: State the time and the manner in which I was placed under arrest?
Answer: It was 1 o'clock p.m., or thereabouts; but as to the manner in which the prisoner was placed under arrest, I did not see his arrest.
Question 52: How do you account for saying in your examination by the prosecutor that the sergeant-major came and placed me under arrest?
Answer: I heard the sergeant-major make use of the words—"place him under arrest."
Question 53: Where were you then?
Answer: In the sergeants' mess.
Question 54: Did you hear the sergeant-major say to me, "Go to your room a prisoner?"
Answer: I cannot say whether he made use of those words or not, but I heard him say that he would place the prisoner now before the Court under arrest.
Question 55: How do you account for saying, in answer to the prosecutor, that you, the witness, were near the regimental guard when I was placed under arrest?
Answer: I do not remember saying that I was near the regimental guard-room when you were placed under arrest.
Question 56: State the exact position I was in when you ordered me back to the barracks, and what o'clock was it?
Answer: You were not far from the barracks at the time, being close to the railing in front of the men's quarters; the time was somewhere between 1 and 2 o'clock p.m.
Question 57: On my coming back to the barracks did you, or did you not, throw me over?
Answer: I did not throw you over; you fell over me.

At 4 o'clock, the 19th day of February, the Court adjourn till 10 a.m. on the 20th day of February, 1874.

Second day: On the 20th day of February, 1874, at 10·30 o'clock a.m., the Court re-assemble, pursuant to adjournment. Present, the same members as on the 19th February, 1874.

No. 5 Corporal and Acting Sergeant H. Collett, N.S.W.A., re-appears in Court, and is further cross-examined by the prisoner, on his former oath.

Question 58: What was your exact position when I fell over you?
Answer: I was in a stooping position.
Question 59: What made you stoop?
Answer: To save myself from a blow.
Question 60: What did you do after I fell over you?
Answer: I ordered the escort to take you to the cells.

Question

Question 61: Is it not your duty to avoid supposed drunken men?
Answer: If it was possible for me to avoid them it is.
Question 62: In what way did I resist the escort?
Answer: By trying to break away from them.
Question 63: Describe to the Court when, where, and how you first put me in irons, and by whose order?
Answer: In the cells, about half-past 1 o'clock p.m., with the assistance of the picquet, I put them on your hands, with your hands behind your back; I did this on my own responsibility.
Question 64: Was I forced to lay on my stomach while the irons were placed on me?
Answer: You were.
Question 65: Where was I at the time you say I kicked you on the leg?
Answer: You were in between the escort when they were taking you to the rear; you broke away from the escort, and made a rush at me.
Question 66: State your position in reference to me when the kick was supposed to have been given by me?
Answer: I was standing in rear of the escort, as they were marching to the rear.
Question 67: Did you shut the wooden shutter which admits the air, and by whose orders did you do so?
Answer: I did, and on my own responsibility, as regards the shutter of the cells.
Question 68: What means of ventilation do the cells possess?
Answer: I believe there are five holes in the walls of the cell.
Question 69: How large are these holes, and what kind of roof is there on the cell?
Answer: I cannot say exactly how large they are, but I should think about an inch in diameter; I believe the roof is made of zinc, with boards underneath the zinc.
Question 70: Did I have a fit?
Answer: I believe you had.
Question 71: Were the offensive words uttered by me in a loud tone of voice or not?
Answer: Yes, they were.
Question 72: Have you been speaking to anyone about the trial since last afternoon?
Answer: I have not.

Re-examined by the prosecutor:

Question 73: Did you, or did you not, hear Sergeant-major Green, N.S.W.A., place the prisoner now before the Court in arrest, at or about 1 o'clock p.m., on the 4th February, 1874?
Answer: I heard the sergeant-major say he would place the prisoner under arrest.
Question 74: To whom was the sergeant-major speaking?
Answer: I believe he spoke to Sergeant Harris.
Question 75: How long a period elapsed between the time the prisoner was placed in arrest, and the time you saw him outside the barracks in George-street?
Answer: It may have been about 12 minutes.
Question 76: You state in your examination that you stooped down to avoid a blow;—who made the blow at you?
Answer: Sergeant Harris, the prisoner now before the Court.
Question 77: What caused you to place the prisoner in irons?
Answer: Because he used such violence.
Question 78: Why was the prisoner placed on his stomach when the irons were put on?
Answer: Because they could not be put on, he, the prisoner, being in a standing position at the time.
Question 79: Did the prisoner allow the irons to be put on quietly, or did he resist?
Answer: He resisted.
Question 80: Why did you shut the shutter of the cell window?
Answer: Because the prisoner was at the cell window, where he was making use of improper language towards my wife.
Question 81: Did you report to any one that you found it necessary to place the irons on the prisoner?
Answer: I did not, because the sergeant-major was there to see them put on.
Question 82: State to the Court what, in your opinion, caused the prisoner to have a fit?

Objection, by prisoner:

The prisoner objects to this question, on the ground of the witness, Sergeant Collett, N.S.W.A., not being a medical man, and so not qualified to give an opinion as to having a fit.

In reply the prosecutor states that he does not seek the witness' opinion as a medical man, but as a witness who had seen the prisoner shortly before he had the supposed fit.

The Court is cleared.

Decision:

The Court disallow the objection.

The Court re-opens, and the above decision is read.

Question 82: State to the Court what, in your opinion, caused the prisoner to have a fit?
Answer: I cannot form an opinion.

Examined by the Court:

Question 83: Did the prisoner assault the picquet in any other manner than by attempting to break away from them?
Answer: Not to my knowledge.
Question 84: Before you placed the prisoner in the cell did you inquire if there was an officer in barracks, or report the circumstance to an officer, or a non-commissioned officer senior to yourself?
Answer: I did not.

The witness withdraws.

Second witness for prosecution.—No. 106 Gunner John Colbourne, N.S.W.A., being duly sworn is examined by the prosecutor.
Question by prosecutor (85): Were you in the Sergeants' mess, Dawes' Battery, Sydney, N.S.Wales, at or about 1 o'clock p.m., on the 4th February, 1874?
Answer: Yes, I was.
Question 86: Was Sergeant Harris, N.S.W.A., the prisoner now before the Court, also there?
Answer: He was.

Question 87: Did you see Acting Sergeant Collett, N.S.W.A., come into the sergeants' mess-room?
Answer: Yes, I did.
Question 88: Did the prisoner now before the Court make any remark to Acting Sergeant Collett; and, if so, what was it?
Answer: Yes; he said to Sergeant Collett, "You must consider yourself a clever fellow."
Question 89: What reply did Acting Sergeant Collett make?
Answer: He did not consider himself a clever fellow he said, but was as clever as some people.
Question 90: Did the prisoner now before Court say anything more; and, if so, what was it?
Answer: He said he considered him a damned fool.
Question 91: To whom did Sergeant Harris allude?
Answer: To Acting Sergeant Collett.
Question 92: What did Acting Sergeant Collett do?
Answer: He called the attention of Sergeant Lanigan, who was in the sergeants' mess-room at the time, to what Sergeant Harris had said.
Question 93: What did Acting Sergeant Collett do after that?
Answer: I do not know, for Sergeant Lanigan told me to go for Sergeant-major Green.
Question 94: When and where did you next see the prisoner?
Answer: Outside the guard-room door, about ten minutes after I had seen him in the sergeants' mess-room.
Question 95: What was the prisoner doing?
Answer: He was then a prisoner under the guard.
Question 96: Was he resisting the picquet or not?
Answer: Yes, he was.
Question 97: Did he break away from the picquet?
Answer: Not to my knowledge.
Question 98: Who were the men who had hold of the prisoner?
Answer: I do not know all of them; but Mallon was one.

Cross-examined by the prisoner:

Question 99: When you first saw me was I drunk or sober?
Answer: You were sober.
Question 100: What did Sergeant Collett come into the mess for?
Answer: For a bottle of lemonade, which you gave him.
Question 101: If any other expressions were uttered, would you not have heard them?
Answer: Yes, I should.

At 1 o'clock the Court adjourned until 1·45 o'clock the 20th February, 1874.
The Court re-assemble pursuant to adjournment, all the members being present.
The trial is proceeded with.
Cross-examination of No. 106 Gunner John Colbourne, N.S.W.A., is continued.

Question 102: Where was Sergeant Lanigan at the time, and what was he doing?
Answer: He was on the sofa in the sergeants' mess-room, reading.
Question 103: Was Sergeant Collett excited or not?
Answer: No.
Question 104: How did you know that I was a prisoner in charge of the guard?
Answer: By seeing an escort with you.
Question 105: Did you hear me placed under arrest; if so, describe how such arrest was made?
Answer: I did not hear you placed under arrest.
Question 106: How was I resisting the picquet, and did I seem to be excited on account of the violence I was subjected to?
Answer: You were resisting the picquet, and seemed very much excited.
Question 107: Was I treated with violence?
Answer: I cannot say if you were.
Question 108: Am I generally of an equal temper, quiet, and inoffensive?
Answer: Yes.
Question 109: Is the sergeant caterer responsible to the commanding officer for the amount of money representing the stock of the mess?
Answer: I am not aware of it.

The prosecutor declines to re-examine this witness.

Examined by the Court:

Question 110: Did you, at any time during the afternoon of the 4th February, 1874, observe that the prisoner now before the Court,—Sergeant Harris, N.S.W.A.,—was drunk?
Answer: I did not.

The witness withdraws.

Third witness for the prosecution.—No. 4, Sergeant James Lanigan, N.S.W.A., being duly sworn, is examined by the prosecutor.
Question 111: Were you in the sergeant's mess-room at Dawes' Battery, Sydney, New South Wales, at or about 1 o'clock p.m. on the 4th February, 1874?
Answer: I was.
Question 112: Who else were present?
Answer: Sergeant Harris, N.S.W.A., Acting Sergeant Collett, and Gunner Colbourne.
Question 113: Did you hear the prisoner now before the Court make use of any improper language towards Acting Sergeant Collett, N.S.W.A.?
Answer: Yes; he called him a damned hypocrite, and a b****y fool, and threatened to punch his head.
Question 114: What did Acting Sergeant Collett then do?
Answer: He left the mess shortly afterwards. I cannot say for certain, but I imagined that he called my attention to the language used by Sergeant Harris.

Question 115: What state was the prisoner then in?
Answer: He was drunk.
Question 116: Did you hear Battery Sergeant-major Green, N.S.W.A., place the prisoner under arrest?
Answer: I did.
Question 117: State, as near as you can, the words used by the sergeant-major in placing Sergeant Harris under arrest?
Answer: The sergeant-major said, as nearly as I can recollect—"Well, I can do nothing in it; you will have to consider yourself a prisoner."
Question 118: Did you hear the sergeant-major give the prisoner any order, and, if so, what was it?
Answer: I heard the sergeant-major order him to give up the keys belonging to the sergeant's mess.
Question 119: Did Sergeant Harris, N.S.W.A., give up the key, or did he refuse to do so?
Answer: He did not give up the key, and he refused to do so.
Question 120: When and where did you next see the prisoner?
Answer: In George-street, opposite the barracks.
Question 121: How long was this after the prisoner was placed under arrest?
Answer: Some few minutes.
Question 122: What was the prisoner doing?
Answer: Resisting and struggling with some gunners of the N.S.W. Artillery.
Question 123: Was the prisoner using violence towards these men?
Answer: I cannot particularize any act of violence more than he was struggling with them.
Question 124: Were not these men a portion of regimental picquet?
Answer: I did not notice.
Question 125: State their names?
Answer: I cannot recall their names.
Question 126: Name any one of them?
Answer: Gunner Mallon was one I recollect, but I do not remember the others.
Question 127: What was done with the prisoner?
Answer: He was brought into barracks.
Question 128: Where was he taken to?
Answer: I cannot say.
Question 129: Did you see the prisoner again during the afternoon; and, if so, where and at what time?
Answer: I did; outside the cell door, at about 3 o'clock p.m.
Question 130: Was any one with the prisoner?
Answer: Yes; Sergeant Collett, Gunners Lynch and Bullen.
Question 131: What were they doing?
Answer: Struggling with Sergeant Harris.
Question 132: Was not Acting Sergeant Collett in charge of the regimental picquet?
Answer: I believe so; I cannot say of my own knowledge.
Question 133: Were not the men you saw the prisoner now before the Court struggling with, a portion of the battery picquet?
Answer: They were a portion of the battery guard, I think.

Cross-examined by the prisoner:

Question 134: State what part of the mess-room you were in, how engaged, and whether being so engaged you could hear or see everything?
Answer: I was lying on a sofa opposite the door, reading the paper; while reading I could not see or hear everything.
Question 135: Were you not so engaged with the newspaper and sofa that you have but a dim recollection of this affair?
Answer: I was not so engaged as to prevent my having a good recollection of the affair?
Question 136: Who commenced the conversation, and what was the nature of it?
Answer: I cannot say who commenced the conversation, but I heard something said about mining and canteen affairs.
Question 137: Was Sergeant Collett excited when he came into the mess?
Answer: I did not notice Sergeant Collett coming into the mess.
Question 138: Do you think Gunner Colbourne could hear the words said to have been spoken by me?
Answer: I should think he could.
Question 139: How do you know I was drunk?
Answer: By your manner, both to myself and the sergeant-major, also your conduct to the picquet who brought you into barracks.
Question 140: What were the words I used on my refusing to give up the keys of the sergeant's mess?
Answer: As well as I can recollect, you said, "I refuse to give up the keys, as I am responsible for the liquors used in the mess."
Question 141: Did not the sergeant-major say to me, "Consider yourself a prisoner; go to your room"?
Answer: No, he did not use those exact words; I have already stated the words he did use.
Question 142: Is the sergeant caterer responsible to the commanding officer for the amount of money representing the stock of the mess?
Answer: Under ordinary circumstances, yes.
Question 143: Have you not, as well as myself, been a loser in regard to our monthly accounts in the sergeant's mess?
Answer: Yes; on each occasion of my being the caterer I have been a loser; but I do not know anything about your being a loser beyond your telling me so.
Question 144: Did not my losses told to you corroborate the fact of your loss?

Objection to and withdrawal of question.

The prosecutor objects to this question on the ground of its irrelevancy, on which the prisoner withdraws it without argument.
Question 145: Am I not usually of a quiet and inoffensive disposition?
Answer: Yes, as far as I can judge.

Question

Question 146: Where were you when you saw me in George street?
Answer: Standing at the main door entrance to the barracks.
Question 147: How many men was I struggling with?
Answer: Three or four.
Question 148: How was I brought into barracks, and by whom?
Answer: By force, by gunners of the N.S.W. Artillery, but I cannot name any, except Gunner Mallon.
Question 149: Where were you when you saw me the third time?
Answer: Standing in the lower back verandah of the barracks.

Adjournment:

At 4 o'clock p.m. the Court adjourn until 10 a.m. on the 21st February, 1874.

Third day:

On the 21st February, 1874, at 10·20 o'clock, the Court re-assemble pursuant to adjournment. Present—the same members as on the 20th February, 1874.

The trial is proceeded with.

Cross-examination of No. 4 Sergeant James Lanigan, N.S.W. Artillery, is continued.

Question 150: Did you forcibly eject Sergeant Collett, N.S.W.A., from the mess-room at any time?
Answer: Never.
Question 151: Did you ever strike Acting-Sergeant Collett for his calling you a mean man?

Objection by prosecutor:

The prosecutor objects to this question on the ground of its being irrelevant.

The prisoner, in reply to this objection, states that an answer to this question is necessary to enable him to prove the quarrel—some disposition of Acting Sergeant Collett.

The Court is cleared.

Decision:

The Court disallow the objection.

The Court is reopened, and the above decision is read.

Question 151: Did you ever strike Acting Sergeant Collett for his calling you a mean man?

Objection by witness:

The witness submits that this question tends to criminate himself.

The Court is cleared.

Decision:

The Court decide that the question cannot be put to this witness.

The Court is re-opened, and the above decision is read.

Question 152: Do you not know that Acting Sergeant Collett is untruthful?
Answer: I can give no particular instance of his being untruthful.
Question 153: Have you ever had occasion to find fault with his untruthfulness?
Answer: Sergeant Collett and I had a dispute about a money matter, but I cannot say there was any act of untruthfulness in the matter on his part.
Question 154: Have you ever said that you would not believe Acting Sergeant Collett on his oath?
Answer: I cannot recall those exact words, but I admit I may have said those words in a jest.

The prosecutor declines to re-examine.

Examined by the Court:

Question 155: Did you see Sergeant Collett assaulted on the 4th February, 1874; and, if so, by whom?
Answer: I saw Sergeant Harris shove Acting Sergeant Collett, N.S.W.A., in the mess-room.
Question 156: Why did you not place the prisoner under arrest in the mess-room, as you have stated he was drunk?
Answer: Because I did not notice Sergeant Harris, N.S.W.A., as being drunk, until the quarrel between him and Acting Sergeant Collett took place; and as the battery sergeant-major was then about being brought in question, I thought it as well to leave the matter until he came; I spoke to Sergeant Harris about the impropriety of his conduct.
Correction: Upon the above evidence being read over to the witness, he points out that he would wish to add the words "if not otherwise employed," to the reply he gave to the question whether Gunner Colbourne could hear the words said to have been spoken by the prisoner; and as to his reply to the question where the prisoner was the third time, he wishes to explain that the verandah he has mentioned was outside his own room, which faces towards Darling Harbour."

The witness withdraws.

Fourth witness for the prosecution.—No. 1 Battery Sergeant-major Henry Green, N.S.W.A., being duly sworn, is examined by the prosecutor.

Question 157: Did Sergeant Collett, N.S.W.A., make a report to you about Sergeant Harris, N.S.W.A., the prisoner now before the Court, shortly after 1 o'clock p.m., on the 4th February, 1874, at Dawes' Battery, Sydney, N.S.W.?
Answer: Yes.
Question 158: Where were you then?
Answer: In my quarters under the verandah.
Question 159: What was the report?
Answer: He stated he had been in the sergeants' mess to get a nobbler of brandy, and that Sergeant Harris had called him a b****y hypocrite and a b****y fool; he also reported that the prisoner had said he would like to punch his head, or would punch his head.
Question 160: What did you do after receiving Sergeant Collett's report?
Answer: I went down to the sergeants' mess to see what was the matter.
Question 161: What occurred there?
Answer: Acting Sergeant Collett then repeated the same language as he had reported to me in my quarters; Sergeant Lanigan was present at the time, and he stated he had heard the same. I then told Sergeant Harris that I could do nothing in it, and to consider himself under arrest. *Question*

Question 162: Give the exact words you used to the prisoner when you placed him under arrest?
Answer: I told him to consider himself under arrest for making use of the language alluded to and being drunk.
Question 163: Did you give the prisoner now before the Court any order; and, if so, what was it?
Answer: I left the room first, and afterwards returned; I met the prisoner coming out of the door and asked him to give me the keys of the sergeants' mess.
Question 164: Did Sergeant Harris obey that order?
Answer: No; and said he would give them up to no man. I afterwards asked him in presence of Sergeant Lanigan to give up the keys, and he again refused to do so.
Question 165: What state was the prisoner then in?
Answer: He was drunk.
Question 166: Did you report that you had placed the prisoner in arrest; and, if so, to whom?
Answer: Yes; to my commanding officer.
Question 167: How long was it after you had placed the prisoner in arrest that you reported the circumstance to his commanding officer?
Answer: Immediately.
Question 168: When and where did you next see the prisoner?
Answer: On my returning from the commanding officer I saw the prisoner now before the Court outside the barracks, going up the hill.
Question 169: Had the prisoner leave to absent himself from Dawes' Point Barracks?
Answer: Not to my knowledge.
Question 170: Should you not have known if the prisoner had been given permission to leave the barracks?
Answer: It would most likely have been reported to me.
Question 171: How long was it after you had placed the prisoner in arrest, that you saw him outside the barracks?
Answer: About a quarter of an hour.
Question 172: When you placed the prisoner now before the Court in arrest did you, or did you not, order him to go to any barrack room and remain there?
Answer: I said go to your own room, No. 6, as there is no other room for you to go to.
Question 173: When you saw the prisoner outside the barracks did you hear any one call out to him; and, if so, who was it?
Answer: I heard Acting Sergeant Collett call out to Sergeant Harris to come back.
Question 174: Where was Acting Sergeant Collett, and on what duty was he?
Answer: He was standing outside the barrack-gate on picquet duty.
Question 175: Was Acting Sergeant Collett in charge of the picquet?
Answer: Yes.
Question 176: Did the prisoner obey Acting Sergeant Collett's orders?
Answer: No.
Question 177: Do you believe the prisoner heard Sergeant Collett's order?
Answer: I cannot say.
Question 178: How far was the prisoner from Acting Sergeant Collett?
Answer: As near as I can guess, I should say about 40 yards.
Question 179: Did Acting Sergeant Collett call out loudly or not?
Answer: He did call out loudly.
Question 180: When the prisoner did not return what was done?
Answer: I told Acting Sergeant Collett to send a file of men up after him.
Question 181: Were the men sent?
Answer: Acting Sergeant Collett sent Gunner Mallon.
Question 182: What did the prisoner do when he saw Gunner Mallon coming towards him?
Answer: Before Gunner Mallon reached him the prisoner turned round and pulled off his coat, and ran towards Acting Sergeant Collett to strike him; Acting Sergeant Collett then stooped down to avoid the blow, and seized the prisoner by the leg, and threw him on his back.
Question 183: Had you given any orders while this occurred?
Answer: I gave orders to Gunners Haywood, Barrett, and Tait, to assist Acting Sergeant Collett and Gunner Mallon to bring the prisoner to barracks.
Question 184: What did they do?
Answer: They placed him in the cells.
Question 185: Did the prisoner go quietly with the picquet, or did he resist?
Answer: He resisted.
Question 186: Did he offer violence to any of the picquet?
Answer: He did.
Question 187: When the prisoner now before the Court was placed in the cells did he remain there quietly?

Objection by prisoner:

The prisoner objects to this question on the ground of its being irrelevant.

In reply, the prosecutor states that the prisoner in his cross-examination of a former witness, has brought before the Court the fact that he was placed in irons, and has also endeavoured to shew the Court that the witness who ordered him to be placed in irons bears ill feeling to him; he considers it therefore his duty to show that it was found absolutely necessary to place the irons on the prisoner.

The Court is cleared.

Decision:

The Court disallow the objection.

The Court is re-opened, and the above decision is read to the prisoner.

Question 187: When the prisoner now before the Court was placed in the cell did he remain there quietly?
Answer: No.
Question 188: What was done to keep the prisoner quiet?

Answer:

Answer: I ordered the non-commissioned officer in charge of the picquet to place the irons on Sergeant Harris until he became quiet.
Question 189: Do you consider that for the safe custody of the prisoner it was necessary he should be placed in irons?
Answer: Yes.
Question 190: Did you report to the commanding officer that the prisoner now before the Court had been placed in irons; and, if so, when?
Answer: I reported it immediately after he was placed in the cell.
Question 191: When and where did you next see the prisoner?
Answer: Between 2 and 3 o'clock p.m., outside the guard-room, on the road leading to the cell.
Question 192: What was he doing?
Answer: They were trying to take him down to the rear; he was still very violent and they took him back to the cell again.
Question 193: Who were the men that had hold of the prisoner?
Answer: Gunners Lynch, Bullen,—I cannot remember the others.
Question 194: Would you believe what Acting Sergeant Collett stated on his oath?
Answer: I know of no reason to disbelieve him.

At 1 o'clock p.m. the Court adjourned until 1·45 o'clock p.m. of the same day.
The Court re-assembled pursuant to adjournment, all the members being present.
The trial is proceeded with.

Cross-examined by the prisoner:

Question 195: Do you know whether Gunner Colbourne was present in the sergeants' mess?
Answer: He was not there when I went into the sergeants' mess.
Question 196: Who told you I was drunk?
Answer: Acting Sergeant Collett reported you as being drunk when he came to me.
Question 197: Before you left the mess how had you satisfied yourself that I was drunk?
Answer: By your appearance and talk.
Question 198: Have you not said that you would have passed me as not being drunk?
Answer: Yes, had I not had any conversation with you.
Question 199: What conversation had you with me?
Answer: When I first went into the mess I asked you what was all this about, and you replied you did not know what all this was about.
Question 200: Is not something more than you say necessary before a non-commissioned officer is declared drunk?
Answer: The only thing I have to go by is the personal appearance of a man.
Question 201: State my appearance.
Answer: You had a strange appearance about the eyes, and your talk was strange.
Question 202: Did I not use these words to you,—"I am responsible for the liquors in the mess, and I will not give up the keys until I see the Major"?
Answer: You did not.
Question 203: State to the Court the manner in which a non-commissioned officer is placed under arrest?
Answer: The party placing a non-commissioned officer in arrest merely states to the non-commissioned officer,—"Consider yourself under arrest," and if he has a room in barracks he goes there; but in your case, you being a married man and living out of barracks, there was no room you could be sent to, except the men's room of your sub-division.
Question 204: Did you not say to me,—"Go to your room a prisoner," and what o'clock was it when you said so?
Answer: I never said to you, "Go to your room a prisoner."
Question 205: Did you or any other non-commissioned officer see me into the room indicated?
Answer: No.
Question 206: Are prisoners usually confined to one room and not allowed to leave?
Answer: It depends on whether they are placed in close arrest or not.
Question 207: Did you inform Sergeant Collett that I was under arrest, or had he heard you put me under arrest; and, if so, where?
Answer: Acting Sergeant Collett was in the mess-room when I put you under arrest; but I cannot say whether he heard me.
Question 208: Is it not usual to have two witnesses to the fact of putting a non-commissioned officer under arrest?
Answer: The standing orders of Artillery state that when a non-commissioned officer is confined for being drunk, the officer or non-commissioned officer so confining him shall send for two senior non-commissioned officers of the battery to which he belongs, to give evidence against him.
Question 209: Was this done in this instance; if so, name the non-commissioned officers?
Answer: I considered myself and Sergeant Lanigan sufficient.
Question 210: Why was not Sergeant M'Bride, the senior non-commissioned officer, sent for?
Answer: Because I did not think it was necessary.
Question 211: Describe to the Court where you were when Acting Sergeant Collett ordered me back, and whether you were in a position to see and hear everything?
Answer: I was just outside the main gate in George-street, returning from the Major's quarters, and I was in a position to see and hear everything.
Question 212: Did you not say that I was 40 yards away from the barracks?
Answer: I have stated that you were 40 yards away from the main gate.
Question 213: Have you been speaking to anyone about this trial?
Answer: No.
Question 214: Have you not spoken to Gunner Mallon since the Court was last cleared about the trial?
Answer: I might have done, but I cannot say what about.
Question 215: Did you not ask him something about distance and Sergeant Collett stooping down?
Answer: I asked him about the distance, which he said the same as myself, viz.—40 yards—I did not ask him about Acting Sergeant Collett stooping down.

Question 216 : How many men had got hold of me, and describe the manner in which I was brought in a prisoner?
Answer : Four men had hold of you when you were brought through the gate; there was such a scuffle that I could not tell exactly the manner, but I think it was with two men on each arm and one behind; at the time I was looking towards the barracks to ascertain who threw a basin from the window, and my attention therefore was diverted.
Question 217 : Where was Acting Sergeant Collett at this time?
Answer : Behind the prisoner and escort I believe.
Question 218 : How do you account for saying that I was struggling with the escort when your attention was distracted with the barracks?
Answer : I was watching both as near as I could.
Question 219 : State the manner of my struggling with the escort?
Answer : You were kicking and knocking about.
Question 220 : Was I not thrown violently on the ground by Acting Sergeant Collett?
Answer : Not that I am aware of; Acting Sergeant Collett stooped to avoid the blow, and seized you by the leg and threw you down.
Question 221 : Where were you then?
Answer : I was inside the gate, under the barrack window.
Question 222 : When and how were the irons placed on me, and did you superintend putting them on?
Answer : The irons were placed on you in the cell; I was there when they were put on your hands—with your hands behind your back.
Question 223 : Describe to the Court how a man could be taken to the rear with irons on, as they were placed on me?
Answer : A man could be taken very well to the rear, and the irons taken off when he got there, which I believe was intended to be done, but you were so violent that it could not be done.
Question 224 : Have you ever said that Acting Sergeant Collett was one of three liars in the battery?
Answer : I believe I have, but I think it was done more by way of joke.

Re-examined by the prosecutor :

Question 225 : Had you any doubt about the prisoner now before the Court being drunk when you placed him in arrest?
Answer : None.
Question 226 : You state that you saw Acting Sergeant Collett stoop to avoid a blow; who was it that endeavoured to strike him?
Answer : The prisoner now before the Court.

Examined by the Court :

Question 227 : Are your quarters in barracks near the sergeants' mess-room?
Answer : My quarters are on the floor above the sergeants' mess-room.

Upon the above evidence being read over to the witness,—

He points out that the reply he gave to the question as to whether he had spoken to any one about this trial is incorrect, as he may have spoken to people inside or outside the barracks.

Cross-examined by the prisoner :

Question 228 : Have you not spoken to any of the witnesses for the prosecution other than Gunner Mallon?
Answer : Not that I am aware of.

The prosecutor declines to re-examine.

The witness withdraws.

At 4 o'clock p.m. the Court adjourned until 10 o'clock a.m. on the 23rd day of February, 1874.

Fourth day :

On the 23rd day of February, 1874, at 10·20 o'clock a.m., the Court re-assemble, pursuant to adjournment. Present, the same members as on the 21st day of February, 1874.

The trial is proceeded with.

Fifth witness for the prosecution.—Major G. John Airey, N.S.W. Artillery, being duly sworn, is examined by the prosecutor.

Question 229 : Did you see the prisoner now before the Court during the afternoon of the 4th February, 1874, at Dawes' Battery, Sydney, New South Wales?
Answer : Yes.
Question 230 : Where was the prisoner, and what was he doing?
Answer : The first time I saw him he was struggling with the escort, near the guard-room, on the path leading down to the stables; the second time I saw him he was in the cells.
Question 231 : Was he resisting the picket or not the first time you saw him?
Answer : I cannot say whether it was the picket. He was resisting two or three men who had hold of him.
Question 232 : Give the names of the men or any of them?
Answer : Gunner Lynch was one; I did not notice who the others were.
Question 233 : Was the prisoner now before the Court drunk or sober?
Answer : He was drunk.
Question 234 : After the prisoner was placed in arrest did you give him leave to quit the barracks on the 4th February, 1874?
Answer : No.
Question 235 : Would you believe Acting Sergeant Collett on oath?
Answer : Yes.
Question 236 : Is it a standing order of the N.S.W. Artillery that when a non-commissioned officer is placed in arrest, charged with being drunk, the two senior non-commissioned officers in barracks should be sent for to see the prisoner placed in arrest?
Answer : No. As near as I can recollect, I issued an order that when any non-commissioned officer or gunner was confined for being drunk, if there was any doubt about it the two senior non-commissioned officers in barracks should be sent for to see him.

Cross-

Cross-examined by the prisoner:

Question 237: What time was it the sergeant-major made his report to you, and what words did he use in making such report?
Answer: It was between 1 and 2 o'clock p.m. when he first reported; as near as I can recollect the words were,—"I have had to place Sergeant Harris under arrest for being drunk, and using abusive language towards Acting Sergeant Collett."
Question 238: Did not the sergeant-major say to you that Acting Sergeant Collett had reported me for being drunk?
Answer: I do not think he did.
Question 239: Are you positive that he did not use those words?
Answer: No, I am not positive.
Question 240: What are the standing orders of the Royal Artillery in reference to placing a non-commissioned officer under arrest for being drunk?

Objection by prosecutor.—The prosecutor objects to this question on the ground of its being irrelevant.

In reply the prisoner points out that this Force being subject to the Mutiny Act and Articles of War; and the standing orders of the Royal Artillery are frequently read out at the head of the battery, and as any divergence from such standing orders is punished in the N.S.W. Artillery, he begs leave to press the question.

The Court is cleared.

Decision:

The Court disallow the objection.

The Court is re-opened and the above decision is read.

Question 240: What are the standing orders of the Royal Artillery in reference to placing a non-commissioned officer under arrest for being drunk?
Answer: In reply, Major Airey reads from the book of standing orders of the Royal Artillery the order in question, which he states directs that the two senior non-commissioned officers of the battery shall be sent for when a non-commissioned officer is confined for being drunk. These standing orders guide the battery unless a special order is given by the commanding officer.
Question 241: Have non-commissioned officers or gunners been punished by you for breaking the standing orders of the Royal Artillery?
Answer: I believe they have.
Question 242: Have the standing orders of the Royal Artillery been read at the head of the battery?
Answer: Yes.
Question 243: How should a non-commissioned officer be placed in arrest?
Answer: There are various ways of placing a non-commissioned officer under arrest; he may be told to consider himself under arrest, or he may be ordered to his room.
Question 244: Have you inquired whether I was sent to any particular room after being placed in arrest?
Answer: I have not so inquired.
Question 245: State to the Court the standing order of the Royal Artillery in reference to this?
Answer: I know of no order on that subject, contained in the standing orders.
Question 246: Is the book you have been refreshing your memory with the latest issue?
Answer: To the best of my belief, it is.
Question 247: Did you give authority to put me in irons; and, if so, how and when?
Answer: No.
Question 248: By your presence at the time do you justify the violence used towards me?
Answer: At the time I saw you I considered such violence towards you necessary.
Question 249: Have you usually an office-sitting at 1·30 o'clock p.m.—and for what purpose is such sitting held?
Answer: At ½ to 2 o'clock p.m., and when the service necessitates it, I sometimes see prisoners at that hour.
Question 250: What time elapsed from my confinement until you saw me at the office?
Answer: About twenty-four hours.
Question 251: Is it not usual to keep a man charged with drunkenness forty-eight hours before his being brought before his commanding officer?
Answer: No; twenty-four hours is the usual time.
Question 252: Is it not a usual practice in this battery?
Answer: No, and never has been.
Question 253: Are not prisoners usually kept over twenty-four hours—those confined for drunkenness I mean?

Answer objected to by prosecutor:

The prosecutor objects to this question on the ground of its irrelevancy.

In reply the prisoner points out that to prove that prisoners charged with drunkenness are never dealt with until they have been in confinement for more than twenty-four hours is a material part of his case, and on these grounds he considers it necessary to submit this question.

The Court is cleared.

Decision:

The Court disallow the objection.

The Court is re-open, and the above decision is read.

Question 254: Are not prisoners usually kept over twenty-four hours—those confined for drunkenness I mean?
Answer: Sometimes they are.
Question 255: Did not the sergeant-major say before you at the office that he would have passed me for not being drunk?
Answer: As far as I can recollect, I think he said that when he went into the sergeant's mess first and saw you, he would have passed you for not being drunk; he added afterwards that by your subsequent conduct he saw you were drunk.
Question 256: Are you positive he did not use those words without any addition?
Answer: Yes, I am positive.

Re-examined

Re-examined by the prosecutor:

Question 256: Was it not reported to you at or about 1·30 o'clock p.m., 4th February, 1874, that it had been found necessary, in order to restrain the prisoner's violent conduct, to place the irons on him?
Answer: It was reported to me, but I think a little later than that, between 1·30 o'clock p.m., and 2 o'clock p.m.
Question 257: Did you then, or shortly afterwards, give any orders on the subject; and, if so, what were they?
Answer: Yes; I gave orders for the irons to be taken off when the prisoner was quiet, and then ordered him to be placed in close arrest in Sergeant Griffiths' room.

Examined by the Court:

Question 258: Is Sergeant Lanigan or Sergeant M'Bride the senior?
Answer: Sergeant M'Bride.

Upon the above evidence being read over to the witness,—

He points out that in the answer he gave to the question in reference to the standing order of the N.S.W. Artillery as to non-commissioned officers charged with drunkenness, he was in error in stating that the order he alluded to referred to non-commissioned officers; it referred to gunners only.

The prisoner declines to cross-examine.

The prosecutor declines to re-examine.

The witness withdraws.

Sixth witness for the prosecution.—No. 14 Gunner Michael Mallon, N.S.W. Artillery, being duly sworn, is examined by the prosecutor.

Question 259: Were you one of the battery picket on the 4th February, 1874, at Dawes' Battery, Sydney, New South Wales?
Answer: I was.
Question 260: Who was in charge of the picket?
Answer: Acting Sergeant Collett, N.S.W. Artillery.
Question 261: Were you on duty at the barrack gate at or about 1·15 o'clock p.m. on the same day?
Answer: I was.
Question 262: Did you see the prisoner leave the barracks about that time?
Answer: I did.
Question 263: Where did he go?
Answer: He went up George-street.
Question 264: What occurred then?
Answer: Acting Sergeant Collett came up from the direction of the canteen, and called out to Sergeant Harris to come back, and I called to Sergeant Harris that Acting Sergeant Collett wanted him; he walked on as if he appeared not to hear me; Acting Sergeant Collett then came up, and told me to fetch Sergeant Harris back; at this time Sergeant-major Green was coming out of the gate, near the officers' mess-room; he ordered Acting Sergeant Collett to turn out a file of the picket or guard; at this time I was walking up to Sergeant Harris; the sergeant-major and Acting Sergeant Collett were standing in George-street at the time; when I got up to Sergeant Harris I told him to stop; he did stop, and took off his coat, and ran down towards Acting Sergeant Collett; he seemed to be in an excited state at the time, and had his hand reached out towards Acting Sergeant Collett; Acting Sergeant Collett walked up towards Sergeant Harris about two paces, and ducked his head between Sergeant Harris's legs, and threw him over his (Sergeant Collett's) back; I then caught hold of Sergeant Harris by his two arms, and Gunners Haywood and Barrett coming up at the time we took him to the cells; we locked him (Sergeant Harris) in the cell, and left him there.
Question 265: Do you believe that the prisoner heard either Acting Sergeant Collett or yourself call him back?
Answer: I do believe that he must have heard me call out to him.

At 1 o'clock p.m. the Court adjourned until 1·45 o'clock p.m. the same day.

The Court re-assembled pursuant to adjournment, all the members being present.

The trial is proceeded with.

Question 266: Why did Acting Sergeant Collett stoop down when Sergeant Harris ran towards him?
Answer: I do not know.
Question 267: Did the prisoner attempt to strike Acting Sergeant Collett?
Answer: He did attempt to strike him.
Question 268: Did the prisoner resist the picket, or did he go quietly?
Answer: He resisted.
Question 269: In what way did he resist?
Answer: By trying to get away from them.

Cross-examined by the prisoner:

Question 270: Which way did I come out of the barracks, and did I speak to you?
Answer: You came out of the front door of the barracks, and did speak to me.
Question 271: What did I say to you on going out of the gate, and was I then sober?
Answer: You said, when I asked you whether you were going home, that you were going to see the Major, or to the Major; you were sober.
Question 272: How far up George-street had I got when you called out?
Answer: About 40 yards from my post.
Question 273: How many men accompanied you to bring me back, and what were their names?
Answer: There were Gunners Haywood, Barrett, and Tait, and others I do not remember.
Question 274: Was I thrown violently, and did my head come in contact with the flags.
Answer: You were thrown violently, and your head did come in contact with the flags.
Question 275: Did I strike Acting Sergeant Collett, or not?
Answer: You did not.
Question 276: Did you see me dragged by the heels when in irons, and what time was it?
Answer: I did not see you dragged by the heels.

Question 277: Did you see Acting Sergeant Collett close the shutter of the cells?
Answer: I did.
Question 278: Was I then making use of bad language?
Answer: Yes, you were.

Re-examined by the prosecutor:

Question 279: When you saw the prisoner now before the Court leave the barracks do you consider he was fit for duty?
Answer: I do.
Question 280: How did Acting Sergeant Collett escape being struck by the prisoner?
Answer: By ducking down his head.
Question 281: Did the prisoner now before the Court appear to be injured by the fall on the pavement?
Answer: He did not.
Question 282: Why was the prisoner placed in irons when taken to the cell?
Answer: I do not know.
Question 283: Did not the prisoner endeavour to get out of the cell?

The prisoner objects to this question on the ground of the prosecutor not being authorized to re-examine on matters other than those touched upon in the cross-examination.

In reply the prosecutor states, that the prisoner has alluded to his having been dragged by the heels when in irons in his cross-examination, and that he therefore considers himself entitled to put this question.

The Court is cleared.

The Court allow the objection.

The Court is re-opened, and the above decision is read.

Question 284: Why did Acting Sergeant Collett close the shutter of the cell?
Answer: I do not know.
Question 285: Was not the prisoner calling out of the window insulting language towards Acting Sergeant Collett?
Answer: Not that I can recollect; he called it out of the door.

Examined by the Court:

Question 286: Was unnecessary violence used towards the prisoner in your opinion?
Answer: I do not think so, with the exception of closing the window.
Question 287: Was Acting Sergeant Collett in such a position as to be obliged to defend himself by throwing Sergeant Harris?
Answer: I do consider that he was in such a position.

The witness withdraws.

Seventh witness for the prosecution.—No. 30 Gunner Thomas Barrett, N.S.W. Artillery, being duly sworn, is examined by the prosecutor.
Question 288: On the 4th February, 1874, shortly after 1 o'clock p.m., were you not ordered by Acting Sergeant Collett to assist to bring the prisoner into the barracks, Sydney, N.S.W.?
Answer: I was.
Question 289: Where was the prisoner when you first saw him, and what was he doing?
Answer: I was sitting on a bench under the verandah of the guard-room, when Sergeant Harris passed out of the gate.
Question 290: Where was he when you next saw him?
Answer: About 20 or 30 yards up George-street.
Question 291: Did you hear any one call out to the prisoner; if so, what did they say?
Answer: I heard Acting Sergeant Collett call out "Sergeant Harris."
Question 292: Did the prisoner take any notice of this?
Answer: I do not know whether he heard or not, but he took no notice.
Question 293: What occurred then?
Answer: Acting Sergeant Collett called out to me, "Go after that man"; I did not go at first, but on the order being repeated I went after Sergeant Harris, and on reaching him I with other men seized hold of him, and assisted the escort to take him to the cells.
Question 294: What duty was Acting Sergeant Collett then on?
Answer: I cannot swear, but I believe he was on picquet.
Question 295: Did you see the prisoner strike, or attempt to strike, Acting Sergeant Collett?
Answer: I did not see the prisoner strike him, or attempt to strike him.
Question 296: What caused Acting Sergeant Collett to stoop down?
Answer: I do not know.
Question 297: Where was the prisoner when you seized hold of him?
Answer: About 20 or 30 yards from the barrack-gate.
Question 298: If the prisoner had struck Acting Sergeant Collett, should you have seen him do so?
Answer: Yes, I should.
Question 299: If he had attempted to strike Acting Sergeant Collett, must you have seen the attempt?
Answer: No, I will not swear to it.
Question 300: Did the prisoner now before the Court go quietly with you and the rest of the picquet, or did he resist violently?
Answer: He resisted violently.
Question 301: Was the prisoner drunk or sober when taken to the cell?
Answer: He was in my opinion drunk.
Question 302: Was the prisoner quiet when put in the cell, or was he still violent?
Answer: He was violent when we were putting him in the cell, but I left immediately afterwards.

Cross-examined by the prisoner:

Question 303: Where was Acting Sergeant Collett when I was seized by you and the remainder of the escort?
Answer: He was within a yard of you.

Question

Question 304 : Was I thrown by Acting Sergeant Collett prior to your acting as escort or after?
Answer : I did not see you thrown at all, but it must have been during the time I was acting as escort.
Question 305 : Did I break away from the escort when you were with it?
Answer : Yes, you did ; but you did not go more than a pace.
Question 306 : Did you see me put in irons?
Answer : I did ; I assisted to put them on.
Question 307 : Am I not of a quiet and inoffensive disposition?
Answer : You are.

Re-examined by the prosecutor :

Question 308 : Do you consider that it was necessary to have placed the irons on the prisoner now before the Court?
Answer : In the state in which the prisoner was at the time I consider it was necessary.

Examined by the Court :

Question 309 : Was any unnecessary violence used towards the prisoner?
Answer : I think there was not.
The witness withdraws.
At 4 o'clock p.m. the Court adjourn until 10 o'clock a.m., on the 24th day of February, 1874.

Fifth Day.

On the 24th day of February, 1874, at 10 o'clock, the Court re-assemble, pursuant to adjournment.
Present—the same Members as on the 23rd day of February, 1874.
The trial is proceeded with.
Eighth witness for the prosecution.—No. 48 Gunner Wm. Haywood, N.S.W. Artillery, being duly sworn, is examined by the prosecutor.
Question 310 : At Dawes' Battery, Sydney, New South Wales, at or about 1·15 o'clock p.m. on the 4th of February, 1874, were you ordered to bring the prisoner into barracks?
Answer : I was.
Question 311 : Who ordered you to bring the prisoner now before the Court in?
Answer : Sergeant Griffiths, N.S.W. Artillery.
Question 312 : When you first saw the prisoner where was he and what was he doing?
Answer : He was out in George-street, and three or four of the men had hold of him.
Question 313 : Did you assist to bring the prisoner into barracks ; if so, what was done with him?
Answer : Yes ; I assisted to bring him to the cells to which he was placed.
Question 314 : Did the prisoner go quietly with the picquet, or did he resist violently?
Answer : He was violent.
Question 315 : Was the prisoner drunk or sober when placed in the cell?
Answer : The prisoner was so excited that I cannot swear whether he was drunk or sober.
Question 316 : Was the prisoner quiet or not when placed in the cell?
Answer : He was rather noisy when we first got him into the cell.
Question 317 : What was then done with the prisoner?
Answer : The handcuffs were then placed on the prisoner.
Question 318 : Do you consider that it was necessary to have placed the irons on the prisoner?
Answer : I do not.
Question 319 : After the prisoner was left in the cell when did you next see him?
Answer : About 10 minutes or a quarter of an hour afterwards, when I was called to give him a drink of water.
Question 320 : What occurred then?
Answer : The prisoner called Acting Sergeant Collett a white-livered dog.

Cross-examined by the prisoner :

Question 321 : How many men altogether had hold of me?
Answer : I will not swear whether it was four or five men.
Question 322 : Were you in such a position that if I had struck Acting Sergeant Collett, or offered to strike him, you would have seen it?
Answer : I was.
Question 323 : Did I strike, or offer to strike, Acting Sergeant Collett?
Answer : Not that I saw.
Question 324 : State to the Court distinctly whether I was drunk or sober the second time that you saw me?
Answer : The second time I saw you I should say that you were sober.
Question 325 : Did I then appear suffering from want of air?
Answer : You did.
Question 326 : Did I remain quiet after being placed in the cell?
Answer : Yes, I never heard any more noise.
Question 327 : How long are prisoners under confinement for being drunk before being brought before the commanding officer?
Answer : Twenty-four hours I think, but I am not certain about it.
Question 328 : Supposing a man is confined for being drunk at tattoo roll call, when is he brought before the commanding officer?
Answer : He is not brought before the commanding officer the following morning ; the time I do not know.
Question 329 : Do you consider Acting Sergeant Collett truthful?
Answer : I do not.

Re-examined

Re-examined by the prosecutor:

Question 330: Is it not possible that the prisoner now before the Court made a blow at Acting Sergeant Collett before you saw him in the street?
Answer: Yes, he might have done so before I saw him.
Question 331: Was not the prisoner now before the Court still excited when you saw him the second time?
Answer: He was not.
Question 332: Would you believe Acting Sergeant Collett on oath?
Answer: Yes, I should.

Examined by the Court:

Question 333: Do you consider that unnecessary violence was used towards the prisoner?
Answer: I do.

The witness withdraws.

Ninth witness for the prosecution.—No. 21 Gunner Henry Howard Lynch, N.S.W. Artillery, being duly sworn, is examined by the prosecutor.
Question 334: Were you one of the guard at Dawes' Battery, Sydney, N.S. Wales, on the 4th February, 1874?
Answer: I was.
Question 335: Who was in command of the guard?
Answer: Acting Sergeant Collett, N.S.W. Artillery.
Question 336: Were you ordered by Acting Sergt. Collett to assist to escort the prisoner to the rear, and if so about what time?
Answer: I was—between the hours of 2 and 3 o'clock p.m.
Question 337: Name the other men of the escort?
Answer: Gunner Bullen was one; the others I do not remember.
Question 338: Did or did not the prisoner now before the Court refuse to have the handcuffs taken off him when a non-commissioned officer offered to remove them?
Answer: No, not to my recollection.
Question 339: Did the prisoner go quietly with the escort to the rear?
Answer: No; he went as far as the corner of the barracks; some conversation then took place between the prisoner and Acting Sergeant Collett; the prisoner was then ordered back by Acting Sergeant Collett to the cell; the prisoner went a portion of the way back quietly; the prisoner then stopped; and we took hold of him to get him back to the cell, and during this time he was resisting slightly.
Question 340: State in what way the prisoner resisted?
Answer: He struggled with us.
Question 341: What was the conversation that took place between Acting Sergeant Collett and the prisoner now before the Court?

Objection by prisoner:

The prisoner objects to this question on the ground of its being irrelevant, and not being referred to in any of the charges brought against him.

In reply the prosecutor states that although the words referred to are not a portion of the charges, still they are a part of the chain of evidence.

The Court is cleared.

Decision:

The Court disallow the objection.

The Court is re-opened and the above decision is read.

Question 342: What was the conservation that took place between Acting Sergeant Collett and the prisoner now before the Court?
Answer: I cannot remember.
Question 343: At the time of this conversation did or did not the prisoner attempt to kick Acting Sergeant Collett?
Answer: I did not see him.
Question 344: Was the prisoner excited at the time he was outside the cell?
Answer: He was.
Question 345: Was the prisoner drunk or sober?
Answer: I should say he was sober.
Question 346: Was the prisoner fit for duty?
Answer: He was.

Cross-examined by the prisoner:

Question 347: Was I taken to the rear, and do you know as a matter of fact that I had to make water down my trousers?
Answer: You were not taken to the rear; and I do not know anything about the other.
Question 348: Had I a fit; and do you attribute that to the want of air?
Answer: I believe you had a fit, and I do attribute it to the want of air.
Question 349: Supposing a man to be confined for being drunk at 12 o'clock noon, what time would such prisoner be brought before the commanding officer?
Answer: Forty-eight hours, according to the rule of the battery.
Question 350: Would you believe Acting Sergeant Collett on his oath?
Answer: I would.
Question 351: State distinctly whether you regard Acting Sergeant Collett as being truthful?
Answer: I do so regard him.

Re-examined by the prosecutor:

Question 352: How do you know that it is a battery rule, that forty-eight hours must elapse before a man charged with being drunk is taken before his commanding officer?
Answer: I have seen instances, but it is not invariably the rule.
Question 353: Are you positive that it is not the order that twenty-four hours must elapse before a man charged with being drunk is brought before his commanding officer?
Answer: I believe that is the order, or the second morning he has been confined for being drunk.

Examined

Examined by the Court:

Question 354: Considering all the circumstances of this case, do you consider that the prisoner now before the Court was treated with unnecessary violence?
Answer: I do.
Question 355: In what way?
Answer: By his being kept in irons.
Question 356: When were the irons taken off the prisoner?
Answer: I cannot say.

Upon the above evidence being read over to the witness,—

(Correction.)—He points out that he was in error in making the reply he did as to what time would elapse before a prisoner, confined for drunkenness, would be brought before his commanding officer; he should have replied, the second morning after he had been confined.

The witness withdraws.

Tenth witness for the prosecution.—No. 75 Gunner John Bullen, N.S. Wales Artillery, being duly sworn, is examined by the prosecutor:—
Question 357: Were you one of the guard at Dawes' Battery, Sydney, N.S. Wales, on the afternoon of the 4th February, 1874?
Answer: I was.
Question 358: Who was in charge of the guard?
Answer: Acting Sergeant Collett, N.S.W.A.
Question 359: Were you ordered by Acting Sergeant Collett to go as one of the escort sent to take the prisoner, now before the Court, to the rear?
Answer: I was.
Question 360: Name the men of the escort?
Answer: Gunner Lynch and myself.
Question 361: Who was the non-commissioned officer in charge of the escort?
Answer: Acting Sergeant Collett.
Question 362: Was there no other non-commissioned officer with the escort?
Answer: I think Bombardier Washer; I am not certain.
Question 363: About what time was this?
Answer: About 3 o'clock p.m., or shortly afterwards.
Question 364: State what occurred when the cell-door was opened?
Answer: When the cell-door was opened I saw Sergeant Harris handcuffed, with his hands behind his back; we then took him out of the cell and brought him as far as the guard-room; he said some words to Acting Sergeant Collett, calling him a white-livered dog, or some words to that effect; Acting Sergeant Collett then ordered him back to the cell; we brought him back to the cell and locked him up.
Question 365: Did you or did you not see the prisoner, now before the Court, make a kick at Acting Sergeant Collett?
Answer: I saw him make a kick, not at Acting Sergeant Collett but at Gunner Lynch.
Question 366: Was the prisoner excited at the time?
Answer: He was greatly excited.
Question 367: What caused the prisoner now before the Court to be excited?
Answer: I cannot say.
Question 368: Did you hear a non-commissioned officer offer to take the handcuffs off the prisoner; and if so, when; and was it about the time the prisoner was being taken to the rear?
Answer: I heard Acting Sergeant Collett give an order to Gunner Lewis to take the handcuffs off the prisoner shortly before he was taken to the rear.
Question 369: Were the handcuffs taken off, and, if not, state the reason?
Answer: I was outside when Gunner Lewis went into the cell, and do not know what occurred.
Question 370: Why did Acting Sergeant Collett order the prisoner back to the cell?
Answer: Because he used abusive language towards him, and made a rush and tried to get away.
Question 371: In what direction did the prisoner rush?
Answer: He made a rush at the people standing round, but I do not know in what direction.
Question 372: Was Acting Sergeant Collett standing in the direction the prisoner rushed?
Answer: I cannot say.
Question 373: When the prisoner was ordered back to the cell did he go quietly with the picket, or did he resist violently.
Answer: He resisted, but not violently.

Cross-examined by the prisoner:

Question 374: Had the escort started with me to the rear with the irons on?
Answer: Yes, it did.
Question 375: State distinctly whether I was drunk or sober?
Answer: You were greatly excited, but I cannot say whether you were drunk or sober.
Question 376: Do you mean I was excited by the treatment I was subjected to, or through drink?
Answer: I cannot say.
Question 377: Do you know that I made water down my trousers, and did I complain to you of the agony I was in?
Answer: You did make water down your trousers, and did complain of the agony you were in.

At 1 o'clock the Court adjourned until 1·45 o'clock p.m. of the same day.

The Court re-assembled pursuant to adjournment, all the members being present.

The trial is proceeded with.

Question 378: Had I a fit; and, if so, do you think that such fit was caused by the want of air, the heat of the cell, and the irons hurting me?
Answer: You had, I do so consider.
Question 379: Are you positive that Gunner Lewis went into the cell to take the irons off me, and was Gunner Lewis one of the picket?
Answer: I am positive he went into the cell to take the irons off you, and he was one of the guard.

Question

Question 380: Supposing a man is confined for being drunk at 9·30 o'clock in the morning, state distinctly the time that such prisoner is taken before the commanding officer?
Answer: He is taken before the commanding officer at 9·30 a.m. on the second morning after he was confined?
Question 381: Did you remonstrate with Acting Sergeant Collett for shutting the window of the cell, and was I quiet when you put me back in the cell.
Answer: I told Acting Sergeant Collett that the cell was rather hot, and I opened the window myself—you were quiet when I put you back into the cell.
Question 382: Do you regard Acting Sergeant Collett as being truthful?
Answer: He never told me any lies.
Question 383: How long was I confined in the cell altogether, and does the sun strike the cell in the afternoon?
Answer: I should say you were confined for about six or seven hours. The sun plays very hot on the cell.
Question 384: Did you hear the charges read upon this Court-martial.
Answer: No.

Re-examined by the prosecutor:

Question 385: State the symptoms of the prisoner when in the supposed fit?
Answer: He seemed to be like a man in a hysterical fit.
Question 386: Did the prisoner call out immediately before falling into the fit?
Answer: No, he did not, he kicked at the door.
Question 387: Did he scream when he fell into the fit?
Answer: He did not scream; he made the same sort of noise a man would in hysterics.
Question 388: Was the cell-window left open after you opened it?
Answer: It was.
Question 389: Was the sun on the cell on the afternoon the prisoner was confined in it?
Answer: It was.
Question 390: Would you believe Acting Sergeant Collett on his oath?
Answer: I would.

Examined by the Court:

Question 391: Do you consider that unnecessary violence was used towards the prisoner?
Answer: I do.
Question 392: In what way?
Answer: In handcuffing him with his hands behind his back, and in keeping him in a close cell.
The witness withdraws.

Eleventh witness for the prosecution.—No. 88 Acting Bombardier Robert George, N.S.W. Artillery, being duly sworn, and the charges read to him, he having been absent when the charges were previously read in Court, is examined by the prosecutor.
Question 393: Were you one of the guard at Dawes' Battery, Sydney, New South Wales, on the afternoon of the 4th of February, 1874.
Answer: I was.
Question 394: Who was in charge of the guard?
Answer: Acting Sergeant Collett, N.S.W.A.
Question 395: Did Acting Sergeant Collett order you to go with an escort to the cell at or about 3 o'clock p.m., and take the prisoner to the rear?
Answer: He did.
Question 396: Who were the men of the escort?
Answer: Gunners Bullen, Lynch, and Lewis; there may have been another.
Question 397: Did you see the prisoner was there, handcuffed, when you opened the cell-door?
Answer: I did.
Question 398: Did you offer to take the handcuffs off the prisoner; and, if so, when?
Answer: I did offer to take them off; I said if it was necessary that they should be taken off I had orders to do so. The prisoner said he would not have them off unless by the Major's special order, as they ought not to have been put on him. This was in the cell, just before taking him to the rear, about 3 o'clock, or some time afterwards.
Question 399: State what occurred when the prisoner came out of the cell?
Answer: We took him out of the cell with the handcuffs on him, and went towards the rear; when we got as far as the guard-room he saw Acting Sergeant Collett, and tried to get at him by breaking away from the escort; the men caught hold of him, and tried to keep him back; Acting Sergeant Collett was standing close by, and the prisoner attempted to kick him. Acting Sergeant Collett ordered me to take him back to the cell, which I did.
Question 400: Did the prisoner before the Court say anything to Acting Sergeant Collett; and, if so, what was it?
Answer: He did; he said, "You b****y dog, Collett; my time will come yet."
Question 401: Was the prisoner excited?
Answer: He was.
Question 402: What caused the prisoner to be excited?
Answer: I cannot say for certain.
Question 403: What do you think was the cause?
Answer: I cannot say what was the cause of his excitement.
Question 404: Did the prisoner go back to the cell quietly, or did he resist violently?
Answer: He did, but not violently.
Question 405: Did you see the prisoner the worse for liquor at any time during the day; and, if so, when?
Answer: I cannot say the prisoner was the worse for liquor, but I thought so while I was sitting at my dinner, about 1 o'clock.
Question 406: Did he seem to you at that time fit for duty?
Answer: He did.
Question 407: What is the order as regards prisoners confined for being drunk—being taken before their commanding officer—the interval of time I mean?
Answer: About 24 hours, I think.

Question

Question 408: Do you consider a man who is the worse for liquor fit for duty?
Answer: It depends on how much he has had.
Question 409: Would you believe Acting Sergeant Collett on his oath?
Answer: I would.

Cross-examined by the prisoner:

Question 410: Did you see me take anything to drink that morning?
Answer: I did not.
Question 411: Have you ever said that if you saw a man drink a glass of beer if it was left for you to decide you would say that he was drunk?
Answer: I have said in that case I would not swear either way.
Question 412: Suppose a man was confined for drunkenness at 11·30 a.m., when would such a prisoner be brought before the commanding officer?
Answer: About 9·30 a.m. on the following morning, I think.
Question 413: Did you not propose to take me to the rear with the irons on?
Answer: Yes, but you refused to have them off.
Question 414: Am I not of a quiet and inoffensive disposition?
Answer: To the best of my belief you always have been, except on that occasion.
Question 415: Was the sun striking the cell on this afternoon, and inform the Court whether or not I complained to you about the heat, and the shutter being closed?
Answer: The sun was striking the cell, and you did complain, and asked me to open the shutter; I reported to Acting Sergeant Collett, and it was opened by his orders.
Question 416: Was the prisoner quiet then?
Answer: Yes.
Question 417: Have you ever had occasion to doubt Acting Sergeant Collett's word?
Answer: He never told me an untruth personally, but I have heard it spoken about.

Re-examined by the prosecutor:

Question 418: Cannot a man confined for drunkenness at 9·30 a.m. one day be brought before his commanding officer at 1·45 o'clock p.m. the next day, that is to say, if the Doctor has marked him fit?
Answer: I never knew of an instance.

Examined by the Court:

Question 419: In your opinion was the prisoner treated with violence beyond what his own conduct necessitated?
Answer: He was not.
Question 420: When were the irons taken off the prisoner?
Answer: In the course of the afternoon, when the prisoner was under the influence of a fit.

The witness withdraws.

Twelfth witness for the prosecution.—Lieutenant George Lindeman, N.S.W. Artillery, being duly sworn, is examined by the prosecutor,—

Question 421: Did you see the prisoner now before the Court during the afternoon of the 4th February, 1874, at Dawes' Battery, Sydney, New South Wales?
Answer: I did.
Question 422: Where was the prisoner, and what was he doing?
Answer: He was about half way between the cell and the guard-room resisting the escort.
Question 423: What time was it when you saw the prisoner?
Answer: Between 2 and 3 o'clock p.m. on that day.
Question 424: Can you mention the names of any of the men of the picket?
Answer: No.
Question 425: Was the prisoner then drunk or sober?
Answer: He was drunk.
Question 426: Would you believe Acting Sergeant Collett on oath?
Answer: Yes.
Question 427: What time must elapse after a man is confined for being drunk, and his being brought before his commanding officer?
Answer: 24 hours.
Question 428: Was there any unnecessary violence used towards the prisoner while he was under your observation?
Answer: None whatever.

Cross-examined by the prisoner:

Question 429: Did you think I was drunk from resisting the escort, or did you take a closer inspection to satisfy your mind?
Answer: I did not think you drunk from resisting the escort, but from your manner.
Question 430: When will a man confined for being drunk at 12·30 p.m. be brought before the commanding officer?
Answer: As far as I know, a quarter to 2 o'clock p.m. the following day.
Question 431: Did you see me strike Acting Sergeant Collett, or offer to strike him?
Answer: I did not.
Question 432: Am I not generally of a quiet and inoffensive disposition?
Answer: As far as I know you are.

Re-examined by the prosecutor:

Question 433: Had you any doubt about the prisoner now before the Court being drunk?
Answer: None whatever.
Question 434: Could not the prisoner have struck Acting Sergeant Collett before you saw him?
Answer: I cannot say.

The witness withdraws.

At 4 o'clock the Court adjourn until 10 o'clock a.m. on the 25th February, 1874.

Sixth

Sixth day.

On the 25th day of February, 1874, at 10·15 o'clock a.m., the Court re-assemble, pursuant to adjournment. Present—the same members as on the 24th February, 1874.

The trial is proceeded with.

Thirteenth witness for the prosecution.—Assistant Surgeon Wm. James G. Bedford, Permanent Military Force, being duly sworn, is examined by the prosecutor.

Question 435: What time did you see the prisoner on the 4th February, 1874?
Answer: In the afternoon, between 5 and 6 o'clock p.m.
Question 436: Where was he then?
Answer: In the cell, near the stable of the Artillery Barracks.
Question 437: In what town and colony?
Answer: Sydney, New South Wales.
Question 438: What state was the prisoner now before the Court in?
Answer: He was recovering from drunkenness, and in an excited state.
Question 439: Was the prisoner fit for duty when you saw him in the cell?
Answer: No.
Question 440: Do you consider that when the cell shutter is shut that the cell is sufficiently ventilated when one prisoner is confined therein?
Answer: I do.
Question 441: Did the prisoner, now before the Court, complain to you that he had been injured by a fall he had received?
Answer: He did not.
Question 442: Will you inform the Court what is the battery order as regards the commanding officer seeing prisoners confined for being drunk?
Answer: They are confined in the guard-room for twenty-four hours.
Question 444: Is it not necessary that you should mark on the crime "fit" before they are taken before the commanding officer?
Answer: Yes.
Question 445: Would you believe Acting Sergeant Collett on oath?
Answer: Certainly.

Cross-examined by the prisoner:

At this stage of the proceedings, the prisoner now before the Court, states his desire to be handcuffed in Court, with the view of obtaining the medical officer's opinion as to whether from his make he is not very liable to be injured by handcuffs being placed on him.

The Court is cleared.

The Court decide that the prisoner may ask the question as to his being particularly liable to his being injuriously affected by placing the handcuffs on him, and that Assistant Surgeon Bedford be invited, by actual demonstration, to see whether such is the case.

The Court is re-opened and the above decision is read.

Question 446: Are not my wrists larger than usual in a man of my build and size, and are not my arms, in proportion to the length of the upper part of my trunk, shorter than is usual with men of my build and size?
Answer: In my opinion no, in both cases.
Question 447: Do you not think that a man with wrists like mine, and taking into consideration the squareness and width of my shoulders, and the length of my arms, that for a man to be kept in irons under such conditions it would cause him to be in pain?
Answer: It would be painful for anybody. It would not be more painful for you more than any one else, but it would depend on the time you were in irons, and your quietness.
Question 448: Have you ascertained how long I was kept in irons?
Answer: No, I have not. You were not in irons when I saw you.
Question 449: Would the fact of my being in irons for a long time have affected your judgment in this case, as to whether I was suffering from the effects of drink, or the pain I was in, through the irons being on me?
Answer: You told me when I saw you that you had been in irons, and I took that fact into consideration.
Question 450: Did you know if the irons had been placed on me with my hands behind my back?
Answer: Yes, you told me that at the same time.
Question 451: Did any one inform you that I was drunk or riotous before you came into the cell?
Answer: I do not recollect. I was sent for to the Victoria Barracks, and took a cab, and went straight to the cells.
Question 452: Did you not see Major Airey, and did he not speak to you about me before you came to the cell?
Answer: I did not; I saw Major Airey after I had seen you in the cell.
Question 453: Should not a man, with arms in proportion to his size, be able to touch his toes—a soldier I mean?
Answer: Not always; it depends on what exercise he has gone through, but if a soldier is well drilled by setting-up drill, he ought to be able to do so.
Question 454: Why could not a soldier touch his toes supposing him to be well drilled?
Answer: He might be stiff in the back, stiff in the hip joints, or weak in the knee joints, or he might be too short in the arms.
Question 456: Would you condemn the shutting of the cell-window with the sun striking on it, and have you examined the cell,—if so, state to the Court the result of your examination?
Answer: No, I would not condemn the shutting of the window. I have examined the cell, and find it well ventilated for one prisoner, but not fit to be occupied in wet weather; I believe the roof is of galvanized-iron, and wood underneath.
Question 457: Do you not think that violent exertion of the body, pain through irons so placed on me, unhealthy action of the heart, irritation, and closeness of the atmosphere, acting upon a temperament like mine, would cause similar symptoms to those you observed in my case?
Answer: Yes, symptoms somewhat similar.

Question

Question 458: Have I ever complained to you of the unhealthy action of my heart?
Answer: Not to my recollection.
Question 459: Do you remember saying that you would bring your stethoscope down to examine me, and that you repeatedly forgot to do so?
Answer: No, I do not.
Question 460: Did I complain to you the following morning that I was suffering from the effects of the violence used towards me?
Answer: Not to my recollection.
Question 461: Did you not say, "Keep yourself quiet and I will take you to hospital to-morrow"?
Answer: The day after I saw you in the cell you spoke to me as I was leaving the barracks, and said you would like me to take you to hospital for two or three days, that you might get quiet before being brought before the commanding officer; I told you I would see how you were the next day.
Question 462: Did I not meet you one morning coming out of the barracks, about the time the men were training for the boat race, and complained to you that I had had palpitation of the heart, and was anxious for you to examine me. You said that you had not got your stethescope with you, but that you would bring it next morning, and the conversation then passed off to the men's training?
Answer: Very probably you may have done, but I cannot remember.
Question 463: When you came into the cell was I coherent in my talk, and quiet, and did you then make a close medical inspection?
Answer: You were coherent, but excited; I did make a close medical inspection.
Question 464: When would you examine a man confined for drunkenness, if confined at 6·30 o'clock p.m., and when does he see the commanding officer?
Answer: He is examined by me next morning, and sees the commanding officer the morning after, unless it be a Sunday, or he is reported unfit.

Re-examined by the prosecutor:

Question 465: Was the prisoner suffering from the same state of body, &c., as he gives a supposed instance of?
Answer: He was not altogether suffering from the same state of body, &c.

Examined by the Court:

Question 466: When you saw the prisoner on the afternoon of the 4th was he suffering from ill-usage?
Answer: I saw no marks.
Question 467: What means of ventilation are there in the cell when the shutter is closed?
Answer: Two ventilating patches, with several holes in each, one over the door, and the other in the wall opposite it; there is also a space from the top of the door to the bottom, between the hinge posts and the wall from an inch to 1 inch and a half broad.
Question 468: Will you inform the Court the reason for not sending the prisoner to the hospital when he was desirous of being so sent?
Answer: Because he was not ill.

Correction:

Upon the above evidence being read over to the witness he points out that in the replies he gave as to the prisoner being affected by his being placed in irons, he meant that when the irons were placed behind his back.

The witness withdraws.

The prosecution is closed.

Question 469: Do you intend to call any witnesses in your defence?
Answer: Yes.

DEFENCE (E).

The prisoner having been called upon to make his defence states that he desires to call witnesses and make his address on the conclusion of their evidence.

At 1 o'clock p.m. the Court adjourned until 1·45 o'clock p.m. the same day.

The Court reassemble pursuant to adjournment, all the Members being present.

The trial is proceeded with.

The prisoner proceeds to call witnesses.

First witness for the defence.—Mr. Edward Newman, foreman of labourers in the Ordnance Store-keeper's Office, being duly sworn, is examined by the prisoner.

The charges against the prisoner are read over to this witness, he not having been in Court when such charges were read.

Question 470: What was the day of the month, the time of the day, the nature of the business, I had with you, and state distinctly whether I was drunk or sober?
Answer: I believe I saw you on Wednesday, the 4th of February, between 12 and 1 o'clock, p.m. when you were returning bed-irons to the store,—you were sober.
Question 471: When I left you do you remember the working men on the wharf were going to their dinner at 1 o'clock?
Answer: I believe that some 10 or 15 minutes afterwards the working men did go to their dinner.

Cross-examined by the prosecutor:

Question 472: What time do the working men go to their dinner?
Answer: At 1 o'clock.

The witness withdraws.

Second witness for the defence.—Mr. Samuel Small, employed in the Military Stores, being duly sworn, is examined by the prisoner.
Question 473: What time was it when you saw me on the 4th February, 1874?
Answer: About 20 minutes or a quarter to 1 o'clock p.m.
Question 474: State distinctly whether I was drunk or sober?
Answer: I should say you were perfectly sober.

Question

Question 475: Did you see me as I was leaving the Commissariat yard; if so, state the time?
Answer: I did, at about 20 minutes or a quarter to 1 o'clock p.m.
The prosecutor declines to cross-examine.
The witness withdraws.

Third witness for the defence.—No. 35 Gunner Henry Edwards, N.S.W. Artillery, being duly sworn, is examined by the prisoner.
Question 476: Did you see me on the 4th February, in George-street, and state the time?
Answer: I saw you about ½ past 12 o'clock p.m.
Question 477: State distinctly whether I was drunk or sober?
Answer: Sober.
Question 478: When and where did you next see me?
Answer: Down at the barrack-gate, about ¼ past 1 o'clock p.m.
Question 479: Was I then sober?
Answer: You were.
Question 480: State whether I hit Acting Sergeant Collett, or offered to strike him?
Answer: I did not see you do so.
Question 481: In your opinion do you consider Acting Sergeant Collett truthful?
Answer: In my opinion, no.
Question 482: Am I generally of a quiet and inoffensive disposition?
Answer: You have a good character in the battery in that respect.

Cross-examined by the prosecutor:

Question 483: What was the prisoner doing when you saw him at the barrack-gate at 1·15 o'clock p.m.?
Answer: He was between two men of the picket.
Question 484: Who were the men of the picket?
Answer: Gunner Mallon was one; I do not recollect the other.
Question 485: Did the prisoner go quietly with the picket or not?
Answer: When I saw him he did.
Question 486: Where did you go after you saw the prisoner go quietly with the picket?
Answer: I was in No. 11 room when I saw the prisoner, as previously stated, and I remained there afterwards.
Question 487: Did you see the prisoner brought into the barrack-gate?
Answer: I did.
Question 488: Can you swear that only two men had hold of the prisoner then?
Answer: I cannot.
Question 489: How many men had hold of the prisoner then?
Answer: There were two or more.
Question 490: Did not the prisoner resist the escort inside the barrack-gate?
Answer: I did not see him resist.
Question 491: If the prisoner did not resist the escort, how can you account for the men having hold of him?
Answer: I do not know.
Question 492: State if you saw the prisoner again that day; and, if so, when and where?
Answer: I did not see him any more that day.
Question 493: Might not the prisoner have struck, or offered to strike, Acting Sergeant Collett without your seeing him do so?
Answer: He might have done so.
Question 494: Would you believe Acting Sergeant Collett on oath?
Answer: I would.
Question 495: How are you able to swear that Sergeant Harris was sober at 1 o'clock p.m., when you state you were in your room at the time, and that the prisoner was between several men?
Answer: By his appearance.
Question 496: Was the prisoner excited when he was brought into barracks?
Answer: He was.
Question 497: How far off the prisoner were you when he was brought into barracks?
Answer: It was about 15 yards, I should say, from the window where I was.
Question 498: Had the prisoner any coat on him when you first saw him?
Answer: He had a coat on him when I first saw him.
Question 499: Did you see him take his coat off?
Answer: I did not.
Question 500: Did you hear the prisoner say anything as he was taken away by the escort; and, if so what was it?
Answer: I heard him speak, but I did not hear the words.
Question 501: Cannot you hear what a man says when he is about 15 yards off you?
Answer: Not if there is noise.
Question 502: Did you hear any one call out to the prisoner when you saw him in George-street?
Answer: I did not.
Question 503: Did you not see the prisoner when he was being taken to the rear from the cell?
Answer: I did not.

Re-examined by the prisoner:

Question 504: Did you see Acting Sergeant Collett throw me over, and did he advance towards me to do so?
Answer: No, I did not.
Question 505: Might not Acting Sergeant Collett have struck or kicked me without your seeing him?
Answer: Yes.
Question 506: Supposing, for instance, Acting Sergeant Collett and myself were on oath on matters against each other, whom would you believe?

Objection

Objection by prosecutor :

The prosecutor objects to this question. In reply the prisoner withdraws the question without argument.

Examined by the Court :

Question 507 : Did you see the prisoner ill-used in any way ?
Answer : No.

The witness withdraws.

Fourth witness for the defence.—No. 34 Gunner John Button, N.S.W. Artillery, being duly sworn, is examined by the prisoner.

Question 508 : Were you engaged with me at the Commissariat Stores yard on the 4th February, 1874, and about what time ?
Answer : I was ; I was with you till about ten minutes to 1 o'clock p.m.
Question 509 : Was I drunk or sober ?
Answer : You were sober.
Question 510 : Where and when did you next see me ?
Answer : I next saw you in barracks about 10 minutes or a quarter after 1 o'clock p.m.
Question 511 : Was I then drunk or sober ?
Answer : To the best of my belief you were sober.
Question 512 : When and where did you next see me ?
Answer : Next time I saw you you were dragged into the cell.
Question 513 : State the manner in which I was dragged ?
Answer : Two or three had hold of your feet, and two or three men had hold of your hands, putting you in the best way they could.
Question 514 : Did you at any time see me strike Acting Sergeant Collett, or attempt to strike him ?
Answer : I did not.
Question 515 : Did you see Acting Sergeant Collett throw me over ?
Answer : I did not.
Question 516 : Would you believe Acting Sergeant Collett on his word or his oath ?
Answer : I do not think I would believe him on his word or oath.
Question 517 : After I was put into the cell did you hear me groaning ?
Answer : I did not.

Cross-examined by the prosecutor :

Question 518 : What was the prisoner doing when you saw him in barracks at ¼ past 1 o'clock ?
Answer : He came into No. 11 room and asked one of the men for a book.
Question 519 : Did you not see an escort bring the prisoner into barracks at or about ¼ past 1 o'clock p.m. ?
Answer : No.
Question 520 : How far off the cell was the prisoner when you first saw him ?
Answer : Within two or three yards of the door.
Question 521 : What time was it then ?
Answer : I cannot say exactly, but I think it was about 20 minutes or 25 minutes to 2 o'clock p.m.
Question 522 : Name some of the men who had hold of the prisoner ?
Answer : Gunners Lynch, Barrett, Tait I think was one, and Johnson.
Question 523 : Was the prisoner resisting the men who had hold of him ?
Answer : He was.
Question 524 : Did you see the prisoner again that afternoon ; if so, when and where ?
Answer : I did not see him again.
Question 525 : Why would you not believe Acting Sergeant Collett on his oath ?
Answer : Because I have heard him tell so many lies.
Question 526 : State one instance ?
Answer : Because I heard him say a ship would sail about 25 miles an hour, and that he had been in such a ship.
Question 527 : How can you swear that Acting Sergeant Collett has never been in a ship that went that rate ?
Answer : I cannot swear, but I never heard of the like before.
Question 528 : Was Acting Sergeant Collett on his oath on that occasion ?
Answer : He was not.
Question 529 : Can you give a single instance of Acting Sergeant Collett breaking his oath ?
Answer : No, I cannot.
Question 530 : Were you not drinking with the prisoner on the morning of the 4th February, 1874 ?
Answer : I had one pint of beer with him.

Re-examined by the prisoner :

Question 531 : How long have you known Acting Sergeant Collett, and was he during that time in the habit of following the sea ?
Answer : I have known him for six years, during which time he has been a soldier.
Question 532 : Did I give you that pint of beer for your assistance, and did you see me drink any more ?
Answer : You did. I did not see you drink any more.

Examined by the Court :

Question 533 : In your opinion was the prisoner subjected to any ill-usage ?
Answer : He was ill-used.
Question 534 : In what way was he ill-used ?
Answer : By being dragged into the cell instead of being carried.
Question 535 : Have you ever heard of Acting Sergeant Collett telling a malicious untruth, such as would injure another.
Answer : I have not.

The witness withdraws.

At 4·20 o'clock the Court adjourned until 10 o'clock a.m. on the 26th February, 1874.

The Court having sat beyond the usual hour with a view to complete the evidence of the last witness prior to adjournment,—

On

On the 26th day of February, 1874, at 10·15 o'clock a.m., the Court re-assembled pursuant to adjournment. Present—The same Members as on the 25th day of February, 1874.

The trial is proceeded with.

Seventh Day:—

Fifth witness for the defence.—No. 29 Corporal James Walsh, N.S.W. Artillery, being duly sworn, is examined by the prisoner.

Question 536: Did I give you the keys of the sergeants' mess on the morning of the 4th February, 1874, and was I then sober?

Answer: You did, and you were sober.

Question 537: State the time I applied to you for the keys, and whether I was then sober?

Answer: You applied to me for the keys about ten minutes past 1 p.m., and you were then sober.

Question 538: Am I of a quiet, inoffensive, disposition?

Answer: You are.

Cross-examined by the prosecutor:

Question 539: Did you see the prisoner again during the day, after he had asked you for the keys?

Answer: I saw him once again in the road, in front of the barracks, in George-street, about half-past 1 o'clock p.m.

Question 540: What was the prisoner then doing?

Answer: He was then standing, in charge of an escort; three or four men had hold of him.

Question 541: Where did the escort take the prisoner?

Answer: I do not know.

Question 542: Had the men of the escort hold of the prisoner?

Answer: They had.

Question 543: Did the prisoner, now before the Court, resist the escort or not?

Answer: He was standing, and I did not see him resist.

Question 544: Did you hear the prisoner say anything; and, if so, what was it?

Answer: I did not hear him say anything.

Question 545: For how long a time did you see the prisoner?

Answer: I looked out of the window, and just saw him for one moment.

Question 546: Did you not see the prisoner put into the cell?

Answer: I did not; I saw some one being shoved into the cell, but cannot say whether it was the prisoner.

Question 547: Was not the man you saw put into the cell resisting the escort?

Answer: I did not see any particular man being put in.

Question 548: How long after you saw the prisoner in the street was it you say you saw a man being put in the cell?

Answer: A few minutes, I should say, between the time I saw the prisoner in the street and the time I saw some men apparently shoving some one into the cell.

Question 549: Would you believe Acting Sergeant Collett on his oath?

Answer: Yes, I would believe him on his oath, same as I would anyone else.

Re-examined by the prisoner:

Question 550: Would you believe Acting Sergeant Collett on his word?

Answer: I would believe him.

Correction: Upon the above evidence being read over to the witness he points out that when he said he saw some one being shoved into the cell he meant he saw some men apparently engaged in shoving some one into the cell, but who it was he cannot say.

The witness withdraws.

Sixth witness for the defence.—No. 72 Gunner John Craven, N.S.W. Artillery, being duly sworn, is examined by the prisoner.

Question 551: Were you engaged with me at the Commissariat yard, and state the time we left the yard, and whether I was drunk or sober?

Answer: I was; we left at ten minutes to 1 o'clock; you were perfectly sober.

Question 552: Had I given you a pint of beer, and was that all you saw me take?

Answer: You gave us one pint of beer for assisting you; that is all I saw you take.

Question 553: When and where did you next see me?

Answer: In No. 11 room, while at dinner.

Question 554: Was I then sober?

Answer: To the best of my belief you were.

Question 555: When and where did you next see me?

Answer: The next time I saw you you were in a fit in the cells.

Question 556: Before you then saw me was your notice attracted to the cell?

Answer: It was, by loud groaning.

Question 557: What position did you find me in?

Answer: You were then lying on your back in the cell, and some one was standing over you.

Question 558: Did I complain to you of the agony I had been in, and the window of the cell being closed?

Answer: You did not.

Cross-examined by the prosecutor:

Question 559: Did you not hear a noise in the street about twenty minutes past 1 o'clock p.m.?

Answer: I did not.

Question 560: After the prisoner came into your room during dinner-time, did you leave the room, and where did you go, and at what time?

Answer: I remained in the room until after the prisoner was placed in the cell.

Question 561: Was there not a rush of men to the window between 1 and 1·30 o'clock p.m.?

Answer: There was a rush to the end window about the time Sergeant Harris was placed in the cell.

Question 562: Will you swear that you did not, on hearing the noise, look out of the window of the room and see the prisoner?

Answer: I did look out of the window, but I did not see the prisoner.

Question 563: Have you not stated that you did not look out of the window, but that you were sitting on your bed the whole time the prisoner was being taken to the cell?

Answer: I have stated so.

Examined

Examined by the Court:

Question 564: In your opinion was the prisoner ill-used?
Answer: Yes.
Question 565: In what way?
Answer: By being placed in the cell with a galvanized iron roof, on which the sun had been shining all the morning, and by closing the window and locking the door, so that there was no ventilation.
Question 566: Are there no other means of ventilation besides the shutter?
Answer: I think not.

The witness withdraws.

Seventh witness for the defence.—No. 102 Gunner Henry Foot Rogers, N.S.W. Artillery, being duly sworn, is examined by the prisoner.
Question 567: Where did you see me at about 1 o'clock p.m. on the 4th February, 1874?
Answer: I saw you about twenty minutes after 1 o'clock p.m., but not at 1 o'clock p.m.

At this stage of the proceedings the prisoner draws the attention of the Court to the fact of one of his witnesses having just withdrawn, and he has heard him spoken to by Major Airey at this moment in reference to the evidence he has given, and that such is calculated to intimidate the remainder of his witnesses for the defence. He also calls the attention of the Court to the fact that the prosecution has, as he has reason to believe, already divulged the evidence given by the last witness, to his commanding officer.

The Court is cleared.

The Court having taken into consideration the matters which the prisoner has thought proper to bring before it, decide to call on Major Airey, commanding N.S.W. Artillery, and to point out to him that it is highly desirable in the opinion of the Court that there should be no suspicion that any intimidation has been exercised in any manner whatever towards the witnesses for the defence, and that any action which Major Airey may consider it advisable to take with reference to individual witnesses who have appeared to give evidence in this trial, should be delayed until the proceedings of the Court have terminated. As to reports made by the prosecutor to his commanding officer the Court does not feel itself justified in interfering in the matter, such reports of themselves not being calculated to prejudice the case of the prisoner.
Decision: The Court is re-opened and the above decision is read.

Major Airey's attendance is desired by the Court, and he having appeared, and the remarks of the Court having been read to him, states that no intimidation has been used.

The trial is proceeded with.
Question 568: Was I then sober?
Answer: In my opinion you were.
Question 569: When and where did you next see me?
Answer: I saw you in the hands of the escort, about ten minutes after I first saw you, in the road.
Question 570: Did you at any time see me strike, or kick, or attempt to do either, Acting Sergeant Collett I mean?
Answer: I did not.

The Court is cleared.

The Court feeling that should it go on with the trial without a distinct assurance from Major Airey that no action will be taken against any of the witnesses on account of evidence given before it until the proceedings of the Court shall have terminated, the prisoner's remaining witnesses might be intimidated and his case prejudiced, decide to call on Major Airey for such an assurance.

The Court is re-opened, and the above decision is read, Major Airey being present.

Major Airey states that he does give this assurance.

The trial is proceeded with.
Question 571: Supposing a man was confined for being drunk at 5·30 o'clock p.m., what time would he be brought before his commanding officer?
Answer: Twenty-four hours, I think.
Question 572: What is the usual office hour—a man is not brought up at 5·30 o'clock p.m. the following day, is he?
Answer: 9·30 o'clock a.m. is the usual office hour. A man would be brought up the first office hour after twenty-four hours elapsed.
Question 573: Am I of a quiet inoffensive disposition?
Answer: I never saw you anything else.
Question 574: Would you believe Acting Sergeant Collett on his word or oath?
Answer: I would not believe him on his word, but I might possibly believe him on his oath.

Cross-examined by the prosecutor:

Question 575: What did the escort do with the prisoner—I mean the one you saw him with in George-street, about 1·30 o'clock p.m.?
Answer: They were pulling him along.

The Court adjourn at 1 o'clock p.m. until 1·45 o'clock p.m. the same day.

The Court re-assemble pursuant to adjournment, all the Members being present.

The trial is proceeded with.
Question 576: Did the prisoner go quietly with the picquet, or did he resist?
Answer: I cannot say.
Question 577: Did you see the prisoner put in the cell?
Answer: No, I did not.
Question 578: Might not the prisoner have struck, or attempted to strike, Acting Sergeant Collett before you saw him?
Answer: It might have happened before I saw him.
Question 579: How long were you looking at the prisoner?
Answer: I was looking at him during the time he took to go from the officers' wicket-gate to ten yards from the barrack-gate.
Question 580: Did you see the prisoner resist during that time?

Answer

Answer: I did not.
Question 581: Did he go willingly with the escort?
Answer: He seemed to be remonstrating with the escort.
Question 582: State distinctly if you would or would not believe Acting Sergeant Collett on oath?
Answer: I suppose I must believe him on his oath.

Re-examined by the prisoner:

Question 583: Did my remonstrating with the picquet appear to you as the result of the indignity put upon me?
Answer: I cannot say.
Question 584: Did Acting Sergeant Collett ever affirm on oath to you an utter impossibility?
Answer: He affirmed to me, so help his God he had walked or ran from the Haymarket to the battery in ten minutes.

Examined by the Court:

Question 585: Did you ever know Acting Sergeant Collett tell a malicious untruth, which affected any other person?
Answer: Not to my knowledge.
Question 586: Did you see the prisoner now before the Court ill-used in any way?
Answer: No more than pulling him along.

Upon the above evidence being read over to the witness he points out that in reply to the question as to how long he was looking at the prisoner, he should have answered that he saw him while he was going from a point ten yards to the north of the officers' wicket-gate to the main barrack-gate.

The witness withdraws.

At this stage of the proceedings the prisoner states to the Court that as Major Airey had thought fit, from information received from the prosecutor, to stop one of his witnesses, and tell him that he had got him now, and would punish him to the extent that the Queen's Regulations would allow, it tends to prejudice the Court and intimidate his other witnesses.

The Court is cleared.

The Court considering it advisable to place on record the different incidents of the trial, have noted on the face of the proceedings the last statement of the prisoner; but having, as it conceives, taken such steps as will prevent the intimidation of witnesses, and the prisoner's case being prejudiced, consider it unnecessary to take any further steps.

Eighth witness for the defence.—No. 55 Acting Bombardier Edward Swinbourne, N.S.W. Artillery, being duly sworn, is examined by the prisoner.
Question 587: When and where did you see me on the 4th February, 1874?
Answer: I saw you about a quarter past 1 o'clock p.m., in the passage of the barracks.
Question 588: Was I then sober?
Answer: Yes.
Question 589: Am I of a quiet inoffensive disposition?
Answer: What I have seen of you, you are.
Question 590: Did you at any time see me strike or kick Acting Sergeant Collett, or attempt to do either?
Answer: No.

Cross-examined by the prosecutor:

Question 591: Did you see the prisoner again on the afternoon of the 4th February, 1874?
Answer: I saw him several times.
Question 592: What was he doing, and where was he the second time you saw him?
Answer: A short time after I saw him in the passage, in No. 6 room.
Question 593; Did you see the prisoner in George-street between 1 and 2 o'clock p.m.?
Answer: I did not see him.
Question 594: When did you see him the third time?
Answer: He was being taken to the cell.
Question 595: Did you see the prisoner in charge of an escort during that afternoon; and, if so, when?
Answer: I saw an escort take him to the cell between 1 and 2 o'clock.
Question 596: Where was the prisoner when you first saw him on his way to the cell?
Answer: He was at the end of the guard-room, as you turn to go down to the cell.
Question 597: Was the prisoner going quietly with the picquet, or was he resisting?
Answer: He was resisting.
Question 598: When you saw the prisoner with the escort was he drunk or sober?
Answer: In my opinion, sober.
Question 599: When and where did you see the prisoner again during that afternoon?
Answer: I saw him in the cell when he was in a fit.
Question 600: Would you believe Acting Sergeant Collett on oath?
Answer: I would.
Question 601: Might not the prisoner have struck at Acting Sergeant Collett before you saw him near the guard-room?
Answer: He might have done so.

Re-examined by the prisoner:

Question 602: Was I sober the second time you saw me?
Answer: You were.
Question 603: From your knowledge of the case, could a man possibly get drunk between the second time of your seeing me and the time you saw me in the hands of the picquet?
Answer: I should think not.
Question 604: Did I appear remonstrating with the picquet, and in your opinion was the picquet unnecessarily violent?
Answer: You were speaking to the picquet, but I cannot say what you said. I do not think the picquet unnecessarily violent the first time; the second time they were.
Question 605: Would you believe Acting Sergeant Collett on his word?
Answer: Not in everything, I would not.
Question 606: In your opinion what caused the fit? *Answer:*

Answer: I should say over excitement.

The witness withdraws.

Ninth witness for the defence.—No. 95 Gunner William Webster, N.S.W. Artillery, being duly sworn, is examined by the prisoner.

Question 607: When and where did you see me on the 4th February, 1874?
Answer: In No. 6 room, about a quarter past 1 o'clock p.m.
Question 608: Was I then sober?
Answer: You were.
Question 609: When and where did you next see me?
Answer: About 20 minutes to 2 o'clock p.m., about 5 yards from the cell-door.
Question 610: Did you at any time see me strike or kick Acting Sergeant Collett, or attempt to do either?
Answer: No, I did not.
Question 611: Did you see Acting Sergeant Collett kick my legs from under me?
Answer: I did.
Question 612: Did I appear remonstrating with the picquet, and in your opinion was the picquet unnecessarily violent?
Answer: I cannot answer the first question; the picquet was unnecessarily violent.
Question 613: Did you see me after the picquet had left me in the cells;—state when and where?
Answer: I did not.
Question 615: Am I of a quiet and inoffensive disposition?
Answer: You are.

Cross-examined by the prosecutor:

Question 616: Was the prisoner resisting the picquet when you saw him near the cell-door?
Answer: In my opinion he was not.
Question 617: In what way were the picquet unnecessarily violent towards the prisoner?
Answer: By two or three men having hold of him and Acting Sergeant Collett kicking his legs from under him, and two men having hold of his legs dragging him towards the cell.
Question 618: State who were the men of the picquet?
Answer: I cannot remember.
Question 619: Did the prisoner go willingly with the picquet?
Answer: He was dragged.
Question 620: Were you not reduced by sentence of Court-martial lately, for being drunk?

Objection by prisoner.—The prisoner objects to this question, on the ground of its being irrelevant.

In reply the prosecutor states that he considers an affirmative reply to the question necessary in order to shew the Court that the witness would be scarcely a good judge of a non-commissioned officer charged with drunkenness.

The Court is cleared.

Decision:

The Court allow the objection.

At 4 o'clock p.m. the Court adjourn until 10 o'clock on the 27th day of February, 1874.

On the 27th day of February, 1874, at 10 o'clock a.m., the Court re-assemble pursuant to adjournment. Present, the same Members as on the 26th February, 1874.

The trial is proceeded with.

At this stage of the proceedings a letter received from Major Airey, commanding N. S. W. Artillery, is read to the Court, and the Court considering it unadvisable to enter into what might prove a protracted inquiry into a matter which is foreign to the charges and concerning which the Court has taken such action as it deems sufficient, it is marked A 1, signed by the President, attached to the proceedings, and no further action taken thereon.

Cross-examination by prosecutor—continued.

Question 621: Might not the prisoner have struck or attempted to strike Acting Sergeant Collett before you saw him?
Answer: He might have done so.
Question 622: Would you believe Acting Sergeant Collett on oath?
Answer: No.
Question 623: State your reasons?
Answer: Because at various times when I have been in the canteen I have heard him state he had been in the water, floating on his back, as far as the Heads, asleep with a pipe in his mouth, and not been woke up till the mail-boat struck him.
Question 624: Was Acting Sergeant Collett on oath when he made that statement?
Answer: He was not on oath when he made that statement.
Question 625: Can you give any instance of Acting Sergeant Collett breaking his oath?
Answer: No, I cannot.

Re-examined by the prisoner:

Question 626: How long have you been in the Service, and have you ever during that time seen a soldier treated in the way I was?
Answer: For over thirteen years; I never have.
Question 627: Would you believe Acting Sergeant Collett on his word?
Answer: No.

Examined by the Court:

Question 628: Did you ever know Acting Sergeant Collett to tell a malicious untruth, or maliciously swear a false oath?
Answer: I never have.

The witness withdraws:

10th witness for the Defence.—No. 86 Gunner William Johnston, N.S.W. Artillery, being duly sworn, is examined by the prisoner.

Question

Question 629: When and where did you see me on the 4th February, 1874?
Answer: I saw you about 10 minutes before you were placed in arrest, about 2 o'clock, in No. 11 room.
Question 630: Are you positive about the time you have stated?
Answer: I am positive I saw you about 10 minutes before you were confined; I am not certain as to the time.
Question 631: Was I then sober?
Answer: You were.
Question 632: Where and when did you next see me?
Answer: I saw you next, at the time you were being taken to the cells.
Question 633: Did you at any time see me strike or kick Acting Sergeant Collett, or attempt to do either?
Answer: I did not.
Question 634: Did you see Acting Sergeant Collett kick my legs from under me?
Answer: I did not.
Question 635: Do you know that I had a fit; if so, state what in your opinion caused it?
Answer: I did not see you have a fit, but your appearance was that of a man who had just had one; I attribute it to the handcuffs being placed behind your back and the heat of the cell.

Cross-examined by the prosecutor:

Question 636: Where was he when you first saw him on his way to the cell—the prisoner I mean?
Answer: Just below the window, close to the guard-room, under No. 11 room.
Question 637: Did the prisoner go willingly with the picquet?
Answer: In my knowledge he did.
Question 638: How many men had hold of the prisoner?
Answer: I should say two but I am not certain.
Question 639: Did you see the prisoner put into the cell?
Answer: I did.
Question 640: Had the men of the escort hold of the prisoner?
Answer: They had.
Question 641: Was the prisoner going quietly with the picquet, or was he resisting when he was put into the cell?
Answer: I could not see, there was such a crowd.
Question 642: Was not the prisoner resisting the picquet so violently that the sergeant-major ordered you to assist the picquet?
Answer: I was subsequently ordered to assist the picquet, but on going down for that purpose, found the prisoner being dragged along by the heel, so that I was not wanted.
Question 643: Will you swear that you did not see the prisoner resist the escort by kicking at Gunner Lynch or any other of the men who had hold of him?
Answer: I can swear that I did not see Gunner Lynch kicked by Sergeant Harris, but I cannot swear that he did not kick any one else, as I went away after seeing that I was not wanted.
Question 644: Are you positive that the cell has a window that can be shut?
Answer: I am not positive.
Question 645: Were you not ordered more than once to assist the escort?
Answer: No, I was not.
Question 646: Might not Acting Sergeant Collett have been struck by the prisoner before you saw him near the guard-room?
Answer: He might.
Question 647: Would you believe Acting Sergeant Collett on oath?
Answer: No, I would not.
Question 648: Why?
Answer: Because I have often heard Acting Sergeant Collett say what was not true and swear to it.
Question 649: Give an instance?
Answer: At this moment I could not do it.
Question 650: Did you see the prisoner in George-street, between 1 and 2 o'clock p.m.?
Answer: I did not.
The prisoner declines to re-examine.

Examined by the Court:

Question 651: Have you ever known a case of Acting Sergeant Collett telling a malicious untruth or maliciously swearing a false oath?
Answer: I cannot remember such a case.
Question 652: Did you see the prisoner before the Court ill-used in any way?
Answer: I did not.
The witness withdraws.

Eleventh witness for the defence.—No. 59 Acting Bombardier Alfred Tait, New South Wales Artillery, being duly sworn, is examined by the prisoner.

Question 653: When and where did you see me on the 4th February, 1874?
Answer: I saw you outside the barracks in George-street.
Question 654: Was I then sober?
Answer: You were.
Question 655: Did you see me at any time strike or kick Acting Sergeant Collett, or attempt either?
Answer: I did not.
Question 656: Were you one of the escort ordered to take me to the cells?
Answer: I was.
Question 657: Was more violence used towards me than was necessary?
Answer: There was.
Question 658: Was it necessary to put me in irons?

Answer:

Answer: No.
Question 659: Do you know that I had a fit; and, if so, what in your opinion caused it?
Answer: I do not know of my own knowledge whether you had a fit or not.
Question 660: Am I of a quiet and inoffensive disposition?
Answer: You are.

Cross-examined by the prosecutor:

Question 661: What was the prisoner doing when you first saw him in George-street?
Answer: Walking up the street, near the fence.
Question 662: State where the prisoner went, and what did he do?
Answer: I did not see him after he passed the fence until I was called out as escort.
Question 663: State when and where you next saw the prisoner again during that afternoon?
Answer: I next saw him between the sergeants' mess and the officers' quarters—out on the road.
Question 664: When?
Answer: Between 1 and half-past 1 o'clock p.m.
Question 665: What was the prisoner then doing?
Answer: He was held by Gunners Mallon and Barratt, who were lifting him from the road as if he had been knocked down.
Question 666: Might they not have been lifting him in the same manner if he had fallen down?
Answer: They might.
Question 667: What did the men whom you named do with the prisoner?
Answer: With the assistance of myself and two or three other gunners they took him to the cells.
Question 668: Why was your assistance required?
Answer: It was not required, but I had to go as ordered.
Question 669: Did the prisoner go willingly with the picquet?
Answer: He did.
Question 670: Will you swear he went willingly the whole way to the cell?
Answer: I will swear he did until he got to the cell.
Question 671: Did he resist being put into the cell?
Answer: No, he did not.
Question 672: Did the prisoner walk quietly into the cell, or had the picquet to push him in?
Answer: He did not walk quietly into the cell; I cannot say whether the picquet had to push him in or not.

The prisoner declines to re-examine.
The witness withdraws.

Twelfth witness for the defence.—No. 19 Trumpeter Patrick M'Bride, N.S.W. Artillery, being duly sworn, is examined by the prisoner.
Question 673: When and where did you see me on the 4th February, 1874?
Answer: I saw you in the street, just outside the barrack-gate.
Question 674: Was I then sober?
Answer: I cannot say.
Question 675: Where and when did you next see me?
Answer: I next saw you when Acting Sergeant Collett threw you down.
Question 676: Explain to the Court how Acting Sergeant Collett threw me down?
Answer: By putting his hands round the back of your legs and throwing you on your back in front of him.
Question 677: Did Acting Sergeant Collett advance towards me, and was the fall he gave me necessary for his own self-defence?
Answer: Acting Sergeant Collett was following you up the street; I do not think the fall was necessary.
Question 678: If I had a design of striking Acting Sergeant Collett could he have retreated or not?
Answer: Of course he could.
Question 679: Was it necessary to put me in irons?
Answer: No, I do not think it was necessary after they had once got you in the cell.

Cross-examined by the prosecutor:

Question 680: Where were you when you saw the prisoner going up George-street?
Answer: At the corner window of No. 11 room.
Question 681: Did you hear Acting Sergeant Collett or anyone else call the prisoner back to barracks?
Answer: I heard Gunner Mallon, one of the picquet, call somebody, but who it was I cannot say.
Question 682: What did Gunner Mallon say?
Answer: He said come back.
Question 683: Did the prisoner take any notice of this?
Answer: No.
Question 684: Did you see Gunner Mallon then walk or run towards the prisoner?
Answer: I think he did, but I will not swear to it.
Question 685: What did the prisoner do when Gunner Mallon went towards him?
Answer: I cannot swear Gunner Mallon did go towards him; he was running to and fro for some little time under contradictory orders from Acting Sergeant Collett and the sergeant-major.
Question 686: Did you hear Acting Sergeant Collett order Gunner Mallon to go after the prisoner?
Answer: I heard Acting Sergeant Collett say to Gunner Mallon, "Go and fetch him back"; I suppose it alluded to the prisoner.
Question 687: Did you not then see the prisoner take off his coat, and run or walk towards Acting Sergeant Collett?
Answer: He did take off his coat, and went at a quick walk towards Acting Sergeant Collett.
Question 688: What duty was Acting Sergeant Collett then on?
Answer: I do not know.
Question 689: Did the prisoner say anything to Acting Sergeant Collett; and, if so, what was it?
Answer: I did not hear him say anything.
Question 690: Did you or did you not see the prisoner strike or attempt to strike Acting Sergeant Collett?
Answer: I saw the prisoner attempt to strike.

Question 691: Did Acting Sergeant Collett stoop down to avoid the blow?
Answer: He stooped down after the blow had missed him, and threw the prisoner.
Question 692: Did you see the picquet take hold of the prisoner?
Answer: I will not swear it was the picquet, but some men of the battery took hold of him.
Question 693: Did the prisoner go quietly with the picquet, or did he resist?
Answer: He resisted.
Question 694: When and where did you next see the prisoner?
Answer: I next saw him in the afternoon.
Question 695: What was he doing then?
Answer: The picquet was holding him.
Question 696: What time was this?
Answer: Between 3 and half-past 3 o'clock p.m.

At 1 o'clock p.m. the Court adjourned until 1·45 o'clock p.m. the same day.
The Court re-assemble pursuant to adjournment, all the Members being present.
The trial is proceeded with.

Question 697: Did you see the prisoner resist the picquet between 3 and 3·30 o'clock p.m.?
Answer: No.

Re-examined by the prisoner:

Question 698: How many persons were around Acting Sergeant Collett at the time of his advancing towards me,—and name them?
Answer: I should think there were half-a-dozen, or more; I cannot name them all, but I think Gunners Tait and Haywood were there, but I cannot swear.
Question 699: Would the men around Acting Sergeant Collett have a better opportunity of seeing the alleged attempt to strike Acting Sergeant Collett than you had?
Answer: Yes.
Question 700: From your position, and the number of the men around Acting Sergeant Collett, they having a better opportunity of seeing, is it not possible you may have been mistaken as to the alleged blow.
Answer: Yes.

Examined by the Court:

Question 701: Did you see the prisoner now before the Court ill-used in any way?
Answer: I did.
Question 702: In what way?
Answer: By his having the handcuffs placed on him, and because when he was reported to have been in a fit the cell-door was not opened for some time.
Question 703: Would you believe Acting Sergeant Collett on his oath or word?
Answer: On neither.
Question 704: Why?
Answer: Because I know him to be a man in the habit of telling lies.
Question 705: Have you ever known him to tell a malicious untruth, or maliciously swear a false oath, such as would injure another?
Answer: He has told such an untruth about myself by saying that he had not given me a bad shilling when I knew he had, at the canteen. This having been said before some of the men was likely to injure me.

The witness withdraws.

Thirteenth witness for the defence.—No. 111 Gunner William Bradford, N.S.W.A., being duly sworn, is examined by the prisoner.

Question 706: When and where did you see me on the 4th February, 1874?
Answer: I saw you after dinner in the passage, and I made some remark to you.
Question 707: Was I then sober?
Answer: To the best of my belief you were.
Question 708: Where and when did you next see me?
Answer: In George-street (the street just outside the barracks), about five or six minutes after I first spoke to you.
Question 709: Was I then in the hands of the picquet?
Answer: You were.
Question 710: Did you at any time see me strike or kick Acting Sergeant Collett, or attempt to do either?
Answer: I did not.
Question 711: State if you were in a position to see, and where that position was?
Answer: I was sitting on the bed in No. 11 room, I mean Gunner Button's bed, till the crash of a basin falling made me go to the window, and I then saw a struggle going on.
Question 712: What window did you look out of, where was I at the time, and state the nature of the struggle?
Answer: I went first to the window of No. 11 room, which is nearest to the officers' mess; I then went to the furthest window on the other side, facing the street; you were out in the street, I believe, but I cannot swear that Gunners Haywood and Mallon had hold of your arms and Acting Sergeant Collett had hold of your jumper. I think Barrett was behind, holding his arms round your waist; they were taking you to the barracks, and you were struggling against them; you appeared to object, and I think you said,—"Let me go Collett," or "Let me alone."
Question 713: In your opinion was it necessary to put me in irons?
Answer: No, I should think not.
Question 714: Was more violence used towards me than was necessary?
Answer: I think there was.
Question 715: In what way?
Answer: By your being dragged along by the escort on the ground, with the handcuffs behind your back, and general rough usage.

Question

Question 716: Suppose a man was confined for drunkenness at 5·30 o'clock p.m., what time would he be brought before his commanding officer?
Answer: I do not think until the third day after confinement.
Question 717: Did my resistance to the escort amount to more than a protest against the indignity put upon me?
Answer: I should say not.

Cross-examined by the prosecutor:

Question 718: How long have you been in the service?
Answer: Three months.

The prisoner declines to re-examine.
The witness withdraws.

Fourteenth witness for the defence.—No. 57 Gunner Samuel Bullard, New South Wales Artillery, having been duly sworn, is examined by the prisoner.
Question 719: When and where did you see me on the 4th February, 1874?
Answer: Outside the barracks, in the road, about a quarter-past 1 o'clock p.m.
Question 720: Was I then sober?
Answer: You were.
Question 721: Did you at any time see me strike or kick Acting Sergeant Collett, or attempt to do either?
Answer: I did not see you.
Question 722: State if you were in a position to see, and where that position was?
Answer: I was between the railings and the barrack buildings.
Question 723: Could I have attempted to strike Acting Sergeant Collett without your seeing me?
Answer: You could not.
Question 724: How many men had hold of me?
Answer: Two.
Question 725: How many men were around me?
Answer: I do not know.
Question 726: Did my resistance to the escort amount to more than a protest against the indignity put upon me?
Answer: You did not resist.
Question 727: Was more violence used towards me than was necessary; and, if so, state the nature of such violence?
Answer: I cannot say.

Cross-examined by the prosecutor:

Question 728: Might the prisoner not have struck or attempted to strike Acting Sergeant Collett before you saw him?
Answer: He did not strike him, and I saw the first of it, nor did he attempt to strike him.
Question 729: State in what position the prisoner was when you first saw him?
Answer: Two men had hold of him.
Question 730: Did you see the prisoner take off his coat and Gunner Mallon go towards him?
Answer: I saw the prisoner take off his coat and saw a man go towards him, but cannot say who it was.
Question 731: Had the two men hold of him when he took his coat off?
Answer: No.
Question 732: Did he take his coat off before or after the men took hold of him?
Answer: Before.
Question 733: How then have you sworn that the first time you saw the prisoner the two men had hold of him?
Answer: I can only say that I did see him before I saw him with the two men holding him.

Re-examined by the prisoner:

Question 734: State my position in reference to the guard-room when you first saw me, I mean outside in the street?
Answer: You were out in the street about 5 or 6 yards from the guard-room.

Examined by the Court:

Question 735: Where was the prisoner when he took his coat off?
Answer: In the street, about 8 yards from the guard-room.
Question 736: Where was the prisoner when the escort first took hold of him?
Answer: About 4 yards from the guard-room.
Question 737: What was the furthest point up George-street, counting from the guard-room, you saw the prisoner?
Answer: About 8 yards.
Question 738: In your opinion was there any unnecessary violence used towards the prisoner?
Answer: I do not think so.
Question 739: Did you see Acting Sergeant Collett throw or strike the prisoner?
Answer: I did not.
Question 740: Did you see the prisoner thrown by anybody?
Answer: I did, by several men, of whom Gunner Tait was one.
Question 741: Was it necessary to throw him on his back to take him to the guard-room?
Answer: I did not see him before he was thrown.

Upon the above evidence being read over to the witness,—
Correction: He points out that the statement he made that he saw the prisoner thrown was incorrect, but he saw him lying on his back with men round him.

At 4 o'clock p.m., 27th February, 1874, the Court adjourn until 10 o'clock a.m. on the 28th day of February, 1874.

Ninth day.

On the 28th day of February, 1874, at 10·45 o'clock a.m., the Court re-assemble pursuant to adjournment. Present—The Members as on the 27th day of February, 1874.

The trial is proceeded with.

The Court considering it desirable that the members should view the cell in which the prisoner was confined on the day he is alleged to have committed the offences with which he has been charged, proceed to examine the same.

The Court having viewed the cell return to its place of sitting, and the trial is proceeded with.

Fifteenth witness for the defence.—No. 3 Acting Quarter-master-sergeant Pat. M'Bride, N.S.W. Artillery, being duly sworn, is examined by the prisoner.

Question 742: How long were you in the Royal Artillery, and what position did you hold?

Answer: I served in the Indian and Royal Artillery over 21 years; I was rank and file non-c. officer for 3 years and 6 months, battery sergeant-major for 12 years, and brigade sergeant-major for the last 6 years of my service.

Question 743: From your experience have you ever seen a sergeant put in irons, and have you ever known a junior non-c. officer put his senior in irons?

Answer: Never.

Question 744: State the manner of putting a sergeant under arrest for drunkenness?

Answer: From my experience the non-c. officer to be placed in arrest is conducted to his room by another non-c. officer of equal rank, who gives him orders not to quit his room unless under escort, the circumstance to be reported to the non-c. officer in charge of the guard, and afterwards to the Adjutant and Commanding Officer. It is usual for the non-c. officer commanding the guard to be the second witness to see the prisoner.

Question 745: Were you in barracks from 1 to 5 o'clock p.m., 4th February, 1874, and are you the senior non-c. officer in the N.S.W. Artillery?

Answer: I was in barracks during that time; I am the next senior non-com. officer to the battery sergeant-major.

Question 746: Could a soldier be put in the guard-room as well as into the cells with equal safety to the interests of the service?

Answer: It depends upon circumstances.

Question 747: Would a man confined in the guard-room for supposed drunkenness be as safe in the guard-room, when not occupied by a guard, as in the cells?

Answer: If the guard-room was properly fitted up for the reception of prisoners, and the door locked.

The prosecutor declines to cross-examine.

Examined by the Court:

Question 748: Do you know anything of the circumstances connected with the struggle supposed to have taken place between the prisoner and an escort, on the 4th February, 1874?

Answer: I know nothing whatever about it.

Question 749: Would you believe Acting Sergeant Collett on his word or oath?

Answer: I would not believe him on his word; as regards his oath, I am bound to say yes.

Question 750: Why would you not believe him on his word?

Answer: From grossly exaggerated statements I have heard him make.

Question 751: Have you ever known Acting Sergeant Collett tell an untruth, or maliciously swear a false oath; such as would injure another person?

Answer: I do not know of any such case.

The witness withdraws.

Sixteenth witness for the defence.—No. 71 Gunner Charles Kenny, New South Wales Artillery, being duly sworn, is examined by the prisoner.

Question 752: Did you see me on the afternoon of the 4th February, 1874; if so, state the time, and whether I was drunk or sober?

Answer: I saw you between 1 and 2 o'clock, in the passage coming out of No. 6 room; you were sober.

Question 753: Did you see me after that?

Answer: I did; I saw you leaving the barrack-gate, going up towards the officers' quarters, about ten minutes after I first saw you.

Question 754: Did you see me kick or strike Acting Sergeant Collett, or attempt to do either?

Answer: I did not.

Cross-examined by the prosecutor:

Question 755: Did you hear anyone call after the prisoner, when you saw him going towards the officers' quarters; and, if so, what did they say; and who was it called out?

Answer: I heard Acting Sergeant Collett call after him; he called him by his name, and told him to come back?

Question 756: Did the prisoner take any notice of this?

Answer: I cannot say. I did not see him take any notice.

Question 757: Did you see the prisoner shortly after this walk or run towards Acting Sergeant Collett?

Answer: I did not.

The prisoner declines to re-examine.

Examined by the Court:

Question 758: Did you see an escort have hold of the prisoner; and did you see him subjected to any ill-usage in any way?

Answer: I did not see him at all in the hands of the escort; I only saw him walking up the street?

The witness withdraws.

Seventeenth witness for the defence.—No. 101 Gunner Edward Robert Pennell, N.S. Wales Artillery, being duly sworn, is examined by the prisoner.

Question 759: Did you see me on the afternoon of the 4th February, 1874; and, if so, state what time; and whether I was drunk or sober?

Answer: I saw you sometime on the 4th February, about dinner-time I think, with a fatigue party; you were sober.

Question

Question 760: When I had been put into the cell did you observe the shutter closed; and did I demand water?
Answer: I saw the shutter closed; and you did ask for water.
Question 761: Was that demand satisfied?
Answer: Not while I was at the window.
Question 762: How long were you at the window; and could my demand be heard.
Answer: About four minutes; your demand could be heard.
The prosecutor declines to cross-examine.

Examined by the Court:

Question 763: Did you see the prisoner placed in the cell; and by whom?
Answer: I did; by three or four men.
Question 764: Did you see the prisoner ill-treated in any way?
Answer: I saw him being dragged to the cell.
Question 765: Was it necessary to drag him there?
Answer: It was necessary part of the time but unnecessary the other part.
Question 766: Did you see the prisoner strike or attempt to strike Acting Sergeant Collett, or did you see the prisoner thrown down by Acting Sergeant Collett?
Answer: I did not see the prisoner strike or attempt to strike Acting Sergeant Collett, nor Sergeant Collett throw him down; I was not there at the beginning.
Question 767: When the prisoner was placed in the cell did he go quietly, or had the picquet to use force to place him there?
Answer: They had to use force.
Question 768: Would you believe Acting Sergeant Collett on his word or oath?
Answer: I would in both cases.
Question 769: Did the prisoner call loudly for water?
Answer: He did, as I heard him from one of the top windows of the barracks?
The witness withdraws.

Eighteenth witness for the defence.—No. 26 Gunner William Rowley, N.S. Wales Artillery, being duly sworn, is examined by the prisoner.
Question 770: Did you hear the sergeant-major say in the boat that Acting Sergeant Collett was one of the biggest liars in the battery, and was that said in a joke?
Answer: I did hear the sergeant-major say it, but I cannot say whether it was in a joke or not.
The prosecutor declines to cross-examine.
The witness withdraws.

Nineteenth witness for the defence.—No. 90 Gunner Arthur George Leer, New South Wales Artillery, being duly sworn, is examined by the prisoner.
Question 771: Did you hear the sergeant-major say in the boat that Acting Sergeant Collett was one of the greatest liars in the battery, and was that said in a joke?
Answer: I heard him say words to that effect, and do not believe they were said in joke.

Cross-examined by the prosecutor:

Question 772: How many men were in the boat on the occasion referred to?
Answer: I do not know, but the boat was full.
Question 773: Name them, or some of them?
Answer: The only one I am sure of was Gunner Craven; Gunner Stack, I think, also was one.

Re-examined by the prisoner:

Question 774: Was this said in the hearing of those in the boat?
Answer: Yes.
The witness withdraws.
The prisoner at this stage of the proceedings requests an adjournment to enable him to have a private interview with the witness he intends to produce, and with whom he has had no opportunity of meeting, and the Court therefore acquiesce in the prisoner's request.
At 12·45 o'clock p.m. the Court adjourn until 1·45 o'clock p.m. on the same day.
An application for a further adjournment until 3·30 o'clock p.m. having been made by the prisoner, with a view of his obtaining the attendance of one of his witnesses, unavoidably absent, the Court grant a further adjournment until 3·30 o'clock p.m.
The Court re-assemble pursuant to adjournment, all the Members being present.
The trial is proceeded with.

Twentieth witness for the defence.—Dr. George Holmes Alloway, M.D., being duly sworn, is examined by the prisoner.
Question 775: Have you examined me and do you find anything the matter with my heart?
Answer: There is no organic disease, but you have what we call a nervous heart.
Question 776: Have you examined my arms and wrists, and, if so, will you state to the Court the result of such examination?
Answer: I have done so; your wrists are large in proportion to your body; the length of your arms are slightly shorter than the medium for a man of your height and build.
Question 777: Have you visited the cell—will you state to the Court your opinion of it as a place of confinement, taking into consideration the windows being closed, the temperature on the 4th February, 1874, as 115° 2′ in the sun, and 78° 5′ in the shade?
Answer: I have visited the cell, and consider that although on a cool day, with the window closed, it would not be injurious to you, the prisoner; yet, if the temperature was such as is stated in the question, the cell would be injurious to a man either labouring under strong mental excitement or drunkenness.
Question 778: Do you think that the irons being placed on me with my hands behind my back for a space of three hours would have caused me agony?
Answer: Yes, most decidedly.

Question

Question 779: Your opinion is asked in the case of a man not being drunk, so confined, with the irons as placed on me,—strong mental excitement, unhealthy action of the heart, closeness of atmosphere;—would it result in total unconsciousness; I mean when the irons had been placed on me with my hands behind my back?
Answer: It is quite possible; indeed I think probable.

Cross-examined by the prosecutor:

Question 780: Have you observed if the cell has any other means of ventilation besides the window?
Answer: Yes, there are two small ventilators above, which are perfectly useless.
Question 781: Is there no other way in which air can come into the cell?
Answer: A little round the door.

The prisoner declines to re-examine.

Examined by the Court:

Question 782: Would the symptoms produced by a man being placed in the cell as alluded to, for several hours, with his hands handcuffed behind him, with unhealthy action of the heart and closeness of atmosphere, presuming that he had been under strong mental excitement, be such as a medical man would be likely to confound with the symptoms caused by drunkenness.
Answer: Not at all; they would be quite different.
Question 783: For what time would it be necessary to keep the shutter closed to produce on a man the injurious effects you have mentioned?
Answer: I should say about two hours in the case of the prisoner, presupposing that he had been labouring under strong mental excitement previous to being placed in the cell.
Question 784: Would the injurious effect be produced quicker in the case of a man who had been subjected to strong mental excitement previously?
Answer: Most decidedly.
Question 785: Are you a legally qualified medical practitioner?
Answer: I am.

At 4·30 o'clock p.m. the Court adjourned until 10 o'clock a.m. on the 2nd day of March, 1874,—

The Court having sat beyond the usual hour to enable the evidence of the last witness to be completed.

Tenth day:

On the 2nd day of March, 1874, at 10·45 o'clock a.m., the Court re-assembled, pursuant to adjournment. Present—The same Members as on the 28th day of February, 1874.

At this stage of the proceedings the Court proceed to recall certain witnesses from whom it is deemed desirable to elicit certain information in matters bearing on this case.

No. 88 Acting Bombardier Robert William George, N.S.W.A., is questioned by the Court upon his former oath.
Question 786: At what time on the afternoon of the 4th February, 1874, was the shutter of the cell in which the prisoner was confined, opened?
Answer: Between 3 and 4 o'clock p.m., I believe, but I am not quite certain.
Question 787: At what time on the afternoon of the same day were the handcuffs taken off the prisoner?
Answer: At about 4 o'clock p.m., I think a little before, but I am not quite certain as to the time.

No. 75 Gunner John Bullen, N.S.W.A., is questioned by the Court on his former oath.
Question 788: At what time on the afternoon of the 4th February, 1874, was the shutter of the cell in which the prisoner was confined, opened?
Answer: At 3·30 o'clock p.m., or 3·40 o'clock p.m., the same time as the handcuffs were taken off.

No. 72 Gunner John Craven, N.S.W.A, is questioned by the Court on his former oath.
Question 789: At what time on the afternoon of the 4th February, 1874, did the prisoner now before the Court have a fit?
Answer: About twenty minutes to 3 o'clock p.m.
Question 790: Did you see the prisoner in the cell in a fit, and had he handcuffs on?
Answer: I did. I saw him in a fit, but cannot state whether he had handcuffs on or not; Sergeants Garty and Griffith, N.S.W.A., were there at the time.

No. 6 Sergeant John Griffith, N.S.W.A., being duly sworn, is questioned by the Court.
Question 791: Did you see the prisoner in a fit on the afternoon of the 4th February, 1874?
Answer: I saw him recovering from a fit about half-past 4 o'clock p.m., at which time the shutter was opened and the handcuffs were off the prisoner.

No. 5 Acting Sergeant Collett, N.S.W.A., is questioned by the Court on his former oath.
Question 792: At what time on the afternoon of the 4th February, 1874, was the shutter of the cell in which the prisoner was confined, opened, and at what time were the handcuffs taken off Sergeant Harris?
Answer: It may have been 4 o'clock, or it may have been after when the handcuffs were taken off. I think the shutter was opened a little before, but I am not quite certain.

The witness withdraws.

At 12·15 o'clock p.m. the Court adjourned until 12·30 o'clock p.m. of the same day, to enable a witness now absent from the barracks to be re-called.

The Court re-assembled pursuant to adjournment, all the Members being present.

The trial is proceeded with.

No. 1 Battery Sergeant-major Henry Green, N.S.W.A., is questioned by the Court on his former oath.
Question 793: At what time did you visit the cell in which the prisoner was confined, and was the shutter then opened and the handcuffs off Sergeant Harris, on the 4th February, 1874?
Answer: I think it was between 4 and 5 p.m.; the shutter and door were then open; the handcuffs were off, and the prisoner was lying on his back; I then went and reported to Major Airey, on which the doctor was sent for.

The witness withdraws.

The prisoner here states that he has no more witnesses to call in his defence.

The

The prosecutor requests permission to bring evidence in reply to re-establish the credibility of a witness which has been impugned by evidence tendered by the prisoner.

The prisoner replies that he is in the hands of the Court.

The Court will receive evidence in reply to the extent of re-establishing the credibility of the witness alluded to.

No. 62 Bombardier Walter Pope, N.S.W. Art., being duly sworn, is examined by the Court.

Question 794: Were you present in the boat when Sergeant-major Green, N.S.W.A., stated that Acting Sergeant Collett was one of the greatest liars in the battery, or words to that effect?

Answer: I was.

Question 795: Did Sergeant-major Green say this by way of joke, or otherwise?

Answer: In my opinion he said so in a joke.

Cross-examined by the prisoner:

Question 796: Was your name coupled with Acting Sergeant Collett's in this matter?

Answer: Yes, it was, and also another non-commissioned officer.

This witness withdraws.

In reply to a question from the Court, the prosecutor says that it is not his intention to call further evidence.

The prisoner requests permission to adduce evidence to meet that now brought forward by the prosecutor.

The Court will receive such evidence limited in the same manner as that of the prosecutor.

No. 61 Gunner William Swan, N.S.W.A., being duly sworn, is examined by the prisoner.

Question 797: Did you hear the expression in reference to Acting Sergeant Collett, Bombardier Pope, and another non-commissioned officer being liars made by the sergeant-major, and did you regard it as a joke?

Answer: I heard such an expression used, and I thought it was in earnest.

Examined by the prosecutor:

Question 798: Would you believe Sergeant-major Green on oath?

Answer: Yes.

The prisoner declines to re-examine.

The witness withdraws.

No. 72 Gunner John Craven, N.S.W. Art., is examined by the prisoner on his former oath.

Question 799: Did you hear the Sergeant-major call Acting Sergeant Collett one of the greatest liars in the battery, and did you regard it as a joke?

Answer: Yes, I heard him make use of such an expression, but I believe he said it in a joke.

The prosecutor declines to cross-examine.

The witness withdraws.

No. 79 Gunner Thomas Kerr, N.S.W. Artillery, being duly sworn, is examined by the prisoner.

Question 800: Did you hear the sergeant-major call Acting Sergeant Collett one of the greatest liars in the battery; have you often heard a similar expression, and did you regard it as a joke?

Answer: I did hear the sergeant-major call Acting Sergeant Collett a liar, and I believe it was in earnest.

Cross-examined by the prosecutor:

Question 101: Would you believe the sergeant-major on oath?

Answer: I would.

The prisoner declines to re-examine.

The witness withdraws.

At 1·15 o'clock p.m. the Court adjourns until 2 o'clock p.m. on the same day.

The Court reassemble pursuant to adjournment, all the Members being present.

The trial is proceeded with.

The prisoner reads an address which is marked A2, signed by the President, and attached to the proceedings.

The prisoner closes his defence.

The Court is cleared for the purpose of considering the finding.

At 4·30 o'clock p.m. the Court adjourn until 10 o'clock a.m. on the 3rd day of March, 1874, having sat beyond the usual hour for the purpose of completing its deliberations on some of the charges.

Eleventh day:

On the 3rd day of March, 1874, at 10 o'clock a.m., the Court re-assemble, pursuant to adjournment. Present—The same Members as on the 2nd day of March, 1874.

The trial is proceeded with.

At 1 o'clock p.m. the Court having been occupied in deliberation during the morning adjourn until 2 o'clock p.m. on the same day.

The Court reassemble pursuant to adjournment, all the Members being present.

The trial is proceeded with.

Finding:

The Court find that the prisoner, No. 8 Sergeant William Henry Harris, N.S.W. Artillery, is—

Guilty of the first charge.
Not guilty of the second charge.
Guilty of the third charge.
Guilty of the fourth charge.
Guilty of the fifth charge.
Guilty of the sixth charge.

Proceedings before Sentence:

The Court being re-opened the prisoner is again brought before it.

Captain Warner Spalding, N.S.W. Artillery, is duly sworn.

Question: What record have you to produce in proof of former convictions?

Answer: There are none.

Question:

Question: Is the prisoner under any sentence at the present time?
Answer: No.
Question: What is the prisoner's general character?
Answer: Good.
Question: What is his age?
Answer: 29¼ years.
Question: What is the date of his attestation?
Answer: 8th August, 1871.
Question: What service is he allowed to reckon towards his discharge?
Answer: Two years and one hundred and ninety-six days.
Question: Is the prisoner in possession of any decorations or honorary rewards?
Answer: No.
Question: How many instances of drunkenness are recorded against the prisoner?
Answer: There are no entries.

The Court is again cleared.

Sentence:

The Court sentence the prisoner No. 8 Sergeant William Henry Harris, N.S.W. Artillery, to be reduced to the ranks, and further to be imprisoned with hard labour for forty-two (42) days in the military prison, Victoria Barracks, Sydney, New South Wales.

Signed at Sydney, N.S.Wales, this 3rd day of March, 1874,—

W. B. B. CHRISTIE, Capt.,
President.

Confirmed.—HERCULES ROBINSON, 6th March, 1874.

Promulgated at Dawes' Battery on the 6th day of March, 1874.

GEO. J. AIREY,
Major, Com. N.S.W. Artillery.

A. 1.

Major Airey to Captain Christie.

Dawes' Battery,
27 February, 1874.

Sir,

It having come to my knowledge that during the proceedings of the Court-martial now sitting, No. 8 Sergeant W. Harris, the prisoner, made a statement yesterday afternoon to the Court to the effect "that I had stop't one of his witnesses when coming out of the Court, and told him I had got him now, and would punish him to the extent the Queen's Regulations allowed," and although the Court may not attach much importance to such statement, the confirming officer, and such legal authority as may afterwards read the proceedings, might be inclined to think that a vindictive spirit was shown to one of the prisoner's witnesses,—I therefore pray your honorable Court will exercise their right of re-calling me on my former oath, to allow an unqualified denial to be given this statement of the prisoner's. In event of your honorable Court considering it necessary to accede to this request, I respectfully solicit that this letter may be read in open Court and attached to the proceedings.

I have, &c.,
GEO. J. AIREY,
Major, Commanding N.S.W. Artillery.

W. B. B. CHRISTIE, Capt., President, 27/2/74.

A. 2.

THE defence of Sergeant W. H. Harris, N.S.W. Artillery, to the President and Members of a Garrison Court-martial, which assembled on Thursday, 19th February, 1874.

This defence is read by the prisoner on Monday, the 2nd March, 1874.

Gentlemen,

I desire at the commencement of this defence to offer you my thanks for the very evident care and attention that you have bestowed upon this trial, and I may say I regard myself as being fortunate that I have been tried by such just and equitable officers. The objections raised by me at the opening of this Court were not at all personal objections. I was advised to object on the grounds that this Court was not properly constituted. The objection was over-ruled by this Court, and as it now forms a question for the confirming authority to decide, I leave it without any more remarks for such decision.

The objection against Lieutenant Russell, on the ground of bias and prejudice, was also disallowed on the assumption that Major had not informed Lieutenant Russell that "Sergeant Harris was the leader and getter-up of the late agitation in this battery."

Major Airey's denial of this was not so satisfactory as it might have been if a simple *no* had been given to my question instead of the ambiguous "I cannot remember." Lieutenant Russell must be conscious at this moment whether the Major has told him or not. I can fancy that the credibility of the person who told Major Airey that I had stopped an M.P. in the streets, to talk to him of the affairs of this battery, has been directly impugned by the answer of the M.P. indicated, that he had never to his knowledge seen me until that morning. It may have been thought that the interests involved in this trial are so unimportant that it is a matter of surprise that it has lasted so long, but all things are relative.

The safety of my rank, a simple sergeant, is of so much importance to me as the safety of an officer's commission would be to that officer, and I think this honorable Court will agree with me that a prisoner has an undoubted right to defend himself to the best of his power, and understanding against charges that he may be guilty, how much more so should he defend himself against charges that he is conscious he is not guilty of?

The Members of this Court are probably aware that considerable delay arose before I was brought to trial, and this was not owing to any action that I took in the matter; in fact, I was impatient to be tried, as was natural, considering that my arrest was one of close confinement.

I consider that I have some reason to complain of such delay, it being both unreasonable and inconvenient; but I have more reason to complain of the manner in which some of the members of the original Court-martial changed their vocations, Captain Spalding becoming prosecutor, Lieutenant Lindeman witness for the prosecution, Major Airey (whom I had called for the defence) considered that it was unadvisable to act as prosecutor, reserving for himself, as it turns out, the *role* of a witness for the prosecution. All this was owing to Major Airey's great anxiety that a preponderance of officers of the battery should not sit on my trial; hence he had applied for the services of two staff officers. Of course such anxiety is duly appreciated by the prisoner when he finds arrayed against him no less than three commissioned officers, an affair unheard of in the annals of trial by Court-martial.

I must now speak of an affair which it is painful for me to mention as for you to hear; I allude to the way in which Gunner Craven had been spoken to by his commanding officer in reference to the evidence that he had given for the defence. This action on the part of the commanding officer showed he was extremely hostile to me, but it was a false step on his part to take, because anything coming before this honorable Court, showing a disposition to be unjust to the prisoner or his witnesses on the part of the prosecution, must have a contrary effect to what the prosecution so much desires. I need not dwell any longer upon this unpleasant subject, but pass at once to the main business of my defence.

1*st Charge.*—For having used threatening and offensive language towards Acting Sergeant Collett.

Sergeant Lanigan says that he was so engaged with the newspaper and general comforts of the sofa that he does not know who commenced the conversation; and as Gunner Colbourne, the mess waiter, was present, and could hear everything, says that the words used were different words to those words that Lanigan and Collett speak of. I imagine that Collett might have used the words to me for all Lanigan could be positive about, and it shows he was not positive, or else why did he not take the proper course at once; that is, to have placed me under arrest? This argument is strengthened by the admission of every witness the question was put to—"The prisoner is of a quiet inoffensive disposition." Now, as against Sergeant Collett this Court has before them his own evidence, viz., in answer to the question—"Were you ever ejected from the sergeants' mess?" He says—"I was not ejected from the sergeants' mess to my knowledge," though (he added) there was some sort of scrape, and he had called a non-commissioned officer a *mean man*. Sergeant Lanigan corroborates this very *markedly*, by throwing himself on the protection of this Court on being asked a similar question. Now this proves that Sergeant Collett is naturally of a quarrelsome disposition, and he himself admits that "I did not *taunt* you with my being in the canteen so long until you spoke to me."

In reading over Sergeant Collett's evidence, and remembering his demeanour before this honorable Court, one is struck by the contradictory nature of such evidence. He says in evidence-in-chief that the sergeant-major came down and placed me under arrest. The sergeant-major further says, that Collett was present there at the time of such arrest. Again, Collett says, "I did not see the prisoner placed under arrest. I heard sergeant-major say 'Place him under arrest.' I heard sergeant-major say, 'You are a prisoner—go to your room.' I did not hear the sergeant-major say, 'You are a prisoner—go to your room.' I cannot say what words the sergeant-major made use of, &c., &c." If he is to be believed, it considerably damages the theory of the prosecution that I was properly placed under arrest, because he has implied that the sergeant-major had not placed me under arrest, but would do so. Collett's dinner-hour is a little past 1 o'clock; the canteen is kept closed to the last moment. What did he want in the sergeants' mess that day? He says that he wanted some brandy; Colbourne says it was lemonade; the latter is true, as there had been a dispute between Collett and myself in reference to this very lemonade. This will show to the Court the recklessness of this man's assertions. I have reduced the evidence on this charge down to a minimum, and even the remainder should be received with great caution. Again, while engaged with Collett in the alleged dispute, I was either drunk or not drunk; if drunk it places Collett's conduct in question by sustaining a conversation with a drunken man, *his* superior officer, and not being drunk, as I shall prove to the satisfaction of this honorable Court, such conduct is unreconcilable with my previous character.

2*nd Charge.*—Having, on the 4th February, 1874, been drunk.

This honorable Court is no doubt surprised at the great disparity in the number of witnesses who swear I was sober to the number who swear I was drunk. There are eighteen witnesses for the former theory, and seven witnesses for the latter.

The Court has sufficient evidence before it to enable it to trace me from the barracks to the Commissariat, accompanied by two gunners. You have the evidence of those two gunners. You have the evidence of Messrs. Newman and Small, as also that of Gunner Edwards. You have evidence that I left the Commissariat yard at 10 minutes to 1 p.m. You can determine how long it would take a man to walk down (accompanied by two men with a hand-cart to drag) from the Commissariat yard to the barracks. You have the evidence of Gunner Colbourne, whom I then saw and spoke to. You have the evidence of Corpl. Walsh, to whom I had entrusted the keys of the mess. You have evidence that while in No. 11 room I inquired for a book. What on earth does a drunken man want with a book?—this book was called the "Life of Louis XIV." You have evidence that after the unpleasantness in the mess, I spoke to Bombardier Swinbourne, Webster, Colbourne, Rogers, Bradford, Johnson, Kenny, who all say that I was sober. You have the evidence of Gunner Mallon, whom I spoke to, and you have also the evidence of Bombardier Tate, Gunners Lynch and Haywood, who from their duty came into immediate contact with me; Gunners Pemmell and Bullard also saw me at other times during the afternoon.

Now it is my duty to place before the Court the other side of the picture, and I will try to analyze the testimony of the witnesses for the prosecution. Sergeant Collett is the first. The Court must determine whether they will or they will not receive his testimony with great suspicion. I conceive it is such a difficult matter to advance, that a man who is notoriously untruthful will be just as untruthful on his oath if it suits his purpose to do so. It becomes my duty to inform the Court that this man is next in succession to the rank of sergeant; that this man, to cover himself with the consequences of his illegal acts on the afternoon of the 4th February, 1874, would be to his interest to say that I was drunk, arguing this way—"If I can prove him drunk it follows as a matter of course that he was *riotous*," and if riotous my cruelty is justified. Sergeant Lanigan, his bosom friend, has said that he would not believe Sergeant Collett on his oath, but that was only said in joke; such ghastly jokes seem to be flying broadcast in this Force. Sergeant-major Green, the senior non-commissioned officer, the pattern for the rest of the

non-commissioned officers, speaks of Sergeant Collett as being one of the biggest liars in the battery, at the same time coupling such an expression with the names of two other non-commissioned officers. This was another joke, but this Court has got evidence that it was not so regarded. It is not for me to point out to this Court that such expressions, coming from a man in such a position, to a boat-load of men, is still another proof that there is something wrong somewhere.

Gentlemen, I appeal to you,—can anything be dearer to a man than his own truth, and the estimate his own comrades form of him in that respect? It is monstrous to suppose that such sacred things as a man's truth and probity should be bandied about from man to man by way of a joke. You have doubtless marked the hesitancy with which witnesses met the question about Sergeant Collett's being believed on his oath, but most all were decided about not believing him on his word. Independently of his Baron Munchausen style of exaggeration there must be something wrong in a man whom people are dubious to believe on his oath.

Sergeant Lanigan's evidence cannot go for much. He says "that he took me to be drunk from my manner." He was some time, however, before he arrived at this conclusion, and as it is patent to every one that I am of an excitable nervous disposition, it may have suggested to this witness that I was drunk. Gunner Colbourne, who was present and quite unbiased, says that I was sober.

Sergeant-major Green admits that Collett came up to him and told him I was drunk, so when he came down he had prejudged the case. This witness further says, that he never saw me drunk before, and that he would have passed me for not being drunk had it not been for my manner and appearance. Clearly a doubt existed, and existed until the following day, or how can the prosecution account for the fact that I was confined, 1·30 p.m., 4th February, saw the Doctor next morning, *passed as fit*, and saw the officer commanding on 5th February at 1·30 p.m. Now, I maintain, and it has been proved in evidence, that a *drunken man confined for being drunk* would not have seen the commanding officer until 9·30 a.m., 5 February. This implied a great doubt existed as to there being able to prove me drunk.

Gunner Barrett's evidence amounts to this, that he considered that I was drunk, and so I take it, would any old soldier think so who saw a sergeant in the hands of a picquet with irons on?

Lieutenant Lindeman and Major Airey's evidence,—they apparently did not take a close inspection of the prisoner, and judged me drunk by my manner.

Dr. Bedford's evidence amounts to this, that he was sent for from Paddington to see Sergeant Harris, who had had a fit. He never inquires the reason why Sergeant Harris happens to be in a cell; it was not natural that he should so inquire; he came down to the cell quite as a matter of course; he does not recollect any one telling him that I had been drunk or riotous. Now I put it to the Court whether a doctor would not naturally be surprised at a man being in a cell in a fit; would he not inquire how he came there before he went to see him? He did not even know that I had been in irons; he did not know that the window of the cell had been closed, but with a very slight inspection he found that I was recovering from the effects of drink, and unfit for duty. In connection with this you have another doctor's evidence, and they agree in nothing, except that Dr. Bedford thinks the irons might be painful, placed as they were. But Dr. Alloway, who had examined the length of my arms and wrists, and found them shorter and larger than is customary in a man of my build. But it is proverbial that doctors' disagree, and patients suffer, but it is rarely that such disagreements extend to the fundamental principles of their profession. The Court is aware that nearly the same questions were asked each doctor, with exactly different results. On the following question, however, I wish to draw the attention of this Court:

Question: Do you not think that violent exertion of the body, pain through irons so placed on me, unhealthy action of the heart, irritation, closeness of the atmosphere, &c., would cause the symptoms you observed in this case?

Answer: Yes, symptoms somewhat similar.

The same question was put by the Court to Dr. Alloway, and his answer was, "Oh no—symptoms exactly the reverse." I don't think I need take up any more time on this subject—it is for you to determine which is the most competent of the two—Dr. Alloway, a military surgeon of twenty years standing and a present large practice, or Dr. Bedford, a much younger man, with little experience comparatively?

3rd Charge.—Having at Sydney, whilst under arrest, broke such arrest.

This Honorable Court must go into this charge with their minds thoroughly made up that I was not guilty of the last charge, nor of the first. I allude to the two former charges, and this being so it was clearly wrongful to put me under such arrest. The sergeant-major quoted glibly enough the standing orders of the Royal Artillery, so that proves that he did not act through ignorance. Major Airey admits, on cross-examination, that these standing orders have been adopted by him for the guidance of the affairs of the battery; also, that they have been read out at the head of the battery, and any divergence from such "orders" have been punished by him as commanding officer. The "standing orders" directs that a non-commissioned officer placed under arrest for being drunk the two senior non-commissioned officers should be sent for." Why was not this done in my case; we have proof that Sergeant M'Bride was in barracks, and if he had said that I was drunk it would have materially strengthened the prosecution; and if he had said I was sober I should not at this moment be standing before you in such an unfortunate position. I must needs inform the Court, in explanation of the above, that the usual plan of placing any one in confinement for being drunk in this Force, is to send for non-commissioned officers to look at the prisoner, and, if doubt exists, take the opinion of the majority, and either release such prisoner or keep him in confinement, as the case may be.

You have evidence before you, and you also know, gentlemen, from your own military experience, that it is absurd to suppose that a non-commissioned officer, who was supposed to be drunk, should be allowed to roam about the place or barracks as he liked.

You have evidence that I was going to seek the advice of Major Airey on these untoward matters, and while proceeding there I was pounced upon by an escort and dragged back.

Gentlemen, I now ask for your acquittal on this charge, as I never could break an arrest that never existed, and it is proved that I was not out of the precincts of the barracks, and there is no law to prevent me seeing my commanding officer. And, gentlemen, it must be quite a new thing for you to know that any officer or non-commissioned officer should seek to put any construction on the "standing orders" but the correct one; it does not admit of the excuse that it was not necessary, or "he did not think it was necessary to send for Sergeant M'Bride." I consider that every one alike has a common duty to one another, and when "orders" such as these are promulgated for the guidance of every one concerned, they

they are so plain, and admit of no two constructions; and if, gentlemen, by your judgment to-day, you find that this "standing order" need not have been carried out in its entirety, then abuses will surely creep in, and there is an end of that "faith" that every soldier should possess that he will never be subject to wrong or oppression.

4th Charge.—For having refused to give up the keys of the sergeant's mess.

I know of no law which compels a man to give up the keys of his own property; and this was another subject upon which I was going to seek the advice of the commanding officer.

5th Charge.—For having wilfully assaulted Acting Sergeant Collett.

As there is no evidence against me on this, but a great number of witnesses to prove that I did not assault Sergeant Collett, I do not see the necessity of taking up the time of the Court any further on this matter.

6th Charge.—For having resisted the escort, and offered violence to the same.

In dealing with this charge I must first draw the attention of the Court to the extraordinary statement of Sergeant Collett's, that it took "half an hour to take me to the cells;" this must be taken *cum grano salis*. This is a deliberate untruth, and sworn to by that witness, and so the prosecution must have thought, as they did not put any questions to other witnesses to confirm this statement. How absurd to imagine that a man of my *physique* could resist successfully the united efforts of four or five men who have been proved to have taken me to the cell, and then half an hour was expended in this manner. Again, the prosecution stated a theory that Gunner Mallon alone ran up to me; but there is another witness who says that, "Mallon was running to and fro under contradictory orders, and so I imagine that while so engaged other men were sent out to assist him;" and this theory is strengthened by Mallon's own admission, that "he was accompanied by Gunners Tate, Haywood, Barrett; and there were others whom he does not remember." Gunner Haywood admits that he received orders from Sergeant Griffiths to go after me. All this was irregular. Do you not think, gentlemen, that a non-commissioned officer of my own rank, might have been sent for me; but no, the indignity would not be complete without I should be dragged and maltreated by four or five men; so here was presented the imposing *spectacle* of a sergeant being in the hands of an escort, pulled this way and then another, one moment thrown over, the next dragged by the heels,—all this treatment being countenanced and approved of by three of my brother non-commissioned officers—my particular good friends.

As to the fact of my pulling off my coat, the evidence is contradictory; but the matter is unimportant; it is only suggestive as an excuse for the men who has so handled me, that I was more like one of themselves with my coat off. But I would call the attention of the Court that the evidence goes to prove that I had my coat on when Sergeant Collett was calling after me—such a call I never heard—and it is very probable that I could not hear it, being away from him a distance of forty yards and I brooding on my troubles. So far the presumption is that my coat was pulled off my back by the escort.

You have heard, gentlemen, that Sergeant Collett, my junior, put me in irons and in the cells, and shut the window of that cell with the sun at 115° 2′. You have heard from witnesses that I was quiet when I was put in the cells, as I had good reason to be, being nearly stupified with such treatment. You have also heard the manner I was put in irons—how I was laid on my stomach—how four men knelt on me—how, after being locked in the cell, water was denied me—how when being desirous to go into the rear I was coolly asked whether I could not dispense with the irons being taken off me. Now I ask this honorable Court to picture to themselves the case of a man like myself, of good repute, who has hitherto held up his head in the world, who is respected by a large circle of friends, was treated in such a manner as I have only but imperfectly pourtrayed; and whether in all their military experience they have ever seen a soldier, a non-commissioned officer (not a murderer) treated in such a way as you have evidence of; and I suppose it is quite a unique fact that the non-commissioned officer should, in the manly way as described, kick a prisoner's legs, and the said prisoner in irons at the time?

And now, gentlemen, my labour draws to a close. I am as heartily sick of the whole affair as you perhaps are. I ask you to consider the fact of my respectful demeanour before this Court to give me the benefit of any doubts that may arise; to take into your favourable consideration my previous good character, and pause before you condemn an unfortunate man to certain disgrace—pause before you by your act on this trial cause me to hang my head in shame where I have always held it up with pride. But I confidently believe that you will, by your verdict, relieve me from this unpleasant position, and send me forth into the world a chastened and a wiser man.

Sydney Observatory,
4 February, 1874.

Temperature in shade ..... 78° 5′ 3 p.m.
Do. Sun..... 115° 2′

H. C. RUSSELL,
Government Astronomer.

Sergeant Harris to Captain Weigall.

Dawes' Battery,
Sydney, 15 January, 1874.

Sir,

In answer to your advertisement in the *Sydney Morning Herald*, I, with the concurrence of my commanding officer (Major Airey), beg to offer myself as a candidate for the position of Drill Sergeant and Janitor to the Sydney Grammar School.

I am at present a Sergeant of the New South Wales Artillery—29 years of age, married, of fair education, active, energetic, sober, and honest—well acquainted with all military matters, and thoroughly competent to instruct in all matters connected with infantry drill (included in the Field Exercise Red Book), and also competent to instruct in musketry. My discharge from the New South Wales Artillery would follow my appointment, and Major Airey's endorsement on the back of this is, I think, a sufficient guarantee as to the respectability of my character, and my position as Sergeant in the New South Wales Artillery speaks for itself.

Should you appoint me, I would spare no effort to prove myself worthy of your consideration.

I am, &c.,
W. H. HARRIS,
Sergt., N.S.W.A.

I can strongly recommend this N.C. officer.—GEO. J. AIREY, Major C.N.S.W.A., 15/1/74.
I also beg to recommend this non-comd. officer to your favourable consideration.—THOS. BAYNES, Capt., 19/1/74.

Captain Christie to Lieut.-Colonel Richardson.

Sydney, New South Wales,
3 March, 1874.

Sir,

When forwarding the proceedings of the Court-martial held for the trial of Sergeant Harris, N.S.W.A., the Court deem it advisable to state, with reference to the incident alluded to in page 83 of the proceedings, that they have no reason to believe that the witnesses for the defence failed to give any evidence favourable to the prisoner which it was in their power to give.

They also think it their duty to state that in their opinion the closing of the shutter of the cell in which the prisoner was confined on the afternoon of the 4th Feb. was unnecessary and improper, inasmuch as by doing so the custody of the prisoner was not rendered more secure, whilst the ventilation (to facilitate which the window was presumably placed there) was interfered with.

I have, &c.,
W. B. B. CHRISTIE, Capt.,
President, Garrison C.M.

A 3.

Certificate of Staff-assistant Surgeon Bedford.

I CERTIFY that No. 8 Sergeant William Harris, of the New South Wales Artillery, is in a good state of health, and fit to undergo imprisonment—solitary or otherwise—and with or without hard labour, and that his present appearance and previous medical history both justify the belief that hard labour employment will neither be likely to originate nor reproduce disease of any description.

W. J. G. BEDFORD, Staff Asst. Surgeon,
Reg. Mil. For.

Garrison Hospital, 3/3/74.

W. B. B. CHRISTIE, Capt., President, 3/3/74.

LIEUTENANT-COLONEL RICHARDSON to HIS EXCELLENCY THE GOVERNOR.

Brigade Office,
Sydney, 6 March, 1874.

YOUR EXCELLENCY,

I have the honor to forward the accompanying proceedings of a Garrison Court-martial, held on the non-commissioned officer named in the margin, together with President's covering letter of 3rd instant, to the first paragraph of which I have to draw your Excellency's attention.

N.S.W. Art. No. 8 Sergt. W. H. Harris.

I may remark that it is most desirable that no suspicion whatever should exist as to the fact of the prisoner having had the benefit of a fair and impartial trial, and accordingly it may seem advisable there should be inquiry into the matter specially referred to, provided Your Excellency is of opinion that the explanation is unsatisfactory.

With reference to prisoner's complaint as to the delay in assembling the Court, and to the changes in the composition of the same, I have to inform you there was no unnecessary delay, and that the changes were necessitated by the original prosecutor, Major Airey, having to give evidence, which prevented him acting in the before-named capacity, it being laid down in Military law that the prosecutor is not to be a witness if it can be avoided. Captain Spalding was then detailed as prosecutor. Subsequently, Lieutenant Lindeman was required as a witness, thus necessitating a further change. I fail to see that the prisoner's case was in any way damaged by this necessary alteration of detail.

I have, &c.,
JOHN S. RICHARDSON, Lt.-Col.,
Commandant.

Brigade Office,
Sydney, 13 March, 1874.

GARRISON ORDER.

A COURT of Inquiry, consisting of Lieutenant-Colonel Richardson, Commandant, Captain Christie, Major of Brigade, and Captain Baynes, Brigade Pay and Quarter-master, will assemble at the Artillery Barracks, to-morrow, at 10 a.m., to investigate and report upon such matters as may be brought before it.

By Command,
W. B. B. CHRISTIE, Captain,
Major of Brigade.

Brigade Office,
Sydney, 13 March, 1874.

GARRISON AFTER ORDER.

IN consequence of the indisposition of the Commandant, the Court of Inquiry directed to assemble at the Artillery Barracks, at 10 a.m. to-morrow, will consist of—

Captain Christie, Major of Brigade.
Captain Baynes, Brigade Pay and Quarter-master.
Lieutenant Russell, N.S.W. Artillery.

By Command,
W. B. B. CHRISTIE, Captain,
Major of Brigade.

PROCEEDINGS

PROCEEDINGS of a Court of Inquiry held at Dawes Battery, Sydney, New South Wales, on the 14th day of March, 1874, by order of Lieutenant-Colonel J. S. Richardson, Commandant, dated the 13th and 14th days of March, 1874.

PRESIDENT:—

Captain W. B. B. Christie, Major of Brigade.

MEMBERS:—

Captain Thomas Baynes, Brigade Pay and Quarter-master.
Lieutenant J. J. Russell, New South Wales Artillery.

At 10·30 o'clock a.m. the Court opens.

The orders for convening the Court and the instructions given to the Court are read.

1st witness: No. 35 Gunner Henry Edwards, N.S.W. Artillery, being called into Court, is questioned:—

Question: Prior to or after giving evidence on the trial of Gunner Harris, then a sergeant in the N.S.W. Artillery, were you subjected to intimidation by any person?

Answer: No, I was not subjected to any intimidation.

Major Airey declines cross-examining this witness.

The witness withdraws.

Second witness: No. 34 Gunner John Button, N.S.W. Artillery, being called into Court, is questioned.

Question: Prior to or after giving evidence on the trial of Gunner Harris, then a sergeant in the N.S.W. Artillery, were you subjected to intimidation by any person?

Answer: No, I was not.

Major Airey declines cross-examining this witness.

The witness withdraws.

Third witness: No. 55 Bombardier Swinbourne, N.S.W. Artillery, being called into Court, is questioned.

Question: Prior to or after giving evidence on the trial of Gunner Harris, then a sergeant in the N.S.W. Artillery, were you subjected to intimidation by any person?

Answer: I was not.

Major Airey declines cross-examining this witness.

The witness withdraws.

Fourth witness: No. 59 Acting Bombardier Alfred Tait, N.S.W. Artillery, being called into Court, is questioned.

Question: Prior to or after giving evidence on the trial of Gunner Harris, then a sergeant in the N.S.W. Artillery, were you subjected to intimidation by any person?

Answer: I was not.

Major Airey declines cross-examining this witness.

The witness withdraws.

Fifth witness: No. 19 Trumpeter Patrick M'Bride, N.S.W. Artillery, being called into Court, is questioned.

Question: Prior to or after giving evidence on the trial of Gunner Harris, then a sergeant in the N.S.W. Artillery, were you subjected to intimidation by any person?

Answer: I was not.

Major Airey declines cross-examining this witness.

The witness withdraws.

Sixth witness: No. 57 Gunner Samuel Bullard, N.S.W. Artillery, being called into Court, is questioned.

Question: Prior to or after giving evidence on the trial of Gunner Harris, then a sergeant in the N.S.W. Artillery, were you subjected to intimidation by any person?

Answer: I was not.

Major Airey declines cross-examining this witness.

The witness withdraws.

Seventh witness: No. 101 Gunner Edward Robert Pennell, N.S.W. Artillery, being called into Court, is questioned.

Question: Prior to or after giving evidence on the trial of Gunner Harris, then a sergeant in the N.S.W. Artillery, were you subjected to intimidation by any person?

Answer: I was not.

Major Airey declines cross-examining this witness.

The witness withdraws.

Eighth witness: No. 26 Gunner William Rowley, N.S.W. Artillery, being called into Court, is questioned.

Question: Prior to or after giving evidence on the trial of Gunner Harris, then a sergeant in the N.S.W. Artillery, were you subjected to intimidation by any person?

Answer: I was not.

Major Airey declines cross-examining this witness.

The witness withdraws.

Ninth witness: No. 71 Gunner Charles Kenny, N.S.W. Artillery, being called into Court, is questioned.

Question: Prior to or after giving evidence on the trial of Gunner Harris, then a sergeant in the N.S.W. Artillery, were you subjected to intimidation by any person?

Answer: I was not.

Major Airey declines cross-examining this witness.

The witness withdraws.

Tenth witness: No. 3 Act. Quarter-master Sergeant Patrick M'Bride, New South Wales Artillery, being called into Court, is questioned.

Question: Prior to or after giving evidence on the trial of Gunner Harris, then a sergeant in the N.S.W. Artillery, were you subjected to intimidation by any person?

Answer: I was not.

Major

Major Airey declines cross-examining this witness.
The witness withdraws.

Eleventh witness: No. 111 Gunner William Bradford, N.S.W. Artillery, being called into Court, is questioned.

Question: Prior to or after giving evidence on the trial of Gunner Harris, then a sergeant in the N.S.W. Artillery, were you subjected to intimidation by any person?

Answer: No I was not.

Major Airey declines cross-examining this witness.
The witness withdraws.

Twelfth witness: No. 102 Gunner Henry Rogers, N.S.W. Artillery, being called into Court, is questioned.

Question: Prior to or after giving evidence on the trial of Gunner Harris, then a sergeant in the N.S.W. Artillery, were you subjected to intimidation by any person?

Answer: No, I was not.

Major Airey declines cross-examining this witness.
The witness withdraws.

Thirteenth witness: No. 95 Gunner William Webster, N.S.W. Artillery, being called into Court, is questioned.

Question: Prior to or after giving evidence on the trial of Gunner Harris, then a sergeant in the N.S.W. Artillery, were you subjected to intimidation by any person?

Answer: No, I was not.

Major Airey declines cross-examining this witness.
The witness withdraws.

Fourteenth witness: No. 29 Corporal James Walsh, N.S.W. Artillery, being called into Court, is questioned.

Question: Prior to or after giving evidence on the trial of Gunner Harris, then sergeant in the N.S.W. Artillery, were you subjected to intimidation by any person?

Answer: I was not.

Major Airey declines cross-examining this witness.
The witness withdraws.

Fifteenth witness: No. 72 Gunner John Craven, N.S.W. Artillery, being called into Court, is questioned.

Question: Prior to or after giving evidence on the trial of Gunner Harris, then sergeant in the N.S.W. Artillery, were you subjected to intimidation by any person?

Answer: I was, after giving evidence—and while I was giving evidence.

Question: Describe the circumstances under which you were subjected to intimidation after giving your evidence?

Answer: I was called over by Major Airey after leaving the Court. Major Airey said, as far as I can recollect, "Now you have committed yourself. Captain Spalding has just told me that in your evidence before the Court, whilst on oath, you made a different statement to that given to the Colonel, when *not on oath.*" He further said, "You have told me a lie," and then ordered Sergeant Lanigan to take me to the guard-room; I was not sent to the guard-room, because I expostulated. I felt hurt at being made a liar in the presence of some of the officers, and I asked to see the President of the Court, which Major Airey refused me. That day I wrote a letter to the Colonel, which I gave into Major Airey's hands, asking him to forward it. He said he would not. Major Airey said, in reading over the letter: "Here is a lie to begin with," and said he would use his discretion in the matter, meaning as regards forwarding the letter.

Question: In what way did Captain Spalding intimidate you when giving evidence?

Answer: He attempted to intimidate me by asking me whether I would *swear* to a fact, although I was on oath at the time, and also by saying, "Make that man stand back; he is reading the questions." He also looked at me in an intimidating manner.

Question: Did any assertions made by you in the orderly room, prior to the assembly of the Court-martial on the matters connected therewith, differ from the evidence you gave on oath before the said Court-martial?

Answer: To the best of my belief—not.

Question: Have you stated to the Court all the intimidation, or attempted intimidation, to which you were subjected in connection with the proceedings of Sergeant Harris' Court-martial?

Answer: I have.

Cross-examined by Major Airey:

Question: Had you gone to your barrack-room before I had you up?

Answer: I had, and was taking off my belts when I was sent for to go before you.

Question: Did I not hear your explanation?

Answer: You heard a part of it.

Question: Did I not say to you, after hearing your explanation, that I would take no further steps till the proceedings of the Court came down?

Answer: Not to my knowledge.

Question: Are you certain I said, "Now you have committed yourself"?

Answer: I can almost swear those were the words you made use of.

Question: Did I not say to you, "The evidence you have given to the Court-martial is quite different to what you stated to me on parade; you must have told me a lie"?

Answer: Those were not the exact words you used, neither were they words to that effect.

Question: Did you not state to me on parade, on the 4th February, when had up on parade, that you were sitting on your bedstead the whole time Sergeant Harris was being taken to the cells?

Answer: I did not—I said to you, "Do you think I could look you in the face and tell a deliberate lie?" to which you answered, "I think you could."

Question: Was not Lieutenant Lindeman present when you were brought up on parade, on the 4th February, 1874?

Answer: I did not see him.

Question: Were you sitting on your bedstead while Sergeant Harris was being taken to the cells?

Answer: Part of the time I was.

Question:

Question: Did you not state to the Court that you did look out of the window?
Answer: I stated to the Court that I did look out of the end window.
Question: Did you not say while in the Court, in answer to the question, "Have you not stated that you did not look out of the window, but that you were sitting on your bed the whole time the prisoner was being taken to the cells"?
Answer: I have stated so but I was not oath. I know nothing about it.
Question: Could you have given any evidence in Sergeant Harris' defence, more favorable to his case than you did had I not spoken to you at all?
Answer: No, I could not.
Question: When in the orderly room, did I not distinctly tell you that as soon as the proceedings of the Court-martial were down, I would forward your letter, together with the evidence of Lieutenant Lindeman and Sergeant Lanigan, and did you not answer, "Very well, Sir"?
Answer: I believe you did after first refusing.
The witness withdraws.

Sixteenth witness.—No. 61 Gunner Wm. Swan, N.S.W. Artillery, being called into Court, is questioned.
Question: Prior to or after giving evidence on the trial of Gunner Harris, then a sergeant in the N.S.W. Artillery, were you subjected to intimidation by any person?
Answer: No, I was not.
Major Airey declines cross-examining this witness.
The witness withdraws.

Court adjourn:

At 1·30 o'clock p.m. the Court adjourn until 2·30 o'clock p.m. same date.
At 2·30 o'clock p.m. the Court re-assemble pursuant to adjournment.
The three remaining witnesses who gave evidence for the defence on the trial of Sergeant Harris, N.S.W.A., being absent, and Major Airey having applied to the Court to record the evidence of Capt. Spalding, N.S.W.A., Lieutenant Lindeman, N.S.W.A., Sergeant-major Green, and Sergeant Lanigan, the Court believing that it would be in accordance with the spirit of their instructions, decide to record the evidence of these witnesses.

Seventeenth witness.—Captain Warner Spalding N.S.W.A., being called into Court, is questioned.
Question: Are you aware of any intimidation having been exercised towards the witnesses for the defence, on the trial of Gunner Harris, late a sergeant of the N.S.W.A.?
Answer: I am not.
Question: Did you, immediately after he had given it, report to Major Airey the evidence Gunner Craven had given on the trial of Sergeant Harris, N.S.W.A.?
Answer: I reported a portion—not the whole?

Cross-examined by Major Airey:

Question: Did you in any way intimidate Gunner Craven, as to his evidence?
Answer: Certainly not.
Question: Was the following question put by you as prosecutor, through the Court-martial held on Sergeant Harris, N.S.W.A., to Gunner Craven, N.S.W.A.:—"Have you not stated that you did not look out of the window, but that you were sitting on your bed the whole time Sergeant Harris was being taken to the cells"?
Answer: A question to that effect was put by me.
Question: What answer did Gunner Craven give?
Answer: Gunner Craven's answer, as near as I could say, was, "I will not swear that I did not look out of the window, for I did do so, but I did not see the prisoner," alluding to Sergeant Harris, N.S.W.A. He also stated that he had said elsewhere that he was sitting on a bed during the time Sergeant Harris was being taken to the cells. When he made this statement he was not on oath.
Question: Do you think Gunner Craven could have given any evidence in Sergeant Harris's defence more favourable to his case than he did, had I not spoken to him at all?
Answer: He could not.
The witness withdraws.
Eighteenth witness.—Lieutenant Lindeman, N.S.W.A. being called into Court, is questioned.
Question: Are you aware of any intimidation having been practised towards the witnesses for the defence on the trial of Sergeant Harris, N.S.W.A., prior to or after they had given evidence?
Answer: I am not.
Question: It has been stated to the Court that you were present when Major Airey addressed Gunner Craven after he had left the Court, when Sergeant Harris was being tried; if you were, be good enough to state the particulars of the conversation.
Answer: I was present after Gunner Craven came out of the Court. Captain Spalding sent a memo. out to Major Airey, saying that Gunner Craven had just stated on oath that he was standing at a window in barracks when Sergeant Harris was being taken to the cells. Major Airey then sent for Gunner Craven, and said to him you have just stated on oath that you were standing at the window when Sergeant Harris was being taken to the cells, and on a previous occasion you had stated that you were sitting on a bed the whole time; you must therefore have told a lie. Major Airey then ordered Gunner Craven to be put in the guard-room; but when he attempted to explain, Major Airey said I shall not put you in the guard-room now, but after the Court-martial is over I shall fully investigate the case, and if I find you have told a lie I shall deal with you according to the Queen's Regulations. Gunner Craven then went away.

Cross-examined by Major Airey:

Question: Were you present when I saw the men of No. 11 room on the parade on 4th February, 1874, relative to an act of insubordination that had been committed?
Answer: I was.
Question: What remarks were made by Gunner Craven at that time?
Answer: He said, in reference to a basin which had been thrown out of the room, the time Sergeant Harris was being taken to the cell, it was impossible for him to have done it, as he was sitting on a bed the whole time.

Question:

Question: Did you hear me say to Gunner Craven, "I have got you now?"
Answer: I did not.
Question: Who was present at the time of my investigating the statements made to me by Gunner Craven on the parade and on the Court-martial—on the day on which Gunner Craven gave his evidence to the Court-martial I mean?
Answer: Sergeant Lanigan was there besides myself.
Question: What was your opinion of the matter, having yourself heard and read the different statements made by Gunner Craven?
Answer: My opinion was there were discrepancies in the different statements of Gunner Craven, and I believe he told a lie.

The witness withdraws.

19th witness: No. 1 Battery Sergeant-major H. Green, N.S.W. Artillery, being called into Court, is questioned:—

Question: Are you aware of any intimidation being practised towards the witnesses for the defence on the trial of Gunner Harris, late a sergeant of the N.S.W. Artillery, prior to or after giving their evidence.
Answer: I am not.

Cross-examined by Major Airey:

Question: Were you present when I paraded the men of No. 11 room relative to an act of insubordination, on the 4th February, 1874?
Answer: I was.
Question: What remarks did Gunner Craven make on that occasion?
Answer: Gunner Craven said he was looking out of the window nearest the guard-room gate, and that he did not see the basin thrown out.
Question: Did not Gunners Craven and Button say they were sitting on their bed during the time Sergeant Harris was being taken to the cells, and that therefore they could not have thrown any basin out of the window?
Answer: They said, as I understood them, that they were sitting on the bed the first part of the time, but subsequently rushed to the window to see what was going on.

The witness withdraws.

Twentieth witness: No. 4 Sergeant James Lanigan, N.S.W. Artillery, being called into Court, is questioned.
Question: Are you aware of any intimidation having been practised towards the witnesses for the defence, on the trial of Sergeant Harris, N.S.W. Artillery, prior to or after giving their evidence?
Answer: I am not.
Question: Were you present when I sent for Gunner Craven from the barracks after giving his evidence in the defence of Sergeant Harris, who was then being tried by Court-martial?
Answer: I was.
Question: State what I said to him?
Answer: You read to him from a slip of paper some evidence he had given on the Court-martial, and remarked on the discrepancy between it and some evidence he had given in the orderly room some time previously. Gunner Craven attempted to reconcile the discrepancy. Major Airey said if he found that such discrepancy did exist he would punish him for making a false statement to his commanding officer.
Question: Did I say to Gunner Craven, "I have got you now?"
Answer: Certainly not in my presence.
Question: Were you present when Gunner Craven came with a written complaint to the orderly room on the 26th or 27th February, 1874?
Answer: I was; and you stated you would forward Gunner Craven's complaint, with your remarks upon it, as soon as the proceedings of the Court-martial came down.
Question: Did I not give you orders to prepare a written statement of your evidence in this case?
Answer: I cannot remember.
Question: Did I not counter-order Gunner Craven's being placed in the guard-room at the time above alluded to, when he gave his explanation as to the discrepancies, saying, I would investigate the case when the proceedings of the Court came down?
Answer: You did.

Re-examined by the Court.

Question: Were you ordered by Major Airey to confine Gunner Craven on the occasion of Gunner Craven being addressed by Major Airey in reference to the evidence he had given before the Court.
Answer: I was.

The witness withdraws.

Twenty-first witness: No. 97 Thomas Kerr, Gunner, N.S.W. Artillery, being called into Court, is questioned.
Question: Has any intimidation been used towards you in reference to the trial of Sergeant Harris, N.S.W.A., either before or after the trial?
Answer: No.

The Court considers that the statements of Gunners Johnston and Leer, who are witnesses for the defence on Sergeant Harris's trial, as also that of Doctor Bedford, should be taken to complete the whole record of evidence, but as their presence cannot be obtained, and it appears desirable that the proceedings of the Court should terminate this afternoon, they decide to refer to the Commandant such evidence as they have been able to collect.

At this stage of the proceedings Major Airey requests permission to put on record his explanation, which is entered as follows, viz.:—

> Discrepancies having been shown to exist in the two statements made by Gunner Craven to me on parade, and that made by him on oath to the Court-martial assembled for the trial of Sergeant Harris, I considered it my duty to investigate the circumstances, the more especially as several men were having their indulgences stopped for an act of insubordination committed by one of their number. On having Gunner Craven up, I was not satisfied in my own

own mind as to the two statements, they not being reconcilable. I therefore delayed any action in the matter till receipt of the original papers containing the evidence given by Gunner Craven on the Court-martial. No intimidation was either intended or practised by me towards Sergeant Harris's witnesses.

Signed at Sydney, N. S. Wales, the 14th March, 1874,—

W. B. B. Christie, Captain, President.
Thos. Baynes, Capt., P. and Qr. Master.
J. J. R. Russell, Lt., N.S.W. Artillery.

From the evidence it is clear that no intimidation of witnesses was either intended or practised, nor was the prisoner's defence affected by Major Airey's action with reference to Gunner Craven. At the same time I am of opinion Major Airey was very indiscreet.

John S. Richardson, Lieut.-Col.,
16 March, 1874. Commandant.

Instructions for Court of Inquiry, ordered to assemble at the Artillery Barracks, Dawes' Point, Sydney, on the 14th March, 1874, by order of Lieutenant-Colonel Richardson, Commandant, bearing date the 14th March, 1874.

1. The Court will take the evidence of all the witnesses for the defence on the trial of Gunner Harris, N.S.W. Artillery, late a Sergeant in that Corps, with a view of eliciting whether any intimidation was exercised towards them by any person. If necessary, it will receive the evidence of other persons.
2. It will record no opinion.
3. It will give the officer commanding the New South Wales Artillery an opportunity of cross-examining these witnesses.
4. It will sit with closed doors.

JOHN S. RICHARDSON, Lieut.-Col.,
Sydney, 14 March, 1874. Commandant.

Staff Assistant Surgeon Bedford to Lieut.-Colonel Richardson.

Garrison Hospital,
Paddington, 16/3/74.

Sir,

In accordance with instructions received from the Major of Brigade, I have the honor to state, for your information, that I was present when Gunner Craven was brought before Major Airey after he (Craven) left the Court.

Major Airey then said that from information he had received, Gunner Craven must have told him a lie when he was giving his evidence in the orderly-room, and he ordered Sergeant Lanigan to put Gunner Craven in the guard-room. Gunner Craven then made some explanation in reference to the charge, and Major Airey said that he would not put him in the guard-room then, but when the Court-martial was finished he should apply for his (Craven's) evidence, and if he found that the information he had received was correct he should then know how to deal with him.

I have, &c.,
W. J. G. BEDFORD,
Staff Assistant Surgeon.

Sydney, 16 March, 1874.

No. 86 Gunner William Johnson, N.S.W.A., is asked:—

Question: Prior to or after giving evidence on the trial of Sergeant Harris, N.S.W.A., were you subjected to intimidation by any person?

Answer: I was not.

W. B. B. CHRISTIE, Capt.,
Major of Brigade.

Lieut.-Colonel Richardson to His Excellency the Governor.

Brigade Office,
Sydney, 16 March, 1874.

Your Excellency,

With reference to the plea advanced by Sergeant Harris, of the New South Wales Artillery, on his recent trial by Court-martial, to the effect that Major Airey, commanding the New South Wales Artillery, had intimidated his witnesses, I have the honor to inform you that I detailed a Court of Inquiry to investigate the matter, and find that no intimidation took place,—some sixteen witnesses for the defence having made statements to that effect; but at the same time I deem it advisable to record my opinion that Major Airey's conduct towards one of the witnesses (Gunner Craven) was indiscreet, inasmuch as believing that this man had made a different statement to the Court-martial on oath from that which he had made to himself, he did not refrain from addressing the man on the subject until the Court-martial proceedings had been promulgated.

I have, &c.,
JOHN S. RICHARDSON, Lieut.-Col.,
Commandant.

Col. Richardson,—I concur. Inform Major Airey accordingly.—H.R., 17/3/74.

Major Airey to be informed.—J.S.R., Lt.-Col., Commdt., 18/3/74. Major Airey to peruse note and return at once.—By command, W. B. B. Christie, Capt., Major of Brigade, 18/3/74. Noted and returned.—G.A., Major, 19/3/74.

Captain

CAPTAIN CHRISTIE to MAJOR AIREY.

Brigade Office,
Sydney, 27 March, 1874.

MEMO.—The Officer commanding N. S. W. Artillery will express to Acting-Sergt. Collett the Commandant's displeasure at his action in having closed the window of the cell in which Sergeant (now Gunner) Harris was recently confined. It was Sergeant Collett's duty to take every precaution for the custody of prisoners, but to close a window which had been placed for purposes of ventilation, and had iron bars on it for security, was unnecessary and improper. Sergeant Collett has given an explanation of his conduct, but allowing his statement to be correct his action was most indiscreet and uncalled for.

By command,
W. B. B. CHRISTIE, Capt.,
Major of Brigade.

Sydney: Thomas Richards, Government Printer.—1874.

[1*s.* 9*d.*]

1873.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

ROBERT COLEMAN.

(PETITION OF.)

Ordered by the Legislative Assembly to be printed, 12 *December*, 1873.

To the Honorable the Legislative Assembly, in Parliament assembled.

The Petition of Robert Coleman, gunner, in the New South Wales Artillery,—

HUMBLY SHOWETH:—

1. That your Petitioner, on the twenty-sixth day of December, in the year one thousand eight hundred and seventy-one, engaged to serve as a gunner in the New South Wales Artillery, under and subject to the provisions of the Military and Naval Forces Regulations Act, 34 Victoria, number 19, and took and subscribed the oath of engagement by the said Act required and prescribed, and thereby agreed to serve as a gunner in the said Artillery Force under and subject to the provisions of the said Act.

2. That your Petitioner is now of the age of twenty-eight years.

3. That your Petitioner, on the nineteenth day of March, in the year of our Lord, one thousand eight hundred and seventy-two, while in the exercise and performance of his duty as a gunner in the said Artillery Force and at the traversing gun-drill of his Battery at Dawes' Battery, owing to the defective condition of the platform upon which the gun at which he was drilling was worked, and by reason of such defectiveness and from no fault, carelessness, or neglect on his part, was thrown down and incurred a serious compound fracture of both the large and small bones of the right leg, thereby causing a permanent injury to the said limb, which has resulted in a contraction of the said limb, and total lameness.

4. That your Petitioner was immediately after the accident conveyed to the Military Hospital at Paddington, and on or about the tenth day of October last, being a period of over seven months from the date of the accident, and after suffering severely, was discharged from the said hospital totally incapacitated and unfit to perform and exercise his duty as a gunner in the said Artillery Force, with a permanent lameness in and contraction of the said right leg.

5. That your Petitioner holds a certificate of Dr. F. Milford, one of the Staff surgeons in the Volunteer Force of New South Wales, who has examined your Petitioner as to the permanency of the injuries received by him.

6. That your Petitioner during his service in the said Artillery Corps, has always conducted himself properly and satisfactorily to the officers of the said Force, under whose command he has served, and has never been reprimanded or reported for misconduct during the whole time of such service.

7. That your Honorable House lately passed a vote to place on the Estimates a sum of thirty pounds to be paid to your Petitioner as compensation for the injuries so received by him as aforesaid, but your Petitioner would call the attention of your Honorable House, and humbly submit that taking into consideration the permanency and severity of the injuries received, and the lengthy period he was confined in the hospital on account of the injuries received while performing his duty as a gunner in the said Corps, and the fact that the same has totally incapacitated him from attending to or performing any longer such duties, or any other active service, thereby depriving him of his means of livelihood, and that therefore the said sum is a very inadequate compensation for such injuries.

Your Petitioner therefore humbly prays that your Honorable House will be pleased to take the premises into consideration, and that your Honorable House will grant your Petitioner such relief as to your Honorable House may seem meet.

And your Petitioner, as in duty bound, will ever pray.

ROBERT COLEMAN.

[3d.] 304—

1873–4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

COMMANDER-IN-CHIEF OF VOLUNTEER FORCE.

(OPINION OF ATTORNEY GENERAL AS TO POWERS OF GOVERNOR AS,)

Ordered by the Legislative Assembly to be printed, 21 *January*, 1874.

VOLUNTEER ACT.

I. FROM His Excellency's Minute of 5th December, I gather that three questions were then raised by him for consideration, namely :—

1st.—Whether, in cases of appeals against certain disciplinary decisions of the Officer Commanding the *Volunteer Force*, such appeals should be decided by the Governor on his own responsibility, or with the advice of the Executive Council?

2nd.—Whether such appeals should be submitted direct to His Excellency, or be forwarded through the Colonial Secretary?—And incidentally thereto, whether, on being forwarded by the Colonial Secretary, they should be accompanied by a previous minute of that Minister?

3rd.—Whether recommendations for the appointment of officers (not for the "Permanent Staff") should be forwarded direct to the Governor, or through the Colonial Secretary?—And incidentally to this question, also, whether they should be accompanied by a previous minute of that Minister? [It being assumed that such appointments can only be made by the Governor in Council.]

My opinions upon these questions are as follows :—

1. I think such appeals should be decided by the Governor upon his own responsibility, as Her Majesty's Representative, exercising the functions of Commander-in-Chief of the Force. The nature of the duty is such as by all analogy belongs to the Commander-in-Chief, and not to the Queen or Governor in Council. Such is the case in respect of Her Majesty's Regular Forces, and such also with regard to the Volunteer Force at Home. The Despatches of His Grace the Duke of Newcastle and Mr. Secretary Cardwell, which form the basis on which our Volunteer Act was passed by the Houses of Parliament, and assented to on Her Majesty's behalf, indicate with tolerable plainness the expectations of Her Majesty's Government in this respect; and I must add that the view which I take appears to me that most consistent with Constitutional principles. The difficulty which has been thought to arise from the terms of the interpretation clause in the Act does not embarrass me, because it only says that the word "Governor" is to be construed as meaning "the Governor, with the advice of the Executive Council," in cases where such construction would be *not inconsistent with the context or subject matter;* and in my opinion there would be such inconsistency in this case.
2. These appeals should, I consider, be submitted by the Officer commanding the Force direct to the Governor or Commander-in-Chief, and not through the Colonial Secretary; and they should not be accompanied by any minute of that Minister.
3. In my opinion, the course hitherto pursued of submitting recommendations for the appointment of Officers (not on the Permanent Staff) direct to the Governor, and without any minute from the Colonial Secretary, is that which is most consistent with the position of His Excellency, relatively to Her Majesty on the one hand, and to the Volunteer Force, accepted on her behalf, on the other. Assuming that such appointments can only be made with the advice of the Executive Council (which I am not called upon to consider), still I see nothing whatever in the Act which necessitates or contemplates that the Colonial Secretary, or any other Minister, should be the channel for conveying the recommendations for such appointments, or that they should be filtrated through or be in any way preliminarily acted upon in the office of any such Minister.

II. Having had a conversation with Mr. Secretary Robertson on the subject of these papers, in which he seemed to think that His Excellency's inquiry was not intended to be limited to the questions noticed in his minute of 5th December, and that a more general opinion was desired as to the proper course to be pursued in regard to the relations between the Governor, the Volunteer Force, and the Minister, I submit my further opinion as follows :—

I think that all matters concerning the Force, originating within it, or properly coming under the cognizance of the Commanding Officer in the first instance, should be submitted by him direct to the Governor. Other matters (though it may be impossible to draw a line abstractly) should be submitted by the Colonial Secretary. Thereupon, it will be for His Excellency to determine in each case whether the advice of the Executive Council is required, or whether to act prerogatively on Her Majesty's behalf.

It may often prove difficult to determine which course ought to be pursued, as the Legislature has thought fit to make the question depend upon the "context or subject matter" in each case, instead of determining for itself in what cases the advice of the Council should be required. I may, however, take leave to suggest that the difficulty would be lessened by keeping in view the two distinctive characters in which the Governor is associated with the Volunteer Force—the one as specially representing Her Majesty and as Commander-in-Chief, the other as Governor of the Colony in relation to its internal affairs.

I conceive that in all cases and matters in which the Governor is, by the terms of the Act or by consequence of the position assigned to him under it, empowered or required to exercise any functions in relation to the Force, there should be a *bonâ fide* concurrence by him (as expressed by Mr. Secretary Cardwell) in what is done, and an actual exercise of "authority" by him—whether with or without the advice of his Council, as the law may require in each case. Such appears to have been the view of the Secretaries of State whose despatches are before us, such the intention of the Legislature, and such the necessary inference from the special relation of the Force to Her Majesty in an Imperial sense. And I may here remark, in proof of the general concurrence of our Legislature in the views of the Duke of Newcastle, that the fourth section of the Act, which is the leading enactment, adopts the precise words of his despatch.

I, therefore, submit that anything like a prejudgment conveyed by a minute of the Colonial Secretary, or of the whole Ministry out of Council, would be illegal and unconstitutional.

W. M. MANNING, A.G.
Jany. 20/69.

Sydney: Thomas Richards, Government Printer.—1874.

[3*d*.]

1873–4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

VOLUNTEERS.

(AMOUNT TO THE CREDIT OF EACH CORPS ON 20 NOVEMBER, 1873.)

Ordered by the Legislative Assembly to be printed, 14 *January*, 1874.

STATEMENT of the Amount of Money in the General Fund of each Volunteer Corps on 20th November, 1873, viz.:—

ARTILLERY.

	£	s.	d.
No. 1 Battery		Nil.	
No. 2 „	6	10	0
No. 3 „	101	16	0
No. 4 „	29	11	0
No. 5 „	3	18	5
No. 6 „	145	14	5
No. 7 „		Nil.	
No. 8 „	7	0	0
No. 9 „		Nil.	
No. 10 „	5	0	0
No. 11 „		Nil.	
Engineer Corps	12	12	5

RIFLES.

SYDNEY BATTALION.

No. 1 Company	11	8	1
No. 2 „	18	16	6
No. 3 „	60	14	6
No. 4 „		Nil.	
No. 5 „	22	18	8
No. 6 „		Nil.	
No. 7 „		Nil.	
No. 8 „		Nil.	

SUBURBAN BATTALION.

No. 1, Glebe Company	5	16	4
No. 2, Balmain „	13	1	2
No. 3, Paddington and Surry Hills Company	49	4	9
No. 4, St. Leonards Company	5	2	0
No. 5, South Sydney „		Nil.	
No. 1, Highlanders „	135	4	0
No. 2, „ „	170	2	2

WESTERN BATTALION.

No. 1, Penrith Company		Nil.	
No. 2, Parramatta „	27	14	8
No. 3, Hawkesbury „	100	6	0
No. 4, Bathurst „	45	14	2
No. 5, Goulburn „		Nil.	
No. 6, Richmond „		Nil.	
No. 7, Orange „	10	0	7
No. 8, Mudgee „	12	19	0

	£	s.	d.
Northern Battalion.			
No. 1, Newcastle Company	38	5	6
No. 2, East Maitland „		Nil.	
No. 3, West Maitland „	36	9	6
No. 4, Singleton „	2	2	0
Southern Battalion.			
No. 1, Kiama Company		Nil.	
No. 2, Ulladulla „	30	0	0
No. 3, Gerringong „	6	9	0
No. 4, Jamberoo „	5	2	11
No. 5, Wollongong „	88	10	0

Brigade Office,
Sydney, 30 Dec., 1873.

JOHN S. RICHARDSON,
Lieut.-Col., Commandant.

Sydney: Thomas Richards, Government Printer.—1874.

[3*d*.]

1873–4.

NEW SOUTH WALES.

VOLUNTEER FORCE REGULATION ACT OF 1867.

(MONEYS EXPENDED UNDER, DURING 1873.)

Presented in pursuance of section 51 of 31 Vic. No. 5.

STATEMENT of all Moneys paid on account of the above Force during the year ending 31st December, 1873, furnished in accordance with section 51 of the Volunteer Act of 1867.

Particulars.			Amount.		
			£	s.	d.
Salaries and allowances	Amount paid		4,509	16	0
Forage	Allowances paid in lieu thereof to 3 Majors and 1 paid Adjutant, at 3s. 6d. per diem each		238	14	0
Travelling expenses	For General Staff and Volunteer officers		496	4	8
Compensation in lieu of uniforms	For Staff Sergeant Instructors		42	0	0
Uniforms	Amount paid to Contractors		4,465	14	8
Balance of capitation allowance	Amount of balances paid over to officers commanding Batteries and Companies		1,550	12	3
Marksmen's badges	Amount paid to Contractor, and incidental expenses		98	17	11
Hire of horses	For mounted officers of Artillery and Infantry on Field parades		109	7	6
Do.	For Artillery field guns		91	1	6
Contribution to	Volunteer Brigade Band		250	0	0
Do.	Rifle Association		500	0	0
Collecting and cleaning arms	Annual allowance to each country corps, of £5		80	0	0
Rifle ranges	For constructing new Butts, and keeping in repair the several Rifle Ranges		98	10	0
Do.	Enlarging the Paddington Rifle Range		200	0	0
Office rent	Office for General Staff		100	0	0
	" Artillery, Sydney and Suburban Rifle Companies		200	0	0
	" Technical Military School		50	0	0
Encampment at Easter	Cost of		1,590	12	0
Miscellaneous	Accoutrements for Artillery	96 0 0			
	Officers' cap bugles	54 0 0			
	Men's "	56 0 0			
	Incidental	200 10 6			
			406	10	6
	TOTAL	£	15,078	1	0

THOS. BAYNES, Captain,
Brigade Pay and Qr.-master.

JOHN S. RICHARDSON, Lieut.-Col.,
Commandant.

1873–4.

NEW SOUTH WALES.

VOLUNTEER FORCE REGULATION ACT OF 1867.

(REGULATION RESPECTING ISSUE OF EFFICIENCY CERTIFICATES.)

Presented to Parliament, pursuant to Act 31 Vic. No. 5, sec. 50.

Colonial Secretary's Office,
Sydney, 16 March, 1874.

His Excellency the Governor having been pleased, with the advice of the Executive Council, to make the following Regulation for the Volunteer Force, in substitution of No. 59 of the Regulations published in the Supplementary Government Gazette of the 29th April, 1871, directs its publication, in accordance with the 50th section of the Volunteer Force Regulation Act of 1867.

HENRY PARKES.

59. Every such certificate shall be granted as soon as may be after the 31st of December in every year, and shall bear date on the 1st of January next, and shall be evidence of the efficiency of the Volunteer to whom it is granted during the year ending on the 31st of December next following its date: Provided that every Volunteer who shall have completed five years of efficient service shall be entitled to obtain a certificate of efficiency from the Officer commanding the Volunteer Force, at any period of the year after the expiration of his five years service, for the purpose of the Land Grant mentioned in section 44 of the Volunteer Force Regulation Act of 1867, if such Volunteer shall have attended, during any broken period of the last year, the number of drills and inspections proportionate to such broken period. At any time before the 30th of June, and thereafter in the course of each year ending the 31st of December, a certificate shall be granted to such Recruit who fulfils the requirements and possesses the qualifications aforesaid.

[3d.] 466—

1873.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

VOLUNTEER LAND ORDERS.

(PROBABLE NUMBER FALLING DUE IN YEARS 1873, 1874, 1875, 1876, AND 1877 RESPECTIVELY.)

Ordered by the Legislative Assembly to be Printed, 9 *September*, 1873.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 23rd April, 1873, That there be laid upon the Table of this House,—

"A Return showing the probable number of Land Orders which will be "due to the Volunteers for the years 1873, 1874, 1875, 1876, and 1877, "respectively."

(*Mr. Wearne.*)

RETURN showing the probable number of Land Orders which will be due to the Volunteers for the years 1873, 1874, 1875, 1876, and 1877, respectively.

Year.	Probable number of Land Orders.
1873	407
1874	406
1875	376
1876	652
1877	511

JOHN S. RICHARDSON, Lieut.-Col.,
Commandant.

Brigade Office,
Sydney, 18th July, 1873.

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1873.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

VOLUNTEER LAND ORDERS.

(NUMBER ISSUED SINCE 1ST JANUARY, 1873, AND NAMES OF RECIPIENTS).

Ordered by the Legislative Assembly to be printed, 30 September, 1873.

RETURN showing the number of Volunteer Land Orders issued since the 1st January, 1873; the names of the Volunteers to whom the same were issued; the date of issue; and the dates on which these Volunteers joined the Force.

No. of Land Orders.	To whom issued.	Corps.	Date of issue.	Date of joining.
1	Agnew R., Corporal	No. 3 Company S.B.	3-1-73	31-12-67
1	Alexander A., Private	Do.	16-1-73	10-9-67
1	Adams W., Quartermaster-Sergeant	No. 1 Battery	16-1-73	1-3-66
1	Allum F., Gunner	No. 5 Battery	23-1-73	17-5-66
1	Adams Alex., Private	Parramatta	31-1-73	1862
1	Abrahams H. C., Private	No. 3 Company S.B.	17-2-73	1867
1	Abbott Jas., Sergeant	East Maitland	12-2-73	1866
1	Allen William, Corporal	Do.	12-2-73	May /67
1	A'Beckett M., Private	No. 1 Company S.B.	13-2-73	10-2-68
1	Addis Eber., Gunner	No. 6 Battery	14-2-73	25-2-68
1	Anderson W. M'L.	No. 1 Battery	13-2-73	7-5-68
1	Alderson J., Sergeant	Hawkesbury	20-2-73	March /68
1	Alderson F., Sergeant	Do.	20-2-73	March /68
1	Anderson R., Private	Penrith	19-2-73	23-5-68
1	Appledore T., Private	Do.	19-2-73	29-4-68
1	Arnold R. A., Lieutenant	No. 4 Battery	19-3-73	3-4-68
1	Ayres J. T., Bombardier	No. 6 Battery	17-1-73	8-7-67
1	Ardill J., Private	Parramatta	22-1-73	March /67
1	Alderton J., Bombardier	No. 3 Battery	4-4-73	7-2-68
1	Bagot J., Gunner	Artillery Band	21-1-73	1866
1	Brady Joseph, Trumpet-Major	Volunteer Artillery	15-1-73	21-1-67
1	Baynes F. T., Private	No. 3 Company S.B.	17-1-73	6-12-66
1	Burne E., Trumpeter	No. 1 Battery	17-1-73	7-11-66
1	Butler C., Private	Balmain	18-1-73	May /67
1	Baynes R. B., Private	No. 2. Company S.B.	17-1-73	1867
1	Brooker Thos., Bombardier	No. 1 Battery	18-1-73	25-5-65
1	Bennett W. T., Private	No. 3 Company S.B.	17-1-73	1867
1	Berrie Alexr. J., Private	No. 1 Company S.B.	15-2-73	1867
1	Brogden J., Private	Parramatta	21-1-73	10-11-66
1	Bone H. J., Trumpeter	No. 7 Battery	21-1-73	12-8-67
1	Byrne Edwd., Sergeant-Major	No. 8 Battery	24-1-73	24-4-66
1	Bowden Hy., Sergeant	No. 6 Battery	27-1-73	1-1-66
1	Bardwell W., Corporal	Do.	22-1-73	11-1-66
1	Beattie Alex., Private	Balmain	6-2-73	May /67
1	Bennett A., Lieutenant	No. 5 Battery	22-1-73	17-7-66
1	Barclay C., Gunner	Do.	22-1-73	17-3-66
1	Blair C., Bombardier	No. 1 Battery	22-1-73	20-4-67
1	Buchanan T., Gunner	Artillery Band	31-1-73	May, 1862
1	Bagot W. W., Private	No. 3 Company S.B.	29-1-73	21-1-67
1	Benson W., Private	Hawkesbury	20-2-73	1867
1	Boyd W., Sergeant	West Maitland	7-2-73	13-8-66
1	Baker Sam., Private	Do.	7-2-73	1866
1	Bowman W., Private	Paddington and Surry Hills	1-2-73	1865
1	Beaver H., Private	Do.	1-2-73	1863
1	Bourne H., Private	Balmain	12-2-73	May /67
1	Blattman J., Private	Penrith	19-2-73	29-4-68
1	Bullow J., Gunner	No. 2 Battery	14-2-73	30-2-68
1	Black Geo. S., Private	Balmain	14-2-73	6-2-68
1	Byron Jno., Corporal	South Sydney	17-2-73	4-2-68
1	Boughton S., Private	Richmond	19-2-73	March /68
1	Bevin Louis, Sergeant	No. 7 Battery	13-2-73	1-4-68

No. of Land Orders.	To whom issued.	Corps.	Date of issue.	Date of joining.
1	Bourke R., Private	Suburban Battalion Band	12-2-73	1862
1	Beverley W. G., Captain	No. 5 Battery	13-2-73	30-1-68
1	Buchanan W., Gunner	Do.	12-2-73	19-3-68
1	Bailey Alfred, Gunner	Do.	17-5-73	17-2-68
1	Bignell F., Gunner	Do.	13-2-73	18-3-68
1	Bayley J., Private	No. 6 Company S.B.	13-2-73	20-4-68
1	Bulbert T., Corporal	No. 7 Battery	13-2-73	1-6-68
1	Besley Geo., Sergeant	Penrith	19-2-73	6-1-68
1	Brownlow C., Private	Do.	19-2-73	6-5-68
1	Bennett Jno., Lance-Sergeant	West Maitland	19-2-73	May /68
1	Banks F. A., Private	Glebe	14-2-73	24-2-68
1	Bruce Chas., Sergeant	No. 3 Company, S.B.	3-3-73	1-2-68
1	Baylis Sam., Private	No. 2 Company, S.B.	13-2-73	March /68
1	Baylis J. E., Private	Do.	13-2-73	March /68
1	Bardsley Jas., Private	No. 7 Company, S.B.	15-2-73	8-6-67
1	Barnett Thos., Corporal	Parramatta	26-3-73	Dec. /65
1	Bell William, Private	Hawkesbury	15-3-73	March /68
1	Baker Geo., Private	Newcastle	25-3-73	June /68
1	Butler Wm., Private	East Maitland	6-4-73	6-4-68
1	Burns Jas., Private	No. 4 Company, S.B.	4-6-73	1-4-68
1	Chilcott H. F., Quartermaster-Sergeant	Paddington and Surry Hills	3-1-73	1862
1	Cohen Jno. G., Corporal	Balmain	18-1-73	May /67
1	Cahill L., Gunner	No. 6 Battery	21-1-73	11-3-67
1	Coulter Jno., Sergeant	No. 1 Battery	23-1-73	16-4-67
1	Crichton Jas., Sergeant	No. 4 Company, S.B.	1-2-73	8-10-65
1	Crompton Chas., Corporal	Do.	17-2-73	1866
1	Cooper Fras., Gunner	No. 6 Battery	22-1-73	25-7-67
1	Coulter Wm., Sergeant-Major	No. 1 Battery	23-1-73	7-5-66
1	Carter W. T., Quartermaster-Sergeant	No. 9 Battery	27-1-73	1-9-67
1	Carter Jas., Bombardier	Do.	27-1-73	1-9-67
1	Clark Geo., Bombardier	No. 2 Battery	29-1-73	1-10-67
1	Carter D. C., Private	West Maitland	7-2-73	1866
1	Cobcroft E., Captain	East Maitland	12-2-73	1862
1	Crowley Wm., Private	South Sydney	27-2-73	27-2-68
1	Christie C. I., Quartermaster-Sergeant	No. 7 Battery	13-2-73	31-1-68
1	Coxhead Jno. K., Bombardier	No. 6 Battery	12-2-73	29-2-68
1	Chard W. H., Private	No. 1 Company, S.B.	13-2-73	23-3-68
1	Caldecott W. H., Corporal	No. 5 Battery	13-2-73	2-3-68
1	Cummings Jno., Corporal	Do.	12-2-73	3-4-68
1	Clayton Wm., Private	Balmain	14-2-73	3-2-68
1	Cavanough R. J., Private	Paddington and Surry Hills	13-2-73	Feb. /68
1	Crane Wm., Private	Parramatta	14-2-73	March /68
1	Cross Wm., Private	Penrith	19-2-73	24-4-68
1	Cook Jno., private	West Maitland	19-2-73	May /68
1	Creswick C. R., Corporal	No. 1 Battery	12-2-73	16-1-68
1	Cox Andrew H., Private	Glebe	12-2-73	6-4-68
1	Copp W. C., Private	Do.	13-2-73	25-2-68
1	Clark Alex., Private	No. 7 Company, S.B.	14-2-73	July /67
1	Cameron Angus, Private	Glebe	20-2-73	18-2-68
1	Corbitt Wm., Private	No. 1 Company, S.B.	3-3-73	1-7-67
1	Cavanough F. S., Private	Glebe	27-2-73	1-7-68
1	Cunningham E. W., Gunner	No. 2 Battery	12-3-73	19-2-68
1	Cropley R. B., Private	Newcastle	25-3-73	6-2-68
1	Crouch H. M., Private	Parramatta	29-3-73	13-1-68
1	Delany Thos., Private	No. 5 Company, S.B.	11-1-73	4-3-67
1	Doyle Wm., Gunner	No. 6 Battery	23-1-73	15-4-67
1	Dowling J. P., Gunner	No. 2 Battery	21-1-73	31-1-67
1	Dance W. E., Private	Balmain	23-1-73	June /67
1	Dunn Edwd., Corporal	No. 6 Company, S.B.	22-1-73	15-7-67
1	Davis Chas., Private	No. 4 Company, S.B.	23-1-73	21-2-67
1	Dickman D., Private	No. 3 Company, S.B.	27-1-73	1860
1	Davies E. J., Private	No. 6 Company, S.B.	23-1-73	1867
1	Dansey Geo. F., Surgeon	Sydney Battalion V.R.	1-2-73	May /67
1	Dickson Joseph, Private	No. 1 Company, S.B.	26-2-73	23-10-60
1	Dolarmann J. H., Gunner	No. 2 Battery	12-2-73	31-1-68
1	Dilling Jno., Gunner	No. 6 Battery	13-2-73	20-8-68
1	Douglas Andrew, Gunner	No. 7 Battery	13-2-73	12-6-68
1	Daly Jno. Sergeant	Do.	12-2-73	1-5-68
1	Dickson Geo., Private	Hawkesbury	20-2-73	1-4-68
1	Dent Wm., Private	Penrith	19-2-73	26-2-68
1	Drewe W. R., Private	South Sydney Company	13-2-73	4-2-68
1	Dunning Wm., Trumpeter	No. 6 Battery	13-2-73	25-2-68
1	Douglas Percy, Private	No. 1 Highlanders	15-2-73	27-2-68
1	Deacon Wm., Private	St. Leonards	24-4-73	1867
1	Donald Thos. S., Private	No. 2 Company, S.B.	20-3-73	23-3-68
1	Dawes Wm., Corporal	No. 1 Battery	17-1-73	15-2-66
1	Donovan Dan., Corporal	No. 3 Company, S.B.	3-7-73	6-7-68
1	Earle Wm., Quartermaster-Sergeant	Parramatta	16-1-73	18-9-66
1	England J., Bombardier	No. 1 Battery	23-1-73	30-4-66
1	Elliott W., Sergeant	Do.	22-1-73	30-4-66
1	Evers E., Gunner	No. 2 Battery	22-1-73	31-1-67
1	Ellis Rich., Private	No. 4 Company, S.B.	17-2-73	18-2-68
1	Eades Thos., Private	Parramatta	13-2-73	March /68
1	Edmunds Geo., Gunner	No. 3 Battery	25-2-73	1-7-68
1	Elphinstone R. L., Gunner	No. 2 Battery	8-2-73	26-2-68
1	Foskett Wm. Quartermaster-Sergeant	No. 5 Company, S.B.	10-1-73	9-8-66
1	Freeman A., Private	No. 1 Company, S.B.	14-1-73	27-6-67
1	Flynn Jas., Private	Volunteer Brigade Band	10-1-73	1867

No. of Land Orders.	To whom issued.	Corps.	Date of issue.	Date of joining.
1	Ferguson Jno., Ensign	No. 3 Company, S.B.	15-1-73	2-7-62
1	Fallick Fred., Private	Do.	15-1-73	5-9-67
1	Fenton Jas., Private	Balmain	18-1-73	June /67
1	Fenton Chas., Gunner	No. 7 Battery	17-1-73	1-4-66
1	Fisher Douglas, Sergeant	No. 1 Company, S.B.	24-1-73	24-6-67
1	Fuller Benj., Private	Parramatta	22-1-73	2-1-67
1	French Henry, Private	Paddington and Surry Hills	1-2-73	1866
1	Fraser Jno. Alex., Sergeant	Suburban Battalion Band	5-2-73	20-8-66
1	Fraser Donald, Private	South Sydney Company	13-2-73	Aug. /68
1	Fraser Peter, Private	Hawkesbury	20-2-73	March /68
1	Fenton L. G., Private	No. 2 Company, S.B.	24-2-73	11-3-67
1	Fitzgibbon Jno., Private	No. 5 Company, S.B.	17-2-73	2-11-65
1	Freeman E., Private	West Maitland	5-3-73	2-4-68
1	Falconer Jno., Private	No. 2 Highlanders	26-3-73	1866
1	Fischer Chas., Private	No. 4 Company S.B.	16-5-73	30-3-68
1	Frith Thos. B., Lieutenant	No. 6 Battery	9-6-73	1862
1	Flood Geo. E., Private	No. 6 Company S.B.	29-7-73	13-7-63
1	Fenton Wm. jun., Private	Balmain	18-1-73	June /67
1	Gourlay Jno., Gunner	No. 6 Battery	17-1-73	6-8-66
1	Geary Edwin, Gunner	Artillery Band	21-1-73	1-11-66
1	Glennie W. H., Private	No. 2 Company S.B.	23-1-73	14-1-61
1	Gorman Wm., Private	No. 6 Company S.B.	23-1-73	24-6-67
1	Goggin E. A., Gunner	No. 5 Battery	8-2-73	18-10-66
1	Golby Geo., Private	Parramatta	17-2-73	June /68
1	Griffiths Chas., Corporal	No. 5 Company S.B.	14-2-73	4-4-68
1	Geary Geo., Private	Balmain	13-2-73	24-2-68
1	Gilchrist Wm., Gunner	No. 7 Battery	12-2-73	1-4-68
1	Green Aaron, Quartermaster Sergeant	No. 5 Battery	12-2-73	9-3-68
1	Groves Wm., Private	Parramatta	15-2-73	June /68
1	Graham Alex., Private	Glebe Company	15-2-73	18-2-68
1	Guest Frank, Bombardier	No. 1 Battery	13-2-73	16-1-68
1	Gould A. J., Corporal	Singleton	25-3-73	1866
1	George R., Ensign	No. 7 Company S.B.	25-2-73	1866
1	Graves Thos., Private	Parramatta	20-3-73	2-3-67
1	Graham Thos., Private	Newcastle	25-3-73	24-7-67
1	Greenaway W. H., Private	Do.	25-3-73	1867
1	Graham Edwd., Private	West Maitland	1-5-73	26-2-68
1	Gow Robt., Gunner	No. 3 Battery	14-8-73	28-2-68
1	Hardy Geo., Private	Volunteer Brigade Band	10-1-73	1865
1	Harricks T. W., Bugle Major	Sydney Battalion	15-1-73	14-8-67
1	Hickson W. H. K., Corporal	No. 5 Company S.B.	20-1-73	17-10-66
1	Holmes Robt., Bugler	Do.	16-1-73	21-5-67
1	Hunter F., Gunner	No. 6 Battery	22-1-73	7-3-66
1	Hussey J. G., Private	Parramatta	22-1-73	24-7-66
1	Howarth Geo., Gunner	No. 6 Battery	22-1-73	6-8-66
1	Hardie G., Private	No. 3 Company S.B.	30-1-73	6-12-66
1	Higley Wm., Bugler	St. Leonards	29-1-73	1867
1	Howard A. J., Sergeant	Parramatta	15-2-73	2-3-67
1	Haigh Fred., Private	Do	10-2-73	18-3-68
1	Harwood Chas., Private	No. 2 Company S.B.	12-2-73	3-2-68
1	Hamilton Wm., Private	Balmain	17-2-73	3-2-68
1	Hagarty M., Private	No. 2 Company S.B.	12-2-73	March /68
1	Harrison W. S., Bombardier	No. 6 Battery	21-2-73	21-3-68
1	Howard F., Private	Hawkesbury	20-2-73	March /68
1	Hagerty W. C., Bombardier	No. 4 Battery	17-2-73	17-4-68
1	Howard H., Gunner	Artillery Band	13-2-73	March /68
1	Halls E. O., Private	Glebe Company	14-2-73	2-4-68
1	Hodge Fred., Private	Do	13-2-73	6-7-68
1	Hall Chas., Private	Hawkesbury	15-3-73	22-2-68
1	Humphries J. P., Private	No. 3 Company S.B.	16-4-73	17-3-68
1	Hudson R. R., Sergeant	No. 3 Battery	6-3-73	Dec. /65
1	Hales F. B., Major	Western Battalion	11-3-73	1862
1	Hayes Tim., Private	Newcastle	25-3-73	22-2-68
1	Hughes R., Private	Do	25-3-73	27-4-68
1	Hewit R., Gunner	No. 5 Battery	18-1-73	20-11-65
1	Hiney Pat., Private	No. 2 Company S.B.	18-1-73	18-9-66
1	Horniman A., Gunner	No. 7 Battery	17-1-73	25-5-66
1	Hollier Sam., Private	Penrith	16-5-73	7-2-68
1	Inman Geo., Gunner	No. 7 Battery	30-1-73	8-2-66
1	Irish Jas., Private	Penrith	19-2-73	18-4-68
1	Jones Alfred, Private	No. 3 Company S.B.	13-1-73	12-6-67
1	Jaques A. T., Private	Balmain	16-1-73	June /67
1	Jerrems W. G., Gunner	No. 2 Battery	29-1-73	6-2-66
1	Johnston Wm., Private	No. 5 Company S.B.	13-2-73	29-4-68
1	Johnson J. T., Sergeant	No. 5 Battery	12-2-73	28-3-68
1	Johnston J. B., Sergeant	Hawkesbury	20-2-73	March /68
1	Jones James, Private	Paddington and Surry Hills	19-2-73	26-9-63
1	Jeffcott Sam., Private	Hawkesbury	20-2-73	March /68
1	Jeffress Jas., Sergeant	Glebe Company	13-2-73	6-7-68
1	Jeffress Wm., Private	Do.	31-3-73	6 7-68
1	Johnson Thos., Corporal	Do.	27-2-73	20-2-68
1	James Jas., Private	Newcastle	25-3-73	7-2-68
1	Johnston William, Private	Do.	25-3-73	7-2-68
1	Kain William, Gunner	No. 5 Battery	18-1-73	2-11-65
1	Keenan R. J., Gunner	No. 8 Battery	23-1-73	21-7-66
1	Kennedy D. S., Sergeant	No. 5 Battery	20-2-73	5-2-68
1	King Edmond, Gunner	No. 2 Battery	14-2-73	29-2-68
1	Knust Wm., Private	No. 5 Company S.B.	13-2-73	25-4-68

No. of Land Orders.	To whom issued.	Corps.	Date of issue.	Date of joining.
1	Kearney Harris, Corporal	Newcastle	25-3-73	1867
1	Long Jno. H., Private	Balmain	17-1-73	May /67
1	Lapham P., Private	No. 6 Company, S.B.	23-1-73	3-2-67
1	Lockwood M., Gunner	No. 5 Battery	5-2-73	16-11-65
1	Ludwig F. H. J., Private	Parramatta	17-2-73	11-4-68
1	Loddge Fras., Sergeant	No. 6 Company, S.B.	13-2-73	30-3-68
1	Laird Robt., Sergeant	Glebe Company	13-2-73	13-2-68
1	Lingforth L. G., Private	No. 2 Company, S.B.	13-2-73	11-2-68
1	Lamont C. A., Private	Parramatta	13-2-73	1866
1	Laughton. Wm., Private	South Sydney	17-3-73	1866
1	Lennox Jas., Private	Penrith	25-3-73	18-4-68
1	Lynch Pat., Private	Newcastle	25-3-73	23-7-67
1	Lamb T. R., Sergeant	No. 1 Company, S.B.	7-5-73	3-6-67
1	Marcombe S., Private	Volunteer Brigade Band	10-1-73	1867
1	Mather Hy., Private	Parramatta	15-1-73	Oct. /66
1	Mackinlay A., Bombardier	No. 1 Battery	15-1-73	17-5-65
1	Maddocks Geo., Private	No. 3 Company, S.B.	16-1-73	9-9-73
1	Milligan Wm., Gunner	No. 1 Battery	21-1-73	25-1-67
1	Maddocks J. H., Private	No. 1 Company, S.B.	21-1-73	July /67
1	Moxham W., Private	Parramatta	30-1-73	Oct. /66
1	Munro Alex., Private	No. 3 Company, S.B.	21-1-73	23-9-67
1	Matchett Wm., Sergeant	No. 5 Battery	21-1-73	23-11-67
1	Moore W. C., Gunner	No. 2 Battery	22-1-73	15-9-65
1	Maling Jno., Private	Parramatta	22-1-73	1866
1	Moore G. A., Private	Do.	11-2-73	2-1-67
1	Melville G. C., Sergeant	Balmain	3-2-73	June /67
1	Matthews S., Private	No. 1 Company S.B.	29-1-73	15-7-67
1	Morton Jno., Gunner	No. 2 Battery	20-3-73	29-2-67
1	Morris J. T., Private	West Maitland	7-2-73	26-8-66
1	Meads H., Private	Paddington and Surry Hills	7-2-73	26-5-66
1	Mihell Alex. W., Private	South Sydney	12-2-73	31-7-68
1	Mitchell Jas., Sergeant-Major	No. 7 Battery	12-2-73	31-1-68
1	Marshall Wm., Private	Balmain	13-2-73	14-2-68
1	Morris J. H., Lieutenant	No. 6 Company S.B.	13-2-73	25-2-68
1	Miller Thos., Private	Do.	13-2-73	31-1-68
1	Mills Henry Corporal	Hawkesbury	20-2-73	March /68
1	Moxham Jno., Private	Penrith	19-2-73	29-4-68
1	Maidment Wm., Private	Glebe Company	14-2-73	13-2-68
1	Magovney A. H., Private	No. 2 Company S.B.	14-2-73	18-3-68
1	Masters Edwd., Lieutenant	No. 4 Battery	15-2-73	26-3-68
1	Mullis Richd., Private	Penrith	19-2-73	18-1-68
1	Midgeley Wm., Private	Glebe Company	27-2-73	6-2-68
1	Macfarlane J. A., Private	No. 1 Company S.B.	8-4-73	10-2-68
1	Macfarlane Edwd., Private	Do.	15-4-73	10-8-68
1	Marshall W. J., Gunner	No. 5 Battery	4-3-73	16-11-65
1	Milton Wm., Sergeant	Newcastle	25-3-73	1867
1	Marriott D., Private	Do.	25-3-73	27-2-68
1	Middleton A., Private	Do.	25-3-73	23-7-67
1	Matthews H., Private	Parramatta	28-3-73	18-4-68
1	Moore W. H., Private	Do.	22-1-73	Jan. /67
1	Mottcram Peter, Private	Hawkesbury	4-4-73	1-4-68
1	Maloney Pat., Gunner	No. 3 Battery	19-5-73	June /64
1	Morrow J. F. B., Sergeant	No. 4 Company S.B.	6-6-73	13-5-68
1	Murray Peter, Corporal	No. 3 Company S.B.	3-7-73	6-7-68
1	M'Closkey J. C., Bombardier	No. 1 Battery	20-1-73	25-5-65
1	M'Culla M., Private	South Sydney	23-1-73	March /66
1	M'Neill Henry, Private	No. 5 Company, S.B.	13-2-73	29-4-68
1	M'Court M., Gunner	No. 6 Battery	13-2-73	6-4-68
1	M'Neill Robt., Corporal	No. 1 Battery	13-2-73	10-2-68
1	M'Donagh T., Gunner	No. 4 Battery	15-2-73	29-4-68
1	M'Laren W. B., Colour-sergeant	Parramatta	20-2-73	April /68
1	M'Carthy M., Private	Bathurst	14-2-73	Jan. /67
1	M'Alpin Chris., Gunner	No. 3 Battery	4-4-73	3-4-68
1	M'Millan H., Sergeant	No. 1 Battery	17-1-73	23-4-66
1	M'Carthy Wm., Private	Goulburn	4-4-73	30-4-68
1	Nelson Jas., Private	No. 4 Company, S.B.	22-1-73	13-10-66
1	Newell Robt., Private	Penrith	18-2-73	28-5-66
1	Newland W. H., Private	No. 6 Company, S.B.	17-2-73	4-5-68
1	New Thos., Private	West Maitland	19-2-73	19-2-68
1	Norton Edwd., Private	No. 1 Company S.B.	7-3-73	23-7-67
1	Noble Jno., Quartermaster-Sergeant	No. 2 Battery	5-3-73	8-3-68
1	Newman T. E. L., Private	No. 1 Company S.B.	22-1-73	July /67
1	Nolan J. M., Surgeon	Artillery Brigade	14-7-73	Sept. /68
1	O'Brien M., Gunner	No. 3 Battery	7-3-73	7-5-67
1	O'Brien Jno., Private	Newcastle	25-3-73	24-7-67
1	Oram Edward, Gunner	No. 2 Battery	10-5-73	31-1-68
1	O'Brien Jas., Private	No. 3 Company S.B.	30-6-73	10-6-68
1	Prince Geo., Private	No. 4 Company S.B.	23-1-73	1866
1	Pike Wm., Private	Penrith	10-2-73	1860
1	Peattie Jas., Gunner	No. 7 Battery	15-2-73	9-7-68
1	Palmer J. H., Bombardier	No. 1 Battery	12-2-73	16-1-68
1	Parker Wm., Private	Balmain	13-2-73	27-2-68
1	Perdrian H., Corporal	No. 5 Battery	12-2-73	29-2-68
1	Parkes R. S., Private	No. 6 Company S.B.	13-2-73	26-6-68
1	Primrose Wm., Private	Hawkesbury	20-2-73	1-4-68
1	Paton Jas., Private	Do.	20-2-73	1-4-68
1	Paisley R. H., Private	Balmain	13-2-73	19-2-68
1	Pike Thos., Quartermaster-Sergeant	Penrith	19-2-73	1860

No. of Land Orders.	To whom issued.	Corps.	Date of issue.	Date of joining.
1	Russell J. E. M., Gunner	No. 7 Battery	27-1-73	28-5-66
1	Rigby Chas., Sergeant	East Maitland	12-2-73	1866
1	Robinson Wm., Gunner	No. 1 Battery	15-2-73	16-1-68
1	Remington J. C., Lieutenant	No. 5 Battery	12-2-73	5-2-68
1	Robinson Jno., Private	Hawkesbury	20-2-73	1-4-68
1	Robinson Jas., Private	West Maitland	19-2-73	April /68
1	Rigney S. B., Private	Do.	19-2-73	14-2-68
1	Rees Rich., Private	Penrith	19-2-73	29-4-68
1	Riley Robt., Private	South Sydney	11-3-73	1867
1	Rotherim T., Private	Newcastle	25-3-73	19-7-67
1	Rotherim Jno., Private	Do.	25-3-73	23-7-67
1	Roddam T., Gunner	No. 6 Battery	8-5-73	24-3-68
1	Robinson Jas., Private	No. 5 Company S.B.	18-7-73	1-6-68
1	Scott Chas., Corporal	South Sydney	15-1-73	1863
1	Stenner Geo., Private	No. 3 Company S.B.	22-1-73	1860
1	Sands Wm., Gunner	No. 6 Battery	24-1-73	17-12-66
1	Stewart Walter, Private	No. 6 Company S.B.	22-1-73	9-7-63
1	Smee F. A., Private	Do	22-1-73	1860
1	Simpson Edwd., Private	Penrith	17-2-73	2-5-66
1	Smith D. A., Gunner	No. 5 Battery	30-1-73	20-11-65
1	Starling W. H., Private	Penrith	17-2-73	2-5-66
1	Stephan Adam, Gunner	No. 4 Battery	30-1-73	6-9-66
1	Solling C. F., Sergeant	West Maitland	7-2-73	June /66
1	Sefton J. J., Corporal	Do.	7-2-73	June /67
1	Solomon D. W., Corporal	Do.	7-2-73	1867
1	Szarka Jno., Private	Paddington and Surry Hills	3-2-73	1867
1	Semple Jas., Private	South Sydney	4-2-73	27-7-66
1	Shuttleworth A. S. B., Private	No. 1 Company S.B.	15-2-73	1-8-67
1	Smith C. R. Corporal	Do.	18-2-73	11-1-67
1	Swan J. T., Private	West Maitland	7-2-73	May /66
1	Swan H. W., Private	South Sydney	12-2-73	April /68
1	Smith, T. H., Bugler	No. 6 Company S.B.	17-2-73	1-5-68
1	Smith W. J., Private	Do.	17-2-73	7-4-68
1	Stewart Wm., Private	Hawkesbury	20-2-73	1-4-68
1	Stewart Jno., Private	Do.	20-2-73	1-4-68
1	Simon Fras., Private	Do.	20-2-73	March /68
1	Sheehy Rich., Private	South Sydney	20-2-73	27-2-68
1	Smeaton Peter, Lance-Corporal	Penrith	19-2-73	7 Feb. /68
1	Seward W. H., Private	West Maitland	19-2-73	18-1-68
1	Shepherd J. J., Private	Do.	19-2-73	May /68
1	Steinbeck W. B., Private	Do.	19-2-73	June /68
1	Sargent Robt., Gunner	No. 1 Battery	17-2-73	3-6-68
1	Smith M. M., Sergeant	Glebe Company	13-2-73	2-4-68
1	Smith Wm., Private	Do.	14-2-73	2-4-68
1	Selkirk Alex., Private	Richmond	19-2-73	April /68
1	Saber Edwd., Gunner	No. 4 Battery	17-2-73	2-9-68
1	Sullivan Michl., Gunner	Do.	19-2-73	4-5-68
1	Smith Henry, Corporal	East Maitland	6-4-73	March /67
1	Stephens Henry, Private	Newcastle	25-3-73	Feb. /68
1	Turnbull Wm., Private	Balmain	12-2-73	June /67
1	Thomas Jno., Corporal	South Sydney	12-2-73	April /68
1	Thomas Albert, Private	No. 6 Company S.B.	13-2-73	11-2-68
1	Tout Robt. J., Private	Hawkesbury	20-2-73	March /68
1	Tilly Henry, Private	Do.	20-2-73	1-4-68
1	Thomas D., Colour-Sergeant	Glebe Company	13-2-73	25-2-68
1	Turner E. W., Gunner	No. 4 Battery	7-3-73	25-8-68
1	Thompson Jas., Private	Newcastle	25-3-73	April /68
1	Thorn Jno., Private	Do.	25-3-73	5-2-68
1	Vial W. G., Private	Engineers	12-2-73	23-8-66
1	Vote J. C., Ensign	Glebe Company	18-6-73	Nov. /68
1	Weldon G., Gunner	No. 2 Battery	16-1-73	10-1-61
1	Wilson F. S., Private	No. 5. Company S.B.	21-1-73	29-10-60
1	Wiblen W. W., Corporal	No. 6 Battery	17-1-73	11-1-66
1	Wharton Benj., Corporal	Do	21-1-73	2-5-67
1	Waddell J. J., Corporal	No. 2 Battery	21-1-73	30-2-67
1	Walsh Jas., Private	No. 3 Company S.B.	23-1-73	1866
1	Waters W. F., Private	No. 2 Company S.B.	22-1-73	1866
1	Wallace Jno., Private	No. 6 Company S.B.	22-1-73	8-11-60
1	Williams Fras., Private	Do	22-1-73	28-3-65
1	Wilson D., Gunner	No. 1 Battery	22-1-73	5-2-66
1	Walker Sam., Private	Parramatta	29-1-73	1865
1	Withers Geo., Gunner	No. 2 Battery	29-1-73	3-2-67
1	Wood Alex., Gunner	No. 5 Battery	29-1-73	6-11-65
1	Wells Fred., Captain	No. 9 Battery	12-2-73	3-4-68
1	Watson Geo., Gunner	No. 6 Battery	12-2-73	6-2-68
1	Wilkins Wm., Sergeant	Hawkesbury	20-2-73	March /68
1	Ward Joseph, Corporal	Do	20-2-73	March /68
1	Wood Wm., Private	Do	20-2-73	April /68
1	Wall W. S., Private	No. 1 Company S.B.	12-2-73	24-2-68
1	Wiggans F., Private	Penrith	19-2-73	26-2-68
1	Weekes J. W., Captain	Glebe	12-2-73	18-2-68
1	Wilson Wm., Sergeant	Do	14-2-73	25-2-68
1	Walker Robert, Gunner	No. 4 Battery	12-2-73	5-8-68
1	Watson Adam, Private	Glebe Company	13-2-73	2-4-68
1	Wark Thos., Gunner	No. 4 Battery	13-2-73	26-10-65
1	Williams Chas., Private	South Sydney	20-2-73	27-2-68
1	Wade Geo., Colour-sergeant	Hawkesbury	15-3-73	1-4-68
1	Walker P. B., Private	No. 1 Company S.B.	1-4-73	Aug. /60

No. of Land Orders.	To whom issued.	Corps.	Date of issue.	Date of joining.
1	Wiley Wm., Private	No. 1 Company S.B.	3-3-73	6-4-68
1	Walker John, Corporal	No. 3 Battery	5-3-73	3-4-68
1	Wise Jas., jun., Corporal	Do	5-3-73	3-4-68
1	Winn Jas., Private	Newcastle	25-3-73	April /68
1	White Wm. F., Private	Do	25-3-73	1-3-68
1	Watts A., Private	West Maitland	1-5-73	May /68
1	White John, Gunner	No. 6 Battery	16-5-73	8-2-68
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Brigade Office,
Sydney, 29 Sept., 1873.

JOHN S. RICHARDSON, Lt.-Col.,
Commandant.

Sydney: Thomas Richards, Government Printer.—1873.

[6d.]

1873.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

VOLUNTEER ARTILLERY.

(DISMISSAL OF GUNNER JAMES WILLIAMSON.)

Ordered by the Legislative Assembly to be printed, 12 September, 1873.

RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 15 April, 1873, praying that His Excellency the Governor would be pleased to cause to be laid upon the Table of this House,—

"(1.) Copies of all Charges made, Correspondence, Petitions, Reports, and "Minutes thereon, having reference to the suspension from duty and "subsequent dismissal of Gunner James Williamson from the Artillery "Volunteer Force.

"(2.) That such copies embrace all documents having reference to the "subject matter between the dates of August 19th, 1872, and March 18th "of the present year."

(*Mr. Macintosh.*)

SCHEDULE.

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VOLUNTEER ARTILLERY.

No. 1.

BATTERY ORDER.

Battery Order,
19 August, 1872.

GUNNER James Williamson is hereby placed under arrest for disobedience to my orders while under arms on Saturday last, during the march from Moore Park to Hyde Park. He will therefore desist from all military duty during the period of such arrest, or until an inquiry shall decide whether his conduct shall be treated with dismissal or otherwise.

HENRY DEANE, Captain,
Commanding No. 6 Bat., V.A.

No. 2.

GUNNER WILLIAMSON to CAPTAIN DEANE.

Bourke-street, Sydney,
19 August, 1872.

SIR,

I beg to apologize for my leaving the ranks without your permission on Saturday last. I beg to assure you it was a case of urgent necessity, otherwise I would not have done so, and with no intention of showing any disrepect, or with the desire of disobeying your orders.

Under these circumstances I hope you will overlook the apparent breach of discipline, as such was not intended by me.

I am, &c.,
JAMES WILLIAMSON.

No. 3.

CAPTAIN DEANE'S ENDORSEMENT.

GUNNER James Williamson is advised to state what urgent necessity required his leaving the ranks on Saturday last, in order that such statement may be forwarded to the Major commanding Volunteer Artillery, with the charge.

With reference to the latter paragraph of his letter, Gunner Williamson must be well aware that there was no apparent breach of discipline but an absolute neglect to obey the commands of the officer in charge.

Gunner Williamson will return this letter, to be sent in with other papers.

HENRY DEANE, Captain,
Commanding No. 6 Bat., V.A.,
20/8/72.

No. 4.

CAPTAIN DEANE to MAJOR SHEPHERD.

75, Elizabeth-street,
Sydney, 10 October, 1872.

SIR,

I have the honor to forward herewith a charge which I prefer against Gunner James Williamson for insubordination, in having, at Sydney, on Saturday, the 17th day of August last, disobeyed the lawful command of Captain Henry Deane, his superior officer, by falling out of the ranks during the march under arms from Moore Park, after the Commandant's Parade, to Hyde Park, notwithstanding the direct order of that officer that no one should fall out of the ranks until the Battery should be dismissed at Hyde Park.

I further charge Gunner James Williamson with neglecting to return a written document, purporting to be an apology sent to me for the offence as in the previous allegation mentioned, with a memorandum thereon endorsed by me, which document was requested to be returned.

I have, &c.,
HENRY DEANE, Captn.,
Commanding No. 6 Bat., V.A.

No. 5.

No. 5.

MAJOR SHEPHERD'S ENDORSEMENT.

Forwarded 11/10/72.—W.W., Major, V.A.

IT is quite within the power of an officer in command of a Battery to deal with matters of this nature. Captain Deane will therefore report to this office the result when dealt with.

P.L.C.S., Major,
Commanding V.A.,
11/10/72.

W.W., Major, V.A.—12/10/72.

No. 6.

CAPTAIN DEANE to MAJOR SHEPHERD.

75, Elizabeth-street,
Sydney, 10 October, 1872.

SIR,

I have the honor to address you with reference to the charge of insubordination I have preferred against Gunner James Williamson, of even date herewith, that during the period I have had the honor of being a Commissioned Officer in No. 6 Battery, Volunteer Artillery (over five years), Gunner James Williamson has been a regular and efficient member of the Battery, and, I believe, with the exception of the time in the charge mentioned, has acted respectfully towards the officers of the Battery.

As this is the first (although serious) offence that I am aware of, I wish this statement to be taken into your consideration when dealing with the matter of the charge.

I have, &c.,
HENRY DEANE, Captain,
Commanding No. 6 Bat., V.A.

No. 7.

MAJOR SHEPHERD'S ENDORSEMENT.

Forwarded—W.W., Major, V.A., 11/10/72.

I CONSIDER the case reported to me of a very serious nature, and should certainly not go unpunished. The previous conduct of Gunner Williamson, however, has been of so satisfactory a nature that it need not be so severely treated as it should be under other and less favourable circumstances.

P.L.C.S., Major,
Commanding V.A.,
11/10/72.

W.W., Major, V.A., 12/10/72.

No. 8.

BATTERY ORDER.

75, Elizabeth-street,
Sydney, 14 October, 1872.

BY direction of the Officer Commanding the Volunteer Artillery, matters of this nature should be dealt with by Officers commanding Batteries. I, therefore, as the Captain commanding No. 6 Battery, Volunteer Artillery, do hereby suspend Gunner James Williamson, for insubordinate conduct in disobeying the lawful command of his Commanding Officer, for a period of six months, to commence from the date of the offence, viz., 17th August last. I further suspend Gunner James Williamson for a period of two months for neglecting to return a certain document, although requested to do so—such two months to commence from this date.

HENRY DEANE, Captain,
Commanding No. 6 Bat., V.A.

Arms and accoutrements issued to Gunner Williamson will be forthwith delivered up to the Q.-M. Sergeant Sherwood, at 311, Castlereagh-street, Sydney, during such suspension.—H.D., Capt. com. No. 6 Bty., V.A.

No. 9.

CAPTAIN DEANE to MAJOR SHEPHERD.

75, Elizabeth-street,
Sydney, 22 October, 1872.

SIR,

I have the honor to report, that in pursuance of you memo., 11/10/72, endorsed on a charge I preferred against Gunner James Williamson, of No. 6 Battery, V.A., for insubordinate conduct, and also for neglect of duty, I have suspended Gunner James Williamson, for the first offence for a period of six months—to commence from the date of the offence, viz., 17th August last; and for the second offence a period of two months, to commence from date of Battery Order, which is dated the 14th October instant, a copy of which he has had served upon him.

I have, &c.,
HENRY DEANE, Captain,
Commanding No. 6 Bat., V.A.

No. 10.

No. 10.

GUNNER WILLIAMSON, ACKNOWLEDGING RECEIPT OF BATTERY ORDER.

269, Bourke-street, Woolloomooloo,
24 October, 1872.

GUNNER James Williamson has to acknowledge receipt of Battery Order of 14 October, and would beg to be informed as to what document he is complained of as neglecting to return.

He has not been in possession of any document pertaining to the Volunteer Force since he has been a member.

JAMES WILLIAMSON,
Gunner, No. 6 Bat., V.A.

True copy.—W. B. B. Christie, Major of Brigade.

No. 11.

GUNNER WILLIAMSON to MAJOR SHEPHERD.

269, Bourke-street, Woolloomooloo,
22 October, 1872.

SIR,

I beg respectfully to inform you, that on the 19th August I received a communication from Captain Deane, commanding No. 6 Battery, Volunteer Artillery, in which it was notified that I was placed under arrest for an offence committed on the march home from Moore Park, on the 17th August, viz.: Falling out without leave.

I beg to state that I did ask leave and was refused, but as I was suffering great pain at the time I was compelled to fall out. I addressed a communication to Captain Deane on the subject, which he has not condescended to notice.

I now take the liberty of drawing your attention to the case, as it has now been some months in abeyance; and hoping it will receive your favorable notice,

I remain, &c.,
JAMES WILLIAMSON,
Gunner, No. 6 Bat., V.A.

No. 12.

MAJOR SHEPHERD'S ENDORSEMENT.

CAPTAIN Deane will direct Gunner Williamson to forward this letter through the proper channel.

P.L.C.S., Major,
Com. V.A.,
22/10/72.

Forwarded.—W.W., Major, V.A., 23/10/72.

No. 13.

MAJOR SHEPHERD'S MEMO.

THIS has been returned to me by mistake. It should have been sent on to Captain Deane.

P.L.C.S., Major,
Com. V.A.,
24/10/72.

Forwarded.—W.W., Major, V.A., 24/10/72.
Received, 28/10/72.—H.D., Capt. com. No. 6 Bty., V.A. Returned.

No. 14.

CAPTAIN DEANE'S MEMOS.

GUNNER Williamson is informed that he has no right to communicate direct with the Officer commanding Volunteer Artillery. All communications from the Battery *must* pass through my hands.

H.D., Capt.,
Com. No. 6 Bat., V.A.,
28/10/72.

Gunner Williamson will endorse a memo. on this of its having been received by him, and then return it.—H.D., Capt. com. No. 6 Bat., V.A., 30/10/72.

No. 15.

GUNNER WILLIAMSON to MAJOR SHEPHERD.

RECEIVED, 29/10/72.

JAMES WILLIAMSON,
Gunner, No. 6 Bat., V.A.

No. 16.

No. 16.

CAPTAIN DEANE to LIEUT.-COLONEL RICHARDSON.

IN forwarding this letter I beg to offer a few remarks thereon, which appear to me to be necessary in explanation. On the 19th August last I issued a Battery Order, placing Gunner Williamson under arrest, for falling out of the ranks on the 17th August last, contrary to my direct orders, and caused a copy of such order to be delivered to him. On the same day (19th) a communication was received by me from Gunner Williamson, upon which I endorsed thereon the following memo.:—"Gunner James Williamson is advised to state what urgent necessity required his leaving the ranks on Saturday last, in order that such statement may be forwarded to the Officer commanding Vol. Artillery, with the charge. With reference to the latter paragraph of his letter, Gunner Williamson must be well aware there was no apparent breach of discipline, but an absolute neglect to obey the commands of the officer in charge. Gunner Williamson will return this letter, to be sent in with other papers." This letter, with my memo., I caused to be returned to him through the post, and not receiving any reply, after waiting some weeks I sent in my charge to the Officer commanding Vol. Artillery, upon which was endorsed a memo. by that officer: "That it is quite within the power of an officer in command of a battery to deal with matters of this nature. Captain Deane will therefore report to this office the result when dealt with." Upon this memo. I acted, and by Battery Order, dated 14th October last, suspended Gunner Williamson for six months from date of offence, also for the non-return of document as requested two months from date of Battery Order, and have had a copy of such order duly served upon him, and reported what had been done to the Officer commanding Vol. Artillery, on the 22nd October last.

H.D., CAPT.,
18/11/72.

No. 17.

MINUTE OF MAJOR WILSON.

FORWARDED to Major Shepherd, commanding Vol. Artillery Brigade.

W.W., Major,
Left Wing, V.A.,
21/11/72.

No. 18.

MINUTE OF MAJOR SHEPHERD.

FORWARDED for consideration of Commandant.

P.L.C.S., Major.,
Com. V.A.,
27/11/72.

No. 19.

MINUTE OF LIEUT.-COLONEL RICHARDSON.

CAPTAIN Deane has acted illegally in awarding suspension for six months as a penalty for certain conduct. Suspension from military duty should only be resorted to pending inquiry into the conduct of an individual. Major Shepherd should have pointed this out to Captain Deane when he made an official report of the matter on the 22nd October last.

J.S.R., Lieut.-Col.,
Comdt.,
28/11/72.

B.C.

No. 20.

MINUTE OF MAJOR SHEPHERD.

I AM aware that according to the Queen's Regulations this penalty is not awardable by a Battery officer, but the Commandant has never (to my knowledge) clearly defined how far these Regulations apply to Volunteers, and has even appeared to me at times to ignore them altogether. So far as the Volunteer Regulations are concerned, by which that Force is supposed to be governed, I do not find this penalty anywhere forbidden, but I do find that the greater penalty of dismissal is vested (in my opinion improperly so) in the hands of Battery Commanding Officers, this latter course being totally inconsistent with the Queen's Regulations. For further guidance I shall be glad to learn the particular portions of the Queen's Regulations which the Commandant desires to be acted upon, and particularly the regulation which has been contravened in this particular instance.

P.L.C.S., Major,
Com. Vol. Artillery,
2/12/72.

Recd., 3/12/72.

No. 21.

MINUTE OF LIEUT.-COLONEL RICHARDSON.

THE point appears to me to be whether or no Captain Deane had any authority to inflict a penalty of suspension for six months for a breach of discipline; and as such breaches are treated under clause 28 Volunteer Act, which provides certain penalties, of which the above does not form one, I am of opinion that Captain Deane has acted illegally and in contravention of the clause above quoted.

J.S.R., Lieut.-Col.,
Comdt.,
9/12/72.

B.C.

No. 22.

No. 22.

MINUTE OF MAJOR SHEPHERD.

CAPTAIN Deane will at once release Gunner James Williamson from suspension, in conformity with the Commandant's Memo., and report to this office any further steps taken in the matter.

P.L.C.S., Major,
Com. V.A.,
13/12/72.

Received, 16/12/72.—H.D., Captn.

No. 23.

BATTERY ORDER.

75, Elizabeth-street,
Sydney, 18 December, 1872.

BY direction, Gunner James Williamson is released from suspension, and will again resume his military duties.

HENRY DEANE, Captain,
Commanding No. 6 Bat., V.A.

No. 24.

CAPTAIN DEANE to MAJOR SHEPHERD.

75, Elizabeth-street,
Sydney, 18 December, 1872.

SIR,

I have the honor to report, in pursuance of your command, endorsed on letter 72/2422, that I have this day released Gunner James Williamson from suspension.

I have, &c.,
HENRY DEANE, Captain,
Commanding No. 6 Bat., V.A.

No. 25.

GUNNER WILLIAMSON to MAJOR SHEPHERD.

269, Bourke-street, Woolloomooloo,
17 December, 1872.

SIR,

Having received a communication from the Officer commanding Volunteers, stating that he gave a decision as to the charges preferred against me by Captain Deane, No. 6. Battery, V.A., on the 28th November last, and again on the 3rd of this month,—I now beg that I may be supplied with copies of such decisions.

I have, &c.,
JAMES WILLIAMSON, Gunner,
No. 6 Bat., V.A.

P.S.—I enclose copy of my letter to Colonel Richardson, and the Colonel's Memo.

Received, 19/12/72.—H.D., Captn.

[*Enclosure in No.* 25.]

Gunner Williamson to Lieut.-Colonel Richardson.

269, Bourke-street, Woolloomooloo,
13 December, 1872.

Sir,

I beg most respectfully to forward, for your inspection, copies of correspondence between Captain Deane, No. 6 Battery, V.A., Major Shepherd, commanding Volunteer Artillery, and myself.

It will be seen by the above-mentioned that I was reported, on the 17th August last, for falling out without leave on the march from Moore Park. On the 19th same month I received notice that I was placed under arrest. I heard nothing further until the 21st October, when I received a notification that I was suspended for six months for disobeying orders, and further, that I was suspended for two months for detaining a document I never had or heard of, much less had it in my possession. It will be seen, in reference to the first charge, that I acknowledged falling out, and apologized to Captain Deane for so doing, and I believe any soldier on the march is allowed to fall out to answer the calls of nature. I therefore beg to state, that I feel that the punishment for this offence is far greater than the offence, even if Captain Deane had power to inflict such punishment, which I submit he has not under the Volunteer Act. As regards the second offence, I beg to state I know nothing at all about it, as I have already stated. I have also to complain of the treatment I have received at the hands of Captain Deane, in keeping me in suspense from the 19th August to the 22nd October, and it is also worthy of notice, that I never received the Battery Order until after I had addressed Major Shepherd on the subject. On the 24th October I addressed a communication to Captain Deane (copy enclosed), and received no reply.

I then forwarded my complaint to the Major Commanding Volunteer Artillery with same result.

In conclusion, I would beg to state that I had no chance given me to clear myself from these charges. I consider that I ought to have been brought face to face with my accusers, and had an opportunity given me to vindicate myself. I believe Captain Deane was both complainant and Judge in the case.

I now beg to leave the whole case in your hands, knowing that I shall receive justice.

I have, &c.,
JAMES WILLIAMSON, Gunner,
No. 6 Bat., V.A.

No. 26.

No. 26.

LIEUT.-COLONEL RICHARDSON'S ENDORSEMENT.

THIS case was submitted to me by Major Shepherd on the 27th November last. I gave my opinion on it on the 28th of that month. It was re-submitted on the 3rd of this month, and I again gave an opinion similar to the one formerly recorded.

J.S.R., Lieut.-Col.,
Comdt., 15/12/72.

B.C.

No. 27.

BATTERY ORDER.

75, Elizabeth-street,
Sydney, 20 December, 1872.

I HEREBY dismiss Gunner James Williamson from the Volunteer Force, and his name strike out of the muster-roll of No. 6 Battery Volunteer Artillery, for disobedience of orders, in communicating with head quarters direct, in opposition to my warning not to do so, conveyed to him by memo., dated 28/10/72, and acknowledged by him on 29/10/72.

HENRY DEANE, Captain,
Commanding No. 6 Bat., V.A.

No. 28.

CAPTAIN DEANE to MAJOR SHEPHERD.

75, Elizabeth-street,
Sydney, 20 December, 1872.

SIR,

I have the honor to report that I have this day dismissed Gunner James Williamson from the Volunteer Force, and struck his name out of the muster-roll of No. 6 Battery, V.A., for disobedience of orders, in communicating with head quarters direct, in opposition to my warning not to do so, conveyed to him by memo. dated 28/10/72, and acknowledged 29/10/72.

I have, &c,
HENRY DEANE, Captain,
Commanding No. 6 Bat., V.A.

True copies,—P.L.C.S., Major, Com. V.A.—28/4/73.

No. 29.

PETITION FROM GUNNER WILLIAMSON to GOVERNOR SIR H. G. R. ROBINSON.

To His Excellency Sir Hercules George Robert Robinson, K.C.M.G., Governor and Commander-in-Chief of the Colony of New South Wales and its Dependencies.

MAY IT PLEASE YOUR EXCELLENCY,—

I most respectfully beg to appeal to your Excellency in the matter of my being dismissed from the Volunteer Artillery Force, No. 6 Battery, in which I held the rank of Gunner (under Captain Deane), on the 20th December last, on a charge of having addressed a communication to head quarters direct.

The enclosed papers will show that on the 19th August, 1872, I was placed under arrest by Captain Deane for disobedience of orders. On the same date I wrote to Captain Deane an explanatory letter, of which no notice was taken.

On the 12th October (not having received any notice whatever from Captain Deane) I addressed a letter direct to Major Shepherd, commanding Volunteer Artillery, on the subject, which letter was by Major Shepherd (through Captain Deane) returned to me, to be re-forwarded through the proper channel (*vide* Major Shepherd's mem.), which was done. On the 14th October, 1872, two days after my addressing Major Shepherd, I received a Battery Order, notifying that I was suspended for six months for insubordinate conduct; and further, that I was suspended for a period of two months for neglecting to return a document, the property of the Battery, never having had possession of any document belonging to the Battery.

On the 24th October I addressed a memo. to Captain Deane, acknowledging receipt of Battery Order, and asking what document I was charged with detaining. No notice being taken of my communications by either Major Shepherd or Captain Deane, and a period of three months having elapsed, I considered that I was fully justified in addressing the Officer commanding Volunteer Force, which I did on the 13th December, 1872. This communication was returned on 15th December, 1872, with the following memo.:—

"This case was submitted to me by Major Shepherd on the 27th November, and I gave my opinion on it on the 28th of this month. It was re-submitted on the 3rd of this month, and again I gave an opinion similar to the one formerly recorded."

Major Shepherd and Captain Deane not having communicated to me the Commanding Officer's decision, I, on the 17th December, 1872, addressed a letter to Major Shepherd, through Captain Deane, enclosing a copy of my letter to the Commanding Officer, also the Commanding Officer's memo., asking that I might be supplied with such decision.

Within two hours after my letter was left at Captain Deane's office, a Battery Order, dated 18th December, was left at my residence, notifying that my suspension was cancelled. Again, on the 20th December, 1872, I received another Battery Order, notifying that I was dismissed from the Volunteer Force, and my name struck off the muster-roll of No. 6 Battery for communicating with head quarters.

I

I now appeal to your Excellency to reverse the decision of Captain Deane, on the following grounds:—

First. That in consequence of Major Shepherd and Captain Deane not replying to my communications, I was fully justified in addressing the Commanding Officer direct.

Second. That the punishment was more than the offence required.

I also beg to inform your Excellency that I have completed my term of five years' service, by which I am entitled to a Land Order, and being dismissed I lose all claim to such, which is a great hardship to me, having served faithfully and complied strictly with the terms of the Volunteer Act.

I now leave the case in your Excellency's hands, knowing that justice will be impartially administered.

I beg, &c.,
JAMES WILLIAMSON,
Late Gunner, No. 6 Bat., V.A.

269, Bourke-street, Woolloomooloo,
Sydney, 17th January, 1873.

True copy,—W. B. B. Christie, Capt., Major of Brigade.

No. 30.

Governor Sir Hercules G. R. Robinson to Lieut.-Colonel Richardson.

Refer to Colonel Richardson, for report.

H.R., 17/1/73.

No. 31.

Lieut.-Colonel Richardson to Governor Sir Hercules G. R. Robinson.

Brigade Office,
Sydney, 24 January, 1873.

Your Excellency,

In accordance with your minute (17/1/73), I have the honor to report, for your information, that Mr. Williamson's case was submitted to me on the 27th November last, as shown by appended copy
22 Oct., 1872. of letter, with my remarks thereon, by which your Excellency will perceive that I gave it as my opinion, that Captain Deane in the first instance awarded a penalty not authorized by the Volunteer Act, and consequently illegal. Touching the matter of his dismissal from the Force, I am further of opinion, that the course pursued by Captain Deane was unnecessarily severe, when the circumstances of this case are taken into consideration, viz.:—The long period under arrest, between commission of the first offence, and the dealing therewith by Captain Deane; next, the infliction of an illegal penalty; and finally, Gunner Williamson's evident anxiety for a settlement of his case, in order to enable him to complete his efficiency during the past year, to entitle him to a Land Order.

I may, in conclusion, remark, that by the arrest and subsequent suspension, as above quoted, Mr. Williamson has forfeited his claim to a certificate for a grant of land, which I need hardly say is a considerable pecuniary loss.

I have, &c.,
JOHN S. RICHARDSON, Lieut.-Col.,
Commandant.

True copy,—W. B. B. Christie, Major of Brigade.

No. 32.

Minute of Governor Sir Hercules G. R. Robinson.

Colonial Secretary,

Mr. Williamson appears to have been dealt with illegally and harshly. But I think it better to defer coming to any decision in this case until I receive a reply to the reference which I made upon similar cases to the Colonial Secretary several months ago, as I am anxious that the powers and responsibilities of the Governor and the Ministers respectively, in military matters, should be clearly defined.

H.R., 29/1/73.

No. 33.

Gunner Williamson to Governor Sir Hercules G. R. Robinson.

269, Bourke-street,
18 March, 1873.

To His Excellency Sir Hercules Robinson, K.C.M.G., Governor of New South Wales, &c., &c.,—

May it please Your Excellency,—

On January the 4th I took the liberty of addressing you on the subject of my dismissal from No. 6 Battery, Volunteer Artillery. Also, forwarding for your Excellency's perusal all correspondence that has passed between Captain Deane, Major Shepherd, Colonal Richardson, and myself, on the subject.

Not having received any answer, I conceive, probably, that they may have been mislaid, and again beg to draw your Excellency's attention to them.

I have, &c.,
JAMES WILLIAMSON,
Late Gunner, No. 6 Bat., V.A.

No. 34.

Minute of Governor Sir Hercules G. R. Robinson.

Col. Sec.—H.R., 18/3/73.

Sydney: Thomas Richards, Government Printer.—1873.

[6d.]

1873-4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

VOLUNTEER ARTILLERY.

(CORRESPONDENCE RESPECTING CAPTAIN BAMFORD'S CASE.)

Ordered by the Legislative Assembly to be printed, 14 *January*, 1874.

RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 28 November, 1873, praying that His Excellency the Governor would be pleased to cause to be laid upon the Table of this House,—

"Copies of all Correspondence, Minutes, Evidence, Documents, and all "other papers in the possession of the Government, or the Volunteer "authorities, having reference to, or connected with, the dismissal of "Captain J. B. Bamford from the Volunteer Artillery Force."

(Mr. Tunks.)

SCHEDULE.

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VOLUNTEER ARTILLERY.

No. 1.

LIEUT.-COLONEL RICHARDSON to THE COLONIAL SECRETARY.

Brigade Office,
Sydney, 30 December, 1873.

SIR,

I have the honor to transmit herewith, copies of all Correspondence, Minutes, Evidence, Documents, and all other papers, in the possession of this Department, having reference to, or connected with, the dismissal of Captain J. B. Bamford from the Volunteer Artillery Force, pursuant to the request contained in your letter No. 115, of the 29th ultimo, viz. :—

Brigade Order, 23/1/73.
Letter from Sergeant Williams to Sergeant-Major Byrne, 6/2/73.
Letter from Mr. Lockyer, 13/3/73, with following Minutes thereon, viz. :—
- From Captain Bamford, 14/3/73.
- From Captain Lett, 22/3/73.
- From Captain Bamford, 27 and 31/3/73.
- From Majors Wilson and Shepherd, 31/3/73.
- From Captain Bamford, 1/4/73.
- From Commandant, 2/4/73.
- From Captain Bamford, 4/4/73.
- From Captain Lett, 7/4/73.

Memo. from Commandant, 8/4/73.
Memo. from Major Shepherd, 10/4/73.
Memo. from Captain Bamford, 16/4/73.
Memos. from Majors Wilson and Shepherd, 17/4/73.
No. 8 Battery Order, 3/2/73.
Letter from Captain Bamford, 18/4/73.
Minute of Major Shepherd, 19/4/73.
Letter from Mr. Lockyer, 16/4/73.
Memo. from Sergeant Williams, 15/4/73.
No. 8 Battery Order, 15/4/73.
Memo. from Captain Bamford to Gunner Lockyer, 26/3/73.
Letter from Commandant to Governor, 18/4/73.
Governor's Minute thereon, 20/4/73.
Brigade Order, directing Inquiry, 22/4/73.
Letter to Major Shepherd, 22/4/73.
Letter from Sergeant Williams to Captain Bamford, 17/5/73.
Letter from Major Clarke, V.A., forwarding proceedings of Court of Inquiry in Lockyer's case, 22/5/73.
Letter from Captain Bamford, 23/5/73, with following Minutes thereon, viz. :—
- From Major Wilson, 23/5/73.
- From Major Shepherd, 24/5/73.
- From Commandant, 25/5/73.
- From Major Shepherd, 26/5/73.
- From Commandant, 31/5/73.

Brigade Order, 26/5/73.
Letter from Commandant to Governor, 27/5/73.
Letter from Governor, 30/5/73.
Brigade Order, 2/6/73.
Brigade Order, 6/6/73.
Letter from Major Jaques, forwarding proceedings of Court of Inquiry on Captain Bamford, 22/7/73.
Letter from Commandant to Governor, forwarding proceedings of Court of Inquiry, 8/8/73, together with notes of a conversation between Commandant and Captain Bamford, 14/9/71.
Captain Lett's explanation regarding certain memoranda in proceedings, 8/8/73.
Major Shepherd's Minutes on Captain Lett's explanation, 8/8/73.
Letter from Governor, 4/9/73.
Brigade Order, 6/9/73.
Charges preferred against Captain Lett.
Letter from Captain Bamford, 10/8/73.
Major Shepherd's Minute thereon, 13/8/73.
Commandant's Minute, 15/8/73.
Major Shepherd's Minute, 19/8/73.
Commandant's Minute, 20/8/73.
Major Shepherd's Minute, 25/8/73.
Memo. from Major Shepherd, 18/8/73.
Reply from Captain Bamford, 19/8/73.
Major Shepherd's Minute, 20/8/73.
Commandant's Minute, 26/8/73.
Major Shepherd's Minute, 26/8/73.
Memo. from Commandant, 29/8/73.
Letter from Major Shepherd, 29/8/73. (Withdrawn.)
Letter from Brigade Major to Major Shepherd, 1/9/73.
Letter from Major Shepherd, 2/9/73.
Letter from Brigade Major, 3/9/73.
Memo. from Major Shepherd, 5/9/73.
Letter from Major Shepherd, 9/9/73.
Letter to Governor, 11/9/73.
Letter from Governor, 18/9/73.
Memo. to Major Shepherd, 19/9/73.
Captain Lett's statement, 27/9/73.
Major Shepherd's Minute, 29/9/73.
Commandant's Minute, 1/10/73.
Major Shepherd's Minute, 3/10/73.
Memo. from Major Shepherd, 20/10/73.
Memo. from Major Shepherd to Mr. Bamford, 17/10/73.
Mr. Bamford's reply, 24/10/73.
Major Shepherd's Minute, 24/10/73.
Letter to Governor, 12/11/73, together with copy of Captain Bamford's letter, 23/5/73, with following Minutes thereon, viz. :—
- From Major Wilson, 23/5/73.
- From Major Shepherd, 24/5/73.
- From Commandant, 25/5/73.
- From Major Shepherd, 26/5/73.
- From Commandant, 31/5/73.

Letter from Commandant to Governor, No. 301, 27/5/73.
Extract from Commandant's letter to Governor (paragraph 3), 8/8/73.
Letter from Governor, 21/11/73.
Letter to Major Shepherd, 24/11/73.
Letter from Major Shepherd, 27/11/73.
Letter to Governor, 28/11/73.

I beg leave also to respectfully remind you that the minutes or memoranda of His Excellency the Governor and Executive Council on my letter of the 8th August last, forwarding the proceedings of the two Courts of Inquiry, are not included in this list of correspondence, as no copies of the same have been supplied to me.

I have, &c.,
JOHN S. RICHARDSON, Lieut.-Col.,
Commandant.

[*Enclosures*

3

[*Enclosures to No.* 1.]

(No. 11.)

Brigade Office,
Sydney, 23 January, 1873.

BRIGADE ORDER.

2. The necessary funds having been voted by Parliament for an Encampment of the Volunteer Force at Easter, officers commanding Corps will forward to this office, through the Majors Commanding, with as little delay as possible, returns showing the names of the officers, non-commissioned officers, and men, who will be prepared to move into Camp on the evening of Thursday, the 10th April, and remain until the evening of Monday, the 14th.

In order to take every advantage of the training which will be carried on during that period, as also to avoid useless expenditure, it is to be distinctly understood that no leave will be granted to quit the Camp; consequently, the names of those who are unable to comply with this condition need not be returned.

By command,
THOS. BAYNES, Capt.,
Acting Major of Brigade.

True copy.—W. B. B. CHRISTIE, Capt., Major of Brigade.

L.

Sergeant Williams to Sergeant-Major Byrne.

Imperial Pension Office,
Sydney, 6 February, 1873.

Sir,

Referring to a Brigade Order relative to the Easter Encampment, I am desired by the member of our Battery named in the margin to inform you that it is his intention to attend the Encampment.

John Keele, Bombardier, P.A.O. Batt. V.A.

I am, &c.,
PERCY E. WILLIAMS, Sergt.,
Prince Alfred's Own Battery, V.A.

True copy.—W. B. B. CHRISTIE, Capt., Major of Brigade.

C.

Gunner Lockyer to Lieut.-Colonel Richardson.

Treasury, N.S.W.,
13 March, 1873.

Sir,

I have the honor to lay before your notice the following—

On the last evening on which the names were taken, of those who wished to attend the Encampment, I forwarded my name by Mr. M'Kellar (gunner), so that as he was giving in his own he might give mine also; but on tendering my name he was informed that as I had not attended myself on that particular evening* it could not be received.

Having the time at my disposal, and wishing particularly to attend the Encampment, perhaps under the circumstances you will see no objection to my name being added to the list.

* Has been for some time an "habitual absentee."—J.B.B., Capt.

I have, &c.,
NICHOLAS LOCKYER, Gunner,
Prince Alfred's Own Battery.

Forwarded for the *Commandant's* decision.

Memo.—I have already more than once explained to Gunner Lockyer that I could not consistently with my own Battery Order on the subject forward his name, now that the date I had fixed in that order for receiving has passed; and I feel surprised he should assign as a *reason for* the indulgence he seeks, a fact which in my opinion is distinctly *against* his request, viz., non-attendance at drill.—J. B. BAMFORD, Capt., No. 8, or P.A.O. Batt., V.A., 14/3/73.

W.W., Major, V.A., 14/3/73.

The *Commandant* thinks it desirable that as many men as possible should attend the Encampment. It was necessary that an approximate idea of the number who would be likely to attend should be given; hence the Brigade Order requesting names to be forwarded by a certain date; but it never was intended to prevent any person from attending simply because his name was not submitted in time. It is the duty of officers commanding Batteries to endeavour to secure as large a muster as possible at the Encampment. By order.—C. LETT, Capt., Adjt., V.A., B.C., 22/3/73.

As a *point of discipline* is involved in this matter I must request that Gunner Lockyer's letter may be laid before the Commandant (to whom it is addressed). The *matter is important* in its *future* bearings upon the discipline and subordination of my Corps; and I think the Commandant is the proper authority to decide in all cases *referred to him*.—J. B. BAMFORD, Capt., No. 8, P.A.O. Batt., V.A., 27/3/73.

Forwarded to *me again* by mistake;—intended for the Commandant.—J.B.B., Capt., No. 8, 31/3/73.

Forwarded.—W.W., Major, V.A., 31/3/73. Forwarded.—P.L.C.S., Major, Com. V.A., 31/3/73.

The Adjutant has forwarded this to *me* again instead of to the Commandant. I beg of the Field Officer in charge of the Left Wing to take such measures as will ensure that this letter reaches its destination. The Commandant should have had it a fortnight ago by rights.—J.B.B., Capt., No. 8, or P.A.O. Batt., V.A., 1/4/73.

The "Memo." in question was written by Captain Lett after he had ascertained my views on the subject.—J.S.R., Lt.-Col., Comdt., B.C., 2/4/73.

In the particular instance of Gunner Lockyer, will the Commandant please inform me whether he will support my authority and the integrity of my Battery Order, or whether that individual's wishes are to supersede them—this being the point at issue between him and myself? I had already done my best to ensure a large attendance of No. 8 previous to Captain Lett's memo. I expect it will be well represented.—J.B.B., Capt., No. 8, 4/4/73.

W.W., Major, Left Wing, V.A., 5/4/73.

Forwarded to the Commandant. By order.—C. LETT, Capt., Adjt., V.A., B.C., 7/4/73.

D.

Requested copy of the Battery Order referred to. I shall hold Captain Bamford responsible for any action of his which precludes any Volunteer under his command attending the Encampment.—J.S.R., Lt.-Col., Commdt., B.C., 8/4/73.

Forwarded for Captain Bamford's information. Urgent. Forwarded direct.—P.L.C.S., Major, Com. V.A., 10/4/73.

Copy of Battery Order forwarded. By this it will appear that I fixed Wednesday, 12th February, for receiving names, in accordance with Brigade Order, 23rd January, in which they are called for *without delay*; and Gunner Lockyer is very far from meriting that an exception should be made in his favour.—J.B.B., Capt., Commdg. No. 8 or P.A.O. Batt., V.A., 16/4/73.

Forwarded.—W.W., Major, Left Wing, V.A., 17/4/73.

Forwarded for information of Commandant.—P.L.C.S., Major, Com. V.A., 17/4/73.

E.

4

E.

BATTERY ORDER.

(Copy.) 8 February, 1873.

MEMBERS who intend going into Camp at Easter will give in their names to the Battery Sergeant-Major on or before Wednesday, 12th instant.

No permission will be granted to quit the Encampment.

J. B. BAMFORD, Capt.,
Comdg. No. 8, or P.A.O. Battery, V.A.

N.B.—Cautions were also read to the Battery to the effect that no names would be received after the 12th February.—PERCY E. WILLIAMS, Orderly-sergeant.

Certified, true copy.—PERCY E. WILLIAMS, Orderly-sergeant.
True copy.—W. B. B. CHRISTIE, Capt., Major of Brigade.

F.

Captain Bamford to Major Shepherd.

32, Francis-street, Enmore,
18 April, 1873.

Sir,

I have the honor to report that I have struck Gunner N. Lockyer off the roll of the Battery for wilful and premeditated disobedience of my lawful command.

In pursuance of Brigade Order (23rd Jan.), I issued a Battery Order for names of individuals going into Camp to be given in by a fixed day. Gunner Lockyer did not comply with it, but subsequently intimated to me his wish to attend the Encampment.

After the Commandant's parade of 22nd ult. I gave a general invitation to the whole Battery to attend it, but as Gunner Lockyer had in the interim written on the subject (through me) to the Commandant, I therefore forbade his going until that officer's orders about him had reached him by the same channel. This course I deemed proper, as the matter had been taken out of my hands, and necessary to discipline, inasmuch as Gunner Lockyer gave me to understand he had been advised by competent authority to act independently of me.

The Commandant's orders have not yet been received; nevertheless Gunner Lockyer, in direct disobedience of my orders, was present as one of the Camp force.

He certainly stated to me some time back that he had had an interview with the Commandant about the matter, in which he has now disobeyed my positive orders, and that he should act by his advice; but for me to infer from this that the Commandant counselled him to an act of direct disobedience would be, I think, absurd.

I trust the Commandant will be pleased to support me in the step I have taken to enforce discipline and subordination in the Corps under my command.

I have, &c.,
J. B. BAMFORD, Capt.,
Comdg. No. 8, or P.A.O. Battery, V.A.

Forwarded.—W.W., Major, Left Wing V.A., 18/4/73.

For the Commandant's information. I am of opinion that if the Commandant would insist upon all communications to himself from officers and men under my command coming through me, much unnecessary trouble and vexation would be obviated. The Commandant may perhaps remember my having previously alluded to this subject. If such a defiance of orders as has been exhibited in this instance be tolerated on any pretext whatever, it will be impossible to maintain proper discipline in the Force.—P.L.C.S., Major, Com. V.A., 19/4/73.

H.

Gunner Lockyer to Lieut.-Colonel Richardson.

Treasury, New South Wales,
16 April, 1873.

Sir,

Dated 15 April, 1873. I have the honor to enclose a Battery Order, signed by the Captain of No. 8 Battery, to which I belong, informing me that my name has been struck off the roll for wilful and premediated disobedience of orders. I have most respectfully to request that an inquiry may be held into the charges preferred against me, as I have not the slightest knowledge of ever having disobeyed my officers. Perhaps you will have the goodness to enclose this, and petition, to His Excellency the Governor.

I have, &c.,
NICHOLAS LOCKYER.

"No. 8 or 'Prince Alfred's Own' Battery, V.A.

Sydney, 15 April, 1873.

Gunner Lockyer,—

I am commanded by Captain Bamford to inform you that your name is this day struck off the Battery Roll.

Annexed is a copy of the Battery Order.

PERCY E. WILLIAMS, Orderly-sergeant,
No. 8, or P.A.O. Battery, V.A."

BATTERY ORDER.

15 April, 1873.

GUNNER Nicholas Lockyer is struck off the roll of the Battery from this date, for wilful and premeditated disobedience of my lawful commands.

J. B. BAMFORD, Capt.,
Commanding No. 8, or P.A.O. Batt., V.A.

Handed in to the Court by Gunner Lockyer.—M.W.C., Major, President, 16/5/73.

A 1.

MEMO. 26/3/73.

Gunner N. Lockyer is informed that the permission granted to members of the Battery generally, to join the Encampment, does not apply to him.

As he has applied to the Commandant on the subject, he must await that officer's reply, by which he must be guided.

J. B. BAMFORD, Capt.,
Commanding No. 8 or P.A.O. Batt., V.A.

True copies.—W. B. B. CHRISTIE, Capt., Major of Brigade.

G.

5

G.

Lieut.-Colonel Richardson to His Excellency the Governor.

(73/233.)

Brigade Office,
Sydney, 18 April, 1873.

Your Excellency,—

I have the honor to forward the accompanying letter from Nicholas Lockyer, late gunner No. 8 Battery, Volunteer Artillery, on the subject of his discharge from that Battery, and to recommend for your approval that a Court of Inquiry be assembled to investigate the matter. 16 April, 1873.

I have, &c.,
J. S. RICHARDSON, Lt.-Col.,
Commandant.

Let a Court of Inquiry investigate the matter.—H.R., 20/4/73.

True copy.—W. B. B. Christie, Capt., Major of Brigade.

A.

Brigade Order.

(No. 69.)

Brigade Office,
Sydney, 22 April, 1873.

The Officer Commanding Volunteer Artillery Brigade, will direct the assembly of a Court of Inquiry, to investigate and report upon the discharge of Mr. Nicholas Lockyer from No. 8 Battery.

The proceedings of the Board to be forwarded to this office.

By command,
THOS. BAYNES, Capt.,
Acting Major of Brigade.

Papers handed by Captain Baynes, marked A to L, enclosed.—T.J.J., 11/6/73.

True copy.—W. B. B. Christie, Capt., Major of Brigade.

B.

Acting Brigade-Major Baynes to Major Shepherd.

(73/247.)

Brigade Office,
Sydney, 22 April, 1873.

Sir,

With reference to the Brigade Order of this date (copy herewith) directing a Court of Inquiry to assemble, to investigate and report upon the circumstances connected with the discharge of Mr. Nicholas Lockyer from No. 8 Battery of the Brigade under your command, I am desired by the Commandant to forward, for your information, the accompanying papers bearing upon this matter, viz. :—

Letter from Mr. Lockyer, 13/3/73, with following minutes thereon, viz. :—
From Captain Bamford, 14/3/73.
„ Captain Lett, 22/3/73.
„ Captain Bamford, 27 & 31/3/73.
„ Majors Wilson and Shepherd, 31/3/73.
„ Captain Bamford, 1/4/73.
„ Commandant, 2/4/73.
„ Captain Bamford, 4/4/73.
Memo. from Commandant, 8/4/73.
„ Major Shepherd, 10/4/73.
Copy of No. 8 Battery Order, 3/2/73.
Letter from Captain Bamford, 18/4/73.
„ „ Mr. Lockyer, 16/4/73.
„ „ Commandant to Governor, 18/4/73.
Governor's Minute, directing inquiry, 20/4/73.

And to request you will be pleased to return them to me, with the proceedings of the Court.

I have, &c.,
THOS. BAYNES, Capt.,
Acting Major of Brigade.

Papers herewith returned with report of Court of Inquiry.—M.W.S.C., Major, President, 22/5/73.

True copies.—W. B. B. Christie, Capt., Major of Brigade.

B K.

Sergeant Williams to Captain Bamford.

(Non-official.)

Imperial Pension Office,
Sydney, 17 May, 1873.

Sir,

During my cross-examination by the Court of Inquiry yesterday evening, I stated that there was an instance in which a member of the Battery sent his name in as intending to join the Encampment, by letter to the Sergeant-Major, but that I could not remember whether it was prior to or subsequent to the 12th February. It was the case of Bombardier Keele, who, being ill, asked me through his brother to send his name in. Having luckily copies of all my correspondence, I enclose a copy of this letter, as it is important to show that Keele's name was not sent in *after* the 12th. It may not be required, but it is as well to have it, in case any further inquiries are made on the subject.

I have, &c.,
PERCY E. WILLIAMS, Sergeant,
P.A.O., or No. 8 Batt., V.A.

True copy.—W. B. B. Christie, Capt., Major of Brigade.

Major Clarke to Major Shepherd.

Sydney, 22 May, 1873.

Sir,

Herewith I beg to hand you Report of the Court of Inquiry which was convened "to investigate and report upon the circumstances connected with the discharge of Mr. Nicholas Lockyer from No. 8 Battery, V.A."; together with all the documents placed in the hands of the Court, referred to in B.C. letter, 73/247, and three documents marked A, B, and C, being respectively :—

A. Memo. from Captain Bamford to Gunner Lockyer, dated 26/3/73.

B. Letter from Sergeant Williams to Captain of P.A.O. Battery, 17/5/73, enclosing copy of letter from Sergeant Williams to S.-M. Byrne, P.A.O. Battery, with reference to Bombardier Keele.

B & C. Were posted to me subsequent to the Court's rising, and are included among the other documents, as they confirm Sergeant Williams' evidence.

I have, &c.,
M. W. S. CLARKE, Major,
President.

True copy.—W. B. B. Christie, Capt., Major of Bde.

Proceedings

PROCEEDINGS of a Court of Inquiry, assembled at Sydney, New South Wales, on the 16th May, 1873, by order of Lieut.-Col. J. S., Richardson, Commandant, bearing date 22nd April, 1873, to investigate and report upon the circumstances connected with the discharge of Nicholas Lockyer from No. 8 Battery, Volunteer Artillery.

President:

Major M. W. S. CLARKE.

Members:

Captain W. COOPER, No. 4 Battery.
Captain FRAS. FAHEY, No. 1 Battery.

The Board having assembled pursuant to the above order, proceed to open the Court.

The usual declaration having been made by members of the Court,—

Captain Bamford and Gunner Lockyer were called, and letters requesting that a Court of Inquiry should be held, and Brigade Orders directing the assembling of such Court, having been read,—Captain Lett having taken the usual declaration, proceeded to explain with reference to a memo. on Mr. Lockyer's letter, that it was written by him under order from the Commandant.

C. W. A. LETT, Capt.

Captain Bamford and Mr. Lockyer having taken the usual declaration,—

Captain Bamford, in answer to the Court, verified his Battery Order of 3rd February, 1873. He had stated to his Battery that no names would be received after 12th February. He believed that he was not present when the Battery Order alluded to was read out to the Battery. Mr. Lockyer had no other means of knowing that his name would not be received, except being present at parade to hear the Battery Order, or by an advertisement, which was a copy of the order. Other men, whose names were not sent in, attended the Camp; but Mr. Lockyer having referred the matter to the Commandant, Captain Bamford would not permit him to join them till the Commandant's decision was known. If he had not referred to the Colonel he would have been glad to see him at the Camp. Mr. Lockyer did attend the Camp, and was dismissed after the Battery returned. He was dismissed for attending the Camp after Captain Bamford had given him direct orders not to go. He has never been insubordinate on parade, but has been a continual absentee. He stated to Captain Bamford that he had been advised by competent authority to act independently of him. Captain Bamford did not look on the Commandant's memo. of 8th April as a reply to his memo. of 4th idem. If the Commandant had given direction that Mr. Lockyer was to go, he should have gone without any objection. Captain Bamford did not personally refuse to receive Lockyer's name when tendered by Gunner M'Kellar, but he approved of the action of Battery Sergeant-Major in refusing it, because Lockyer did not attend in person to give it; he intended by the wording of his Battery Order to imply that the names must be given in by the members themselves. He is not sure when he received the Commandant's memo. of 8th April, but believes it to have been during the Encampment. He considered, when he sent the copy of his Battery Order and memo. of 16th April, that the matter was still under consideration by the Commandant. If he had been at the Camp he would have dismissed Lockyer then and there for disobedience of his order.

J. B. BAMFORD, Capt.,
No. 8, P.A.O. Bat., V.A.

Mr. Nicholas Lockyer, in answer to the Court, stated:—I sent my name in verbally by Gunner M'Kellar on 12th February. I understood that no names would be received after that date by Captain Bamford's advertisement. I did not give in my name personally, because I was not able to attend the parade on that evening. I was present at the Commandant's parade of 22nd March. I do not remember whether I attended any parades between 12th February and 22nd March. I was too busily occupied, but I had time during the Easter holidays to attend. I intended, after the Camp, to attend regularly. I sent my name verbally by Gunner M'Kellar, and received a reply stating that my name could not be received. Gunner M'Kellar told me this sometime afterwards. I wrote to Captain Bamford asking that my name might be forwarded, but he would not receive it, stating that my only resource was to apply to the Commandant. I consequently wrote my letter of 13th March to the Commandant. Captain Bamford told me that, as I had not taken my name personally, I had forfeited my right to go. He said nothing about my absence from drills. I sent my letter to the Commandant through Captain Bamford, who afterwards told me that he had forwarded it with his distinct disapproval. I heard Captain Bamford's announcement to the Battery, after the parade of 22nd March, stating that he would try and get those members, who had not sent in their names in time, permission to go; but as I had stated that I would fight for it he would try to prevent my going. That is the only reason he gave for preventing me from going.

When Captain Bamford advised me to appeal to the Commandant I at first refused to do so; but having reconsidered the matter, I told him, after Major Wilson's parade of 12th March, that I would do so, and next day wrote my letter of 13th. I changed my mind because I considered that Captain Bamford was treating me very unjustly. No one induced me to apply to the Commandant, but I called on him personally, when he informed me that my only course was to appeal to him, through Captain Bamford. When I told Captain Bamford, after Major Wilson's parade, that I intended to apply to the Commandant, he told me that if I did so I would be attempting to over-rule his authority. By this I understood that he would use his authority to the utmost against me. I told Captain Bamford out of courtesy that I intended to appeal to the Colonel, but I did not tell him that I had already seen him. I am sure that I never told Captain Bamford that I had been advised by competent authority to act independently of him. I attended the Encampment in consequence of a verbal order from the Commandant, given at a subsequent interview to the one mentioned above. (Memo. signed by Captain Bamford, date, 26th March, 1873, handed in by witness.) On showing this to the Commandant he gave me authority to attend the Camp.

7·10.—The Court here adjourned for refreshment.

7·50.—The Court having resumed,—

Mr. Lockyer, in reply to the Court, stated that Captain Bamford knew that I went up to the Encampment with the sanction of the Commandant. I met Captain Bamford on the preceding Wednesday, at a Battery-drill at Dawes' Point, when I told him that I had the Colonel's sanction, and would like to have his decision whether I should go or not. He replied that he would not say yes or no; what I did was on my own responsibility. I did not explain to him how I had got the Commandant's permission, but merely stated that I had it. He threatened to appeal to Parliament if Colonel Richardson interfered. The officers present with the Battery at the Camp were Lieutenant Nixon, the Quartermaster-sergeant, and Senior-sergeant. I was placed under arrest at the Camp on Friday or Saturday, by order of Captain Bamford, who had given orders to Sergeant Williams verbally to place me under arrest. I was taken before Lieutenant Nixon, who directed the sergeant to take me before Major Shepherd. I requested the Major to appeal to Colonel Richardson, and when he returned from doing so he informed me that I was released from arrest until Captain Bamford made an explanation of the circumstances. I was subsequently on full duty at the Camp. I returned to town with the troops. I received copy of the Battery Order advising my dismissal on the 16th April. There had then been no inquiry to my knowledge. Captain Bamford's memo. of 26th March, was forwarded to me by post without comment. I understood from the last paragraph that I was to apply to the Commandant for his reply to my letter of 13th March.

The only time I ever had a difference with Captain Bamford prior to this was on the 22nd March, when he found fault with me for not having discharged my carbine, saying that I was always getting into some damn'd mess. I made no reply.

NICHOLAS LOCKYER.

Sergeant Williams having taken the necessary declaration, in answer to the Court, stated:—I am a sergeant of No. 8 Battery. I was orderly sergeant for the months of February and April. I was present on the 12th February, when the Battery Order of 3rd February was read to the Battery. I believe it was read by Quartermaster-sergeant Fairfax. I know Gunner M'Kellar, but do not particularly recollect his giving in his name for the Camp. I understood by the Battery Order that no member whose name was not sent in by the 12th February would be allowed to go. I remember Gunner Keele sending in his name, at his own request by letter, written by me before the 12th February. He sent a message to me asking me to write a letter giving in his name, which I did, and he attended the Camp. I did not understand from the Battery Order that it was necessary for members to give in their names personally. With reference to the paragraph at the foot of the Brigade Order, I remember the cautions being given, but am not sure whether they were verbal or written. I have no knowledge of their having emanated from any one in particular, and there is no record of them in the Battery books.

I arrested Gunner Lockyer by Captain Bamford's authority, given on Thursday, 10th April. I believe Captain Bamford was then in command of the Battery, from the fact that no one else had been placed in command. I arrested him on Friday morning in the Camp, and took him before Lieutenant Nixon, who referred him to Major Shepherd. I am aware that he was subsequently on duty, and I think he was released after a reference to the Colonel. I think when I arrested him I said it was for disobedience of the Captain's orders,—for Captain Bamford stated to me on Thursday, before Encampment, that if Gunner Lockyer went, he went contrary to his orders. I forwarded the copy of B.O. of 15th April, according to memo. of Captain Bamford's on B. O. I do not think I communicated to Captain Bamford anything connected with the affair at the Camp previously to giving me command to send order of Lockyer's dismissal. I do not recollect any time when Captain Bamford addressed the Battery on the subject of the sending in of the names for the Camp, subsequent to 12th February.

I have not heard about this affair from Gunner Lockyer.

Gunner Lockyer was inefficient, and attended very irregularly. I overheard Gunner Lockyer saying to others that Captain Bamford had forbidden him to go to the Encampment, but that he intended to go in spite of him, or words to that effect, and it struck me at the time that they tended to insubordination, though I made no comments thereon, nor took action in the matter.

Captain Bamford gave me a verbal order on the 10th (or the day) on which we started for the Camp, for a copy of a Battery Order, referring to the fixing the day for receiving the names, and though I did not see the order requesting for the copy, I heard it alluded to by Captain Bamford.

I know nothing whatever of a memorandum dated 26th March, 1873, from Captain Bamford, with reference to Gunner Lockyer, which has been shown to me by the Court.

PERCY E. WILLIAMS,
Sergt. No. 8, or P.A.O. Bat., V.A.

Captain Bamford recalled, states, that he is now sure of his having received memo. from Col. Richardson (requiring copy of B.O.) on the 10th April, 1873, from circumstances just called to his attention by Sergeant Williams.

J. B. BAMFORD,
Captain.

The Court rose at 9·35 p.m.

M. W. S. CLARKE, Major, President.
FRANCIS FAHEY, Captain, No. 1 Battery, V.A.
WILLIAM COOPER, Captain, No. 4 Battery, V.A.

Sydney, 20 May, 1873.

Sir,

We have the honor to report that in pursuance of the Brigade Order, No. 69, we have held a "Court of Inquiry into the circumstances connected with the discharge of Gunner Lockyer from No. 8 Battery, Volunteer Artillery."

Herewith enclosed all documents referred to in letter 73/247, from B.O.; also, three documents marked A, B, C.—W.W., Major.

We examined Captain Lett, Captain Bamford, Sergeant Williams, and Mr. Lockyer.

As to the facts, we find :—

1. That Gunner Lockyer's name was given in by Gunner M'Kellar on 12th February, 1873.
2. That his name was rejected solely and ostensibly because he had not given it in himself.
3. That no other reason was *then* given.
4. That neither the Battery Order book nor any other book contains any record or minute connected with the sending in of the names for the Encampment, beyond the Battery Order of 3rd February.
5. That such order was understood to mean that no names could be received *after* 12th February.
6. That such order was not understood to mean that members must attend personally to give in their names, for Sergeant Williams distinctly proves, and hands in letters in confirmation (herewith marked B & C), to show that he had himself forwarded Bombardier Keele's name by letter. This person attended at the Camp without hindrance.
7. That persons were permitted to attend the Encampment who had not complied with the Battery Order in any respect.
8. That Mr. Lockyer's intention on calling on Captain Bamford was not to apply for permission for the *first* time, but to ascertain why his name, sent in on the proper day, had been rejected.
9. That Mr. Lockyer, on the recommendation of the Commandant, forwarded his appeal through Captain Bamford.
10. That Captain Lett forwarded the Commandant's decision on Mr. Lockyer's letter on 22nd March.
11. That Captain Bamford has not yet supplied Mr. Lockyer with any reply to his communication, though the usual course is to forward memoranda, &c., containing replies to the parties immediately interested. That he has acted as if the correspondence were solely between himself and the Commandant, ignoring the person whose appeal he forwarded; and in fact has acted as if the matter was entirely "out of his hands," as he states in his letter 18/4/73.
12. That Captain Bamford failed to take the hint conveyed in Captain Lett's mem. 22/3/73, supported as it was by the Commandant's 2/4/73 and 8/4/73, which appears to the Court clearly to intimate that, if a *Brigade* Order can be relaxed, the Battery Order (which refers to the same subject, and which originated in such Brigade Order) should be relaxed also, *even if it had not been complied with in any* way, and that such Battery Order, if carried out literally (with or without Captain Bamford's interpretation of the words "*give in*," was tending to contravene the intention of the Government, who instituted the Encampment as a place of instruction not of indulgence.

Capt. Bamford, however, explains his meaning of the word "indulgence" in his evidence.

13. That the Commandant's memo., 8/4/73, was in Captain Bamford's hands on 10th April, and that Captain Bamford's memo., dated 16th April, should have been marked, as it appeared to the Court it had been, 10th April.
14. That on the very same day (the day for starting to the Camp) Sergeant Williams received verbal orders from Captain Bamford to place Lockyer under arrest should he appear in Camp, though Lockyer had told Captain Bamford previously that he had obtained the Commandant's permission.
15. That Gunner Lockyer was placed under arrest on the following morning at the Camp, and was released on appeal to the Commandant.
16. That he was dismissed from No. 8 Battery on the morning of the 15th April, immediately after the return of the troops, before any investigation had taken place as to the cause of his release from arrest, &c.
17. That with reference to Lockyer's statement of having obtained the Commandant's permission, a document was handed in by Mr. Lockyer, dated 26/3/73, which contains, *inter alia*, the following words :—"As he has applied to the Commandant on the subject he must await that officer's reply, by which he must be guided." Mr. Lockyer states that he understood the intention to mean that he was to apply personally to the Commandant for the answer to his letter, Captain Bamford having declined to give way in the matter.

Herewith marked A.

18. That Gunner Lockyer was prevented, by a too rigid construction of Battery Order, 3/2/73, from participation in what others in the Battery enjoyed in *violation* of it, and that he was dismissed, not on that Battery Order, but in consequence of a memorandum dated 26/3/73, the existence of which is not even hinted at in all the memoranda on Mr. Lockyer's letter, 13/3/73.

On a review of the evidence we think that the greater part of the misunderstanding has arisen from Captain Bamford's having failed to recognize in Captain Lett's memorandum the *decision* of the *Commandant*, to whom the matter had been referred, and which memo. is only strengthened by all the other memos. which exclude the idea that the matter had been left undetermined or that the question had been re-opened, and we regret that Captain Bamford did not at once act on the suggestion by giving orders to Gunner Lockyer to attend the Encampment.

It appears to us that the memo. 4/4/73 has reference not to the Battery Order of 3/2/73 but to the subsequent memo. 26/3/73 (handed in by Mr. Lockyer), of which no official record exists, and that much confusion has arisen therefrom.

We think that Mr. Lockyer might *fairly* assume that he was to obtain permission from the Commandant direct, as no hint had been given to him (in that memo.) that the reply should come through Captain Bamford.

It

It appears to us that Captain Bamford has placed himself in this dilemma. The matter has, or has not, been determined by the Commandant. Captain Bamford issued a prohibition on a *Brigade* Order, and dismissed a man either while the matter about which the dispute arose *is* still undetermined, and so imperilled justice, or after it had been determined, in which case he has acted in opposition to the decision.

In conclusion, we think that Gunner Lockyer has been removed from the roll of No. 8 Battery, on grounds which appear to us, after careful consideration of *the evidence before us*, to be not consonant with equity or reason.

We have, &c.,

M. W. S. CLARKE, Major, President.
WILLIAM COOPER, Capt., } Members.
FRANCIS FAHEY, Capt., }

True copy.—W. B. B. CHRISTIE, Capt., Major of Brigade.

(No. 84.)

Brigade Office,
Sydney, 26 May, 1873.

BRIGADE ORDER.

2. The Officer Commanding Volunteer Artillery Brigade will suspend Captain Bamford, No. 8 Battery, from all military duty, pending reference to His Excellency the Governor, regarding his conduct in the matter of the dismissal of Gunner Lockyer—and will also direct the next Senior Officer of that Battery to assume command thereof, together with the charge of the arms, clothing, accoutrements, &c.

By Command,

THOS. BAYNES, Capt.,
Acting Major of Brigade.

True copy.—W. B. B. CHRISTIE, Capt., Major of Brigade.

Lieut.-Colonel Richardson to His Excellency the Governor.

Brigade Office,
Sydney, 27 May, 1873.

Your Excellency,

I have the honor to submit, for your consideration, the accompanying proceedings of a Court of Inquiry, held to investigate the causes which led to the discharge of Gunner Lockyer from No. 8 Battery, Volunteer Artillery Brigade, by Captain Bamford, by which it appears that in the opinion of the Court Gunner Lockyer was treated in a manner "not consonant with equity or reason," and I have therefore to recommend that Your Excellency will be pleased to order the restoration of Mr. Lockyer's name as Gunner to the roll of No. 8 Battery.

Believing that Captain Bamford has been guilty of an inconsistent and tyrannical abuse of the powers vested in him by the Volunteer Act, I have suspended him from military duty, pending reference to Your Excellency, and I would recommend that you will be pleased to authorize a Court of Inquiry on his conduct, which will afford him an opportunity of reply.

I have, &c.,

JOHN S. RICHARDSON, Lieut.-Col.,
Commandant.

True copy.—W. B. B. CHRISTIE, Capt., Major of Brigade.

His Excellency the Governor to Lieut.-Colonel Richardson.

Government House,
Sydney, 30 May, 1873.

Sir,

In reply to your letter of the 27th instant, submitting proceedings of a Court of Inquiry respecting the discharge of Gunner Lockyer from No. 8 Battery, Volunteer Artillery Brigade, I have the honor to inform you that under the circumstances I approve of Mr. Lockyer's name being replaced on the roll of No. 8 Battery.

I also authorize a Court of Inquiry being held, to enable Captain Bamford to explain his conduct in the matter.

The enclosures which accompanied your letter are herewith returned.

I have, &c.,

HERCULES ROBINSON.

True copy.—W. B. B. CHRISTIE, Capt., Major of Brigade.

(No. 87.)

Brigade Office,
Sydney, 2 June, 1873.

BRIGADE ORDER.

2. With reference to the proceedings of the Court of Inquiry, regarding the discharge of Gunner Lockyer from No. 8 Battery, Volunteer Artillery, His Excellency the Governor is pleased to approve of Mr. Lockyer's name being replaced on the roll of No. 8 Battery.

By Command,

THOS. BAYNES, Capt.,
Acting Major of Brigade.

True copy.—W. B. B. CHRISTIE, Capt., Major of Brigade.

Captain Bamford to Major Shepherd.

32, Francis-street,
Enmore, 23 May, 1873.

Sir,

I have the honor, with reference to the Court of Inquiry upon Gunner N. Lockyer's dismissal from my Battery, to request a copy of the depositions, as I had not the privilege of hearing them, excepting only Captain Lett's statement that he forwarded me a certain memo. (as by order) direct, because you were out of town.

I have reason to believe that Captain Lett is in error on this point, and should it at any time become material to me I trust an opportunity will be afforded me of showing such to be the case.

I make the above application with a view to ascertain whether there be any other errors in statements made before the Court.

I have, &c.,

J. B. BAMFORD, Capt.,
Com. No. 8 or P.A.O. Battery.

Forwarded.—W.W., Major, Left Wing, V.A., 23/5/73.

Forwarded for consideration of Commandant. I see no objection to this request being complied with, as it appears Captain Bamford was not present during the inquiry.—P.L.C.S., Major, Com. V.A., 24/5/73.

It was Captain Bamford's business to have attended the Court if he desired to be in possession of the evidence adduced before it. To comply with this request would be to furnish an inconvenient precedent, and is altogether unusual. The circumstances

stances connected with Captain Bamford's action in dismissing Gunner Lockyer from No. 8 Battery, would appear to call for further inquiry, which will afford the requisite information, and opportunity of reply. If Captain Bamford requires the date of the memo. in question I will cause it to be given.—J.S.R., Lieut.-Col., Comdt., 25/5/73, B.C.

Captain Bamford was in attendance at the Court of Inquiry, but not permitted to hear the evidence. I regret having worded my memo. of 24/5/73, so as to mislead the Commandant.—P.L.C.S., Major, Com. V.A., 26/5/73.

The Acting Major of Brigade will read the evidence in Captain Bamford's presence, when that officer can make any notes he pleases.—J.S.R., Lieut.-Col., Comdt., 31/5/73.

A.

(No. 90.)

Brigade Office, Sydney,
6 June, 1873.

Brigade Order.

A Court of Inquiry will assemble at the Volunteer Artillery Brigade Office, at such time as may be appointed by the President, to investigate and report upon Captain Bamford's conduct with regard to the discharge of Gunner Lockyer from No. 8 Battery, Volunteer Artillery.

President:

Major T. J. Jaques, Suburban Battalion, Volunteer Rifles.

Members:

Major Thos. Richards, Sydney Battalion, Volunteer Rifles.
Major W. Wilson, Volunteer Artillery Brigade.

The President will notify to this office, without delay, the day and hour fixed for the assembly of the Court, to enable the Commandant to give such instructions as he may consider necessary.

Captain Bamford to be warned, and all evidence to attend.

The proceedings of the Court will be conducted with closed doors, and when completed, forwarded under cover by the President direct to the Commandant, together with all documents submitted for its guidance.

Captain Baynes will attend the Court.

By Command,
THOS. BAYNES, Capt.,
Acting Major of Brigade.

True copy.—W. B. B. Christie, Capt., Major of Brigade.

Major Jaques to Lieut.-Colonel Richardson.

Battalion Office,
Sydney, 22 July, 1873.

Sir,

I beg to forward herewith the report of the Court of Inquiry, assembled by your order of 6 June, 1873, to investigate and report upon the conduct of Captain J. B. Bamford, with regard to the discharge of Gunner Lockyer from No. 8 Battery, Volunteer Artillery, together with the evidence taken and documents produced before the Court, as also the statement handed in by Captain Bamford, bearing date 7th July, 1873, under the signature of "J. B. Bamford, Captain, No. 8 Battery, Volunteer Artillery," received by the Court after the evidence had been closed.

I have, &c.,
THEO. J. JAQUES,
Major, Vol. Rifles, Suburban Battalion,
President of the Court.

True copy.—W. B. B. Christie, Capt., Major of Brigade.

[*Enclosures.*]

Proceedings of a Court of Inquiry, assembled at Sydney, New South Wales, on the 11th June, 1873, by order of Lieut.-Colonel J. S. Richardson, Commandant, bearing date 6th June, 1873, and under the authority of His Excellency Sir Hercules G. R. Robinson, K.C.M.G., Governor, and Commander-in-Chief, dated 30th May, 1873, to investigate and report upon the conduct of Captain J. B. Bamford, with regard to the discharge of Gunner Lockyer from No. 8 Battery, Volunteer Artillery.

President:

Major T. J. Jaques, Suburban Battalion, Volunteer Rifles.

Members:

Major Thos. Richards, Sydney Battalion, Volunteer Rifles.
Major W. Wilson, Volunteer Artillery Brigade.

The Board having assembled pursuant to the above order, proceed to read the order for assembly of the Court, in the presence of the witnesses then present. The President then took the required declaration, as also the other members of the Court. Captain James B. Bamford was called, but not being in attendance the memorandum entered in the Volunteer Artillery Order-book, dated 6th June, 1873, was read, showing that Captain Bamford had been duly warned to appear. Captain Bamford attended before further proceedings were taken. The order for assembly was again read in his presence.

Brigade Office, Sydney,
4 June, 1873.

Charges preferred against Captain James Bromley Bamford, No. 8 Battery, Volunteer Artillery Brigade.

1st charge.—Conduct to the prejudice of good order and discipline in having,—

1st. Rejected, or caused to be rejected, Gunner Nicholas Lockyer's name, when given in by Gunner M'Kellar on the 12th February, 1873, to attend the Encampment.
2nd. For prohibiting Gunner Lockyer's attendance at the Encampment.
3rd. For ordering the arrest of Gunner Lockyer in Camp, and—
4th. For discharging the said Gunner Lockyer from No. 8 Battery, Volunteer Artillery Brigade, under the circumstances set forth in the following recapitulation of facts established by the evidence adduced at the Court of Inquiry, held to investigate the causes which led to the discharge of Gunner Lockyer, viz.:—

1. That Gunner's Lockyer's name was given in by Gunner M'Kellar on 12th February, 1873.
2. That his name was rejected solely and ostensibly because he had not given it in himself.
3. That no other reason was *then* given.
4. That neither the Battery Order book nor any other book contains any record or minute connected with the sending in of the names for the Encampment, beyond the Battery Order of 3rd February, 1873.
5. That such order was understood to mean that no names could be received *after* 12th February.
6. That such order was not understood to mean that members must attend personally to give in their names, for Sergeant Williams distinctly proves, and hands in letters in confirmation, to show that he had himself forwarded Bombardier Keele's name by letter. This person attended at the Encampment without hinderance.
7. That persons were permitted to attend the Encampment who had not complied with the Battery Order in any respect.

8. That Mr. Lockyer's intention on calling on Captain Bamford was not to apply for permission for the *first* time, but to ascertain why his name, sent in on the proper day, had been rejected.
9. That Mr. Lockyer, on the recommendation of the Commandant, forwarded his appeal through Captain Bamford.
10. That Captain Lett forwarded the Commandant's decision on Mr. Lockyer's letter on 22nd March.
11. That Captain Bamford has not yet supplied Mr. Lockyer with any reply to his communication, though the usual course is to forward memoranda, &c., containing replies, to the parties immediately interested. That he has acted as if the correspondence were solely between himself and the Commandant, ignoring the person whose appeal he forwarded, and in fact has acted as if the matter was entirely out of his hands, as he states in his letter 18th April, 1873.
12. That Captain Bamford failed to take the hint conveyed in Captain Lett's memo., 22 March, 1873, supported as it was by the Commandant's, 2/4/73 and 8/4/73, which appears to the Court clearly to intimate that if a *Brigade Order* can be relaxed the Battery Order (which refers to same subject, and which originated in such Brigade Order) should be relaxed also, *even if it had not been complied with in any way;* and that such Battery Order, if carried out literally (with or without Captain Bamford's interpretation of the words "*given in*"), was tending to contravene the intention of the Government who instituted the Encampment as a place of instruction, not of indulgence. Captain Bamford, however, explains his meaning of the word "indulgence" in his evidence.
13. That the Commandant's memo., 8/4/73, was in Captain Bamford's hands on 10th April, and that Captain Bamford's memo., dated 16th April, should have been marked, as it appeared to the Court it had been, 10th April.
14. That on the very same day (the day for starting to the Camp) Serjeant Williams received verbal orders from Captain Bamford to place Lockyer under arrest should he appear in Camp, though Lockyer had told Captain Bamford previously that he had obtained the Commandant's permission.
15. That Gunner Lockyer was placed under arrest on the following morning at the Camp, and was released on appeal to the Commandant.
16. That he was dismissed from No. 8 Battery on the morning of the 15th April, immediately after the return of the troops, before any investigation had taken place as to the cause of his release from arrest, &c.
17. That with reference to Lockyer's statement of having obtained the Commandant's permission, a document was handed in by Mr. Lockyer, dated 26/3/73, which contains, *inter alia*, the following words:—"As he has applied to the Commandant on the subject, he must await that officer's reply, by which he must be guided." Mr. Lockyer states that he understood the intention to mean that he was to apply personally to the Commandant for the answer to his letter, Captain Bamford having declined to give way in the matter.
18. That Gunner Lockyer was prevented, by a too rigid construction of Battery Order, 3/2/73, from participation in what others in the Battery enjoyed in *violation* of it, and that he was dismissed, not on that Battery Order, but in consequence of a memorandum, dated 26/3/73, the existence of which is not even hinted at in all the memoranda on Mr. Lockyer's letter, 13/3/73.

2nd charge.—Insubordination, in having used threatening language towards Lieutenant-Colonel John Soame Richardson, Commandant, his superior officer, in substance and to the effect following, that is to say: If Colonel Richardson interferes with Gunner Lockyer's case, he (Captain Bamford) would appeal to Parliament.

EVIDENCE.

Gunner Lockyer,
Sergeant Williams,
Gunner M'Kellar,
Lieut. Nixon,
Lieut. Myles,
Sergt.-major Byrne,
Qr.-mr.-sergt. Fairfax,
} No. 8 Battery, Volunteer Artillery Brigade.

By Command,
THOS. BAYNES, Capt.,
Act. Major of Brigade.

True copy.—W. B. B. CHRISTIE, Capt., Major of Brigade.

Captain Bamford being asked if he had any objection to the members constituting the Board, stated that he had no objection to the members, but wished a note to be made that the Court, as constituted, was not a competent Court under the Volunteer Act, in his opinion.

The charges, as set forth, were then read to Captain Bamford.

Duly sworn.

Captain Baynes, Acting Brigade Major, was called, and asked if he produced any papers in the case. He handed in—1st. The Brigade Order, marked A; 2nd. The letter to Major Shepherd on the subject of Gunner Lockyer, marked B; 3rd. Letter from Lockyer to Lieut.-Colonel Richardson of 13th March, 1873, marked C; 4th. Memo. signed by Lieut.-Colonel Richardson, of 8/4/73, marked D; 5th. Copy of the Battery Order of 3rd Feb., /73, marked E; 6th. Letter from Captain Bamford to the Officer Commanding the Volunteer Artillery, dated 18th April, 1873, marked F; 7th. Letter from Colonel Richardson to His Excellency the Governor, dated 18th April, 1873, marked G; 8th. Letter from Gunner Lockyer to Colonel Richardson, dated 16th April, 1873, with Enclosure from Sergeant P. Williams, marked H; 9th. Memo. signed by Captain Bamford, of 26th March, 1873, marked J; Letter from Sergeant Williams to the Captain Commanding the P. A. O. Battery, dated 17th May, 1873, marked K; Letter from Sergeant Williams to Sergeant-Major Byrne, of P. A. O. Battery, dated 6th February, 1873, marked L.

Captain Bamford objected to the production of these papers, as they had arisen out of another case—which objection was overruled, and the papers were handed in.

Captain Baynes stated that he produced other papers in the case, and stated that such papers were the proceedings of the Court of Inquiry held 6 May, 1873, relative to certain charges as to the dismissal of Gunner Lockyer, out of which the present case arises. Captain Bamford also objected to the production of these papers, as they were the proceedings of a former Court, and requested that the case should be supported by evidence of the witness examined before this Court. Captain Baynes stated that the evidence he produced was the evidence of the same witnesses as were to be examined before this Court. Captain Bamford stated that he objected to the presence of Captain Lett. Captain Lett stated that he attended by Brigade Order. Captain Lett's attendance not being required by the Court, he was relieved from attendance until further called upon to be present. The Court having considered the objection raised as to the production of the last-mentioned papers sustained the objection, and returned the papers to Captain Baynes.

Court adjourned at fifteen minutes to 6 p.m. until to-morrow (Thursday, 12th instant), at 4 p.m.

The Court met at 4·20, and proceeded with the case.

Duly sworn.

Gunner Nicholas Lockyer called in and examined:—Am a gunner attached to No. 8 Battery, Volunteer Artillery; was a member of the Battery during month of March and up to the 15th April, 1873; I made application, through Gunner M'Kellar, to have my name placed on the list of those members of the Battery who intended to be present at the Encampment; I was afterwards informed that my name was not placed on the list, and was so informed by Gunner M'Kellar.

Captain Bamford here stated:—I protest against the introduction at the end of the first charge of matter arising out of, and, in my opinion, embodying the substance of, and inferences from the evidence rejected by the Court yesterday, as having been given in another case. The Court explained that the written evidence tendered yesterday was not received; but that the Court had determined not to receive such written evidence in this case. The Court determined to proceed with the inquiry.

Gunner Lockyer further examined:—Gunner M'Kellar told me that my name would not be placed on the list, because I did not give it in myself; he did not state any other reason for my name not being placed on the list; I called at Captain Bamford's office upon the subject, and he told me that as I had not given in my name personally I had forfeited my right to go; it was a day or two before I appealed to the Colonel upon the matter that I called upon Captain Bamford; it was before the date mentioned for the names to be given in for the Encampment that I asked Gunner M'Kellar to get my name placed on the list; I never was told that it was necessary to make a personal application to have my name inserted; I received the exhibit marked I, informing me that the general permission given to join the Camp did not apply to me; the signature attached to the exhibit was acknowledged by Captain Bamford; I did not receive any permission from Captain Bamford to attend; I had the

Colonel's

Colonel's authority to go; he gave the authority to me verbally; I attended the Encampment with the other members of the Battery; I was placed under arrest either on Friday or Saturday morning—I cannot distinctly say which; I was taken under arrest, and marched to Lieutenant Nixon; and Sergeant Williams, who had me in charge, told Lieutenant Nixon, in my hearing, that by Captain Bamford's orders I had been placed in arrest for disobeying his (Captain Bamford's) orders; Captain Bamford, after he had told me that I could not attend the Encampment, stated to me that my only resource was to apply to the Commandant; I consequently made application to the Commandant; it was not on my first application that I was told to apply to the Commandant, but on a subsequent occasion; when I handed Captain Bamford a letter, asking permission to attend, he handed me back the letter, and at the same time advised me to apply to the Commandant; Captain Bamford never assigned any other reason for my not being allowed to attend the Camp than that I had not made the application personally; I was not myself informed upon what charge I was placed under arrest; I was subsequently released from arrest by the Commandant's orders; I was told so by Major Shepherd; he told me I was released until an explanation was received from Captain Bamford; I did the ordinary duties afterwards, and was not interfered with; I returned with other members of Volunteers to Sydney the same day that the Camp was broken up; on the Wednesday following I received a letter, informing me that I had been struck off the roll of the Battery by Captain Bamford's orders; the letter with its enclosure, marked H, is the letter, or exactly similar to the one I received; the letter I received was signed by Orderly Sergeant Williams; I am not aware of any investigation being made as to my conduct before my release from arrest at the Camp; I was not called upon to make any statement or explanation before receiving the notice of my name having been struck off the roll; I have been reinstated as a member of the Battery by Brigade Order—a certified copy of the Brigade Order was received by me, certified to as being a true copy by Captain Baynes; it was subsequent to the Court of Inquiry to investigate as to my discharge, that I received the Brigade Order for my reinstatement; Captain Bamford never communicated to me the Commandant's decision upon my application to be allowed to attend the Encampment; the copy of the Brigade Order for my reinstatement was enclosed to me under blank envelope: I was present at a parade before the Encampment, when Captain Bamford stated, when addressing the Battery, that he would try and get those members who had not sent in their names in time, permission to go to the Camp; but that as you Gunner Lockyer intended to fight for it, that he would try and prevent your attending; I cannot state as to the exact words, but the words used were to the same effect; this took place while the Battery was at parade, and my name was specifically mentioned; I never stated that it was my intention to fight for it; Captain Bamford never communicated to me the result of my written application to the Commandant for leave to join the Camp; I cannot say whether the Battery Order about sending in names for the Encampment was, that the names were to be "given in" or "sent in"; when Captain Bamford advised me to apply to the Commandant, he stated it would not be much use my applying to the Commandant, as he would send it back to Captain Bamford; after he returned to me my letter applying to have my name placed on the list, he Captain Bamford told me the only course I could take was, to apply to the Commandant; I consequently made the application through Captain Bamford.

Question by Capt. Bamford:—Did Captain Bamford assign as a reason for his not allowing Gunner Lockyer to attend the Encampment, that as he (Gunner Lockyer) had appealed to the Commandant it would be necessary to await that officer's order?—*Answer*:—Captain Bamford sent a memorandum to that effect to me through the post "that I was to receive my reply from the Commandant, and by that reply I should be guided"; I was under the impression that Captain Bamford knew that I had the permission to be present; I told him so myself; I never stated in the hearing of any of the members of the Battery, that permission, or no permission, I would go to the Encampment, and chance the consequences; I never used any words that would imply that whether I had permission or not I would go to the Encampment; I cannot state whether or not Captain Bamford, at the parade alluded to, used the following words: "I do not think under the circumstances Gunner Lockyer should have permission from me to go to the Encampment, and I have no power to prevent him"; when I communicated to Captain Bamford the fact that I had the Commandant's permission to go to the Encampment, he stated that he would appeal to the Parliament if Colonel Richardson interfered in the matter; this occurred on the Wednesday evening before the Encampment; this took place at Dawes' Point, between the gate and the guns, at about half-past 7 o'clock in the evening; Captain Bamford was in uniform at the time; this was not in the presence of the Battery or of any person whatever; I was waiting at the gate at the time to communicate the Commandant's permission to him, Captain Bamford; I understood what Captain Bamford stated as a threat; I did not hear Captain Bamford state that the Colonel would not risk the censure of Parliament in taking such a course as direct communication with one of his Gunners; the whole of this conversation took place in a very hurried manner, but that did not interfere with what I heard Captain Bamford state; I was not aware that Captain Bamford was in communication with the Commandant to obtain his decision as to my going to the Camp.

NICHOLAS LOCKYER.

The Court adjourned at 20 minutes past 7 till 7 o'clock p.m. on Wednesday, 18th instant.

WEDNESDAY, 18 *JUNE*, 1873.

THE Members of the Court, with the exception of Major Richards, met, in pursuance of adjournment, at 7 o'clock p.m. In consequence of the absence of Major Richards, the Court adjourned to Friday, the 20th instant, at half-past 4 in the afternoon.

FRIDAY, 20 *JUNE*, 1873.

The Court met in pursuance of adjournment, at half-past 4 this afternoon.

Captain Bamford objected to any officer, excepting the President and Members of the Court, being present, no such officers as Judge Advocate, Prosecutor, or conductor of the proceedings being ever present at a Court of Inquiry. I especially take exception to the interference exercised by Captain Baynes, apparently in that capacity, with the witnesses.

The Court overruled the objection. Captain Bamford protested against the documents from Mr. Lockyer's case being imported into this case, on the additional ground that a very important letter of his (Captain Bamford's), connected with Mr. Lockyer's case, and dated 23rd May last, has not been produced.

The President of the Board informed Captain Bamford that any objections that he had to make to any of the proceedings taken up to the present time must now be made, and not at any subsequent period of the inquiry, unless upon subsequent matter.

Captain Bamford asked by what Act or Regulations the course of proceedings will be guided.

The President informed him that it would be under the Volunteer Act, and Regulations published under that Act, and such other laws and regulations as are in force.

Captain Bamford objects to the second charge as indefinite, failing to state as to time and place, as required by the Queen's Regulations, sec. 14, para. 744. Also, because it charges him with an offence towards the Commandant, an officer who under the Volunteer Act has no existence whatever.

The Court determined to proceed with the evidence.

Percy Edward Williams, duly sworn:—I am Sergeant in No. 8 Battery, Volunteer Artillery.

The Court here adjourned for refreshment till half-past 7 o'clock.

The Court again met at the appointed time.

Sergeant Williams again called in and stated:—Charges read to witness—I have heard the charges read; I am not aware that Gunner Lockyer's name was given in for the Encampment on the 12th of February last; on the 11th February I received orders from Captain Bamford to arrest Gunner Lockyer if he should appear at the Encampment, as his being there would be contrary to orders; I did not know that Gunner Lockyer was prohibited from attending; I received a Battery Order to send to Gunner Lockyer, informing him that he was dismissed from the Battery; I am not aware that Gunner Lockyer's name was rejected because he did not give it in himself, or for any other reason; I do not remember any order, other than the Battery Order of 3rd February, calling for names for the Encampment; I understood by this order that no names would be received after 12th February; that all names were required to be given in by that date; I understood that names could be given in either personally or in writing; I sent in Bombardier Keely's name by letter to the sergeant-major on 6th February, and he attended at the Encampment;

ment; I am not aware that any persons attended the Encampment who had not complied with the Battery Order; I know nothing about Gunner Lockyer's appeal to the Commandant; I do not know whether or not Captain Bamford has given any reply to Gunner Lockyer's application of 22nd March, for permission to go to the Encampment; I was orderly-sergeant for February and April; I am not aware of any unusual or irregular course having being taken in reference to the correspondence in the case of Gunner Lockyer; I do not know anything about any correspondence between the Commaadant and Captain Bamford concerning the matter; I arrested Gunner Lockyer at the Encampment on Good Friday morning, pursuant to instructions received the night before; I knew that he was released about twenty minutes after his arrest, but I did not know by whose orders; on April 15th I received the order from Captain Bamford for Gunner Lockyer's dismissal, and forwarded it to Gunner Lockyer on same day; I have no knowledge of any investigation having taken place as to the cause of Gunner Lockyer's arrest, between the time of his arrest and the 15th April; I am aware of the case having been referred to the Commandant by Major Shepherd at the Encampment on Good Friday morning; I have no knowledge of any investigation as to the cause of Gunner Lockyer's release from arrest having taken place between the time of his release and of his dismissal; I have heard Captain Bamford express himself to the following effect, viz., "Should Colonel Richardson deal improperly in this (Gunner Lockyer's) case, I will bring the affair before Parliament"; this took place in private conversation, on an occasion when neither of us were in uniform; I cannot recollect either when or where this conversation took place.

By Captain Bamford: To the best of my knowledge I informed Captain Bamford on the morning after arrival in Sydney from the Encampment that I had arrested Gunner Lockyer at the Camp in obedience to his orders, also of the case being referred by Lieutenant Nixon to Major Shepherd; it was after giving Captain Bamford this information that I received the order from him for Gunner Lockyer's dismissal; I heard Gunner Lockyer say that the captain had forbidden him to go to the Encampment, but that he would go nevertheless; he did not address these words to me, but to others in my hearing; I will not be sure that he used these exact words, but I am sure that he used words to the same effect; I cannot say whether or not Captain Bamford was present on that occasion; to the best of my belief Captain Bamford was not present.

PERCY E. WILLIAMS.

20th June, 1873.

Gunner Archibald M'Kellar called in and duly sworn:—I have heard the charges read; I am gunner in No. 8 Battery, Volunteer Artillery; I gave Gunner Lockyer's name as one to attend the Encampment to the sergeant-major, Byrne; I cannot say when exactly, but it was about a week before Good Friday; when I gave it in I was told by Sergeant-major Byrne that it was too late; I do not know that Gunner Lockyer was prohibited from attending the Encampment, but I heard Captain Bamford say on parade that he could not prevent Gunner Lockyer from going, but so far as he was concerned he would not give his consent; when I gave in Gunner Lockyer's name I was told by Sergeant-major Byrne that Lockyer should have appeared personally and given in his own name; I was also told that it was too late; I understood by the Battery Order that members should attend personally and give in their own names; Gunner Lockyer requested me to give in his name; I do not know of any member attending the Encampment, except Gunner Lockyer, who did not give in his own name; I do not know anything about the matter subsequent to giving in Gunner Lockyer's name; I never heard Captain Bamford say that he would appeal to Parliament if Colonel Richardson interfered in Gunner Lockyer's case, or use any language to that effect.

By Captain Bamford: I gave Gunner Lockyer's name in verbally as one wishing to attend the Encampment; I heard Gunner Lockyer say that he would go to the Encampment, but I did not hear him say that he would go with or without permission, nor any words to that effect; this was after I told Lockyer that his name was given in too late.

ARCHD. M'KELLAR.

20th June, 1873.

Lieutenant Frederick Nixon called in and duly sworn:—Charges read to witness—I am Lieutenant in charge of No. 8 Battery, Volunteer Artillery; I knew nothing of the case of Gunner Lockyer until the 10th April (Good Friday), when, shortly after Church Parade, he was brought to me under arrest by Sergeant Williams; I asked what was the charge, and Sergeant Williams said that Lockyer was placed under arrest by Captain Bamford for disobedience of orders; I referred the matter at once to Major Shepherd, who was on the ground, a short distance from me; Major Shepherd said he would refer the matter to Colonel Richardson, who was also on the ground; I heard shortly afterwards that Lockyer was released from arrest by the Commandant, pending a communication from Captain Bamford; Lockyer accordingly returned to duty, and remained on duty during the Encampment; I do not know of any subsequent communication having been made by Captain Bamford to the Commandant, nor do I know of any investigation into Lockyer's case before his dismissal; I know nothing about the circumstances relating to his dismissal, but I knew of his restoration; I never heard Captain Bamford say that if Colonel Richardson interfered in Gunner Lockyer's case he would appeal to Parliament, or anything of that sort; I was told by Major Shepherd that Gunner Lockyer was released from arrest, pending a communication from Captain Bamford.

FREDERICK NIXON,
Lieut., 8 Batt., V.A.

20th June, 1873.

Edward Byrne called in and duly sworn:—Charges read to witness.—I am Sergeant-major of No. 8 Battery, Volunteer Artillery; some three or four days after the time allowed by the Battery Order M'Kellar came to my office and asked me to take Lockyer's name for the Encampment; I told him I had already forwarded all the names, the time having expired, and that Lockyer would have to see the captain in the matter; as the name was not given within the required time I had no authority to accept it; I took the names on the 12th and forwarded them to the captain on the following day; I was detailed for the duty of taking the names; I conveyed no orders to Lockyer prohibiting him from attending the Encampment, but I advised him not to go without permission of the captain; I was present at a drill when Captain Bamford stated that Lockyer could not go without the Commandant's permission, as his name had not been sent in in time; I was not at the Encampment; I refused several names that were late; I understood that the Battery Order of the 12th required that each member should attend and give in his name, or send it in in writing; I told M'Kellar that Gunner Lockyer's name was too late, but I gave him no other reason for not receiving it; the Battery Order of the 12th is the only order that I know of relating to the giving or sending in of names for the Encampment; I never, so far as I can remember, saw the Commandant's memo. dated the 8th April, 1873.

Captain Bamford here stated that the memorandum in question was in his possession on the 10th April, 1873.

I heard Captain Bamford say in course of conversation in my private office that if he were improperly treated by Colonel Richardson, in Gunner Lockyer's matter, he would appeal to Parliament; we were not in uniform when this was said.

By Captain Bamford: In my office, in private conversation, when I was advising Gunner Lockyer to obtain the captain's permission to attend the Encampment, he said he would go, not that he desired very much to go, but he was determined that Captain Bamford should not do as he liked with him, or words to that effect; Captain Bamford used to communicate orders on matters of Volunteer duty to me in my office, and when we were in private clothes; I cannot say whether, when the allusion to Parliament was made by Captain Bamford, that he was conversing with me in a private way; I am rather of opinion that our conversation related to Battery matters; I did not consider that anything that was said to me was confidential.

EDWARD BYRNE,
Sergeant-major, No. 8 Battery.

20th June, 1873.

Court adjourned at 10·30 p.m., till Friday, the 27th instant, at 4 p.m.

FRIDAY, 27 JUNE, 1873.

The Court met pursuant to adjournment.

Lieut. Myles duly sworn:—Charles Henry Myles, 2nd Lieutenant, No. 8 Battery, V.A.—I do not know anything about the name of Gunner Lockyer being rejected for the Encampment; I know nothing of the circumstances connected with Gunner Lockyer being prohibited from attending, nor of any action of Captain Bamford relating to such prohibition; I was not present at the Encampment, and therefore knew nothing about Gunner Lockyer's arrest thereat; I know nothing about Gunner Lockyer's dismissal from No. 8 Battery; I have an indistinct recollection of a Battery Order being read at a parade, relative to names being

being sent in by a stated date; I certainly understood that names were required to be sent in personally by the time mentioned; I am aware that Captain Bamford has expressed his intention of laying the case of Gunner Lockyer before a Member of Parliament, with a view to get a Select Committee, or something of that kind; this language was used in Captain Bamford's office; no other person was present on the occasion; the language was used in an ordinarily conversational manner; I have frequently had occasion to see Captain Bamford on private business, and it was on some of these occasions that the language was used; I do not believe either Captain Bamford or myself was ever in uniform when they were used; it was subsequent to the Encampment that Captain Bamford so expressed himself; it was also subsequent to Lockyer's dismissal.

CHAS. H. MYLES,
2nd Lieut., No. 8 Battery, V.A.

Alfred William Fairfax, Quartermaster-sergeant, No. 8 Battery, V.A., duly sworn and examined as follows:—I was present at drill on the night that the serjeant-major took the names for the Encampment; I believe a Battery Order was read; I am not aware of any circumstances relating to the rejection of Gunner Lockyer's prohibition or arrest; I was instructed by Captain Bamford to strike Lockyer's name off the roll, and to take his arms; I was not aware of any inquiry previous to receiving the order for his dismissal; I do not know of any member of the Battery being at the encampment who had not given in his name; I consider that any member intending to go to the Encampment should have given in his name personally, on a certain date, and that that was the only way in which the names could be received; I think that the acceptance or rejection of names after this date would depend on the captain's decision; the exhibit marked E is the Battery Order that was read at the parade; I am not certain when this Battery Order was read, whether before or after the 12th February; I cannot say that no investigation into Lockyer's case took place, but I am not aware of any; in course of conversation with Captain Bamford he has stated to me that if Gunner Lockyer should be reinstated he would bring the case before Parliament; this was said in private conversation, neither of us being in uniform at the time; this was said more than once by Captain Bamford, and on one occasion Lieut. Myles was present; he was not in uniform at the time.

ALFRED W. FAIRFAX.

Captain Bamford requested that he might be allowed until Monday, the 7th July next, at 4 p.m., to prepare and hand in his statement regarding the charges which have been under the consideration of the Court, which was granted, and the Court adjourned until Monday, the 7th July next, at 4 o'clock p.m. accordingly.

THEO. J. JAQUES, Major, President.
THOS. RICHARDS, Major.
WATSON WILSON, V.A.

True copy.—W. B. B. CHRISTIE, Capt., Major of Brigade.

Captain Bamford to Major Jaques and Members of the Court,—

Gentlemen,

I regret having been compelled to take exception to the constitution of this Court and to certain of its proceedings, because that course subjected me to some little animadversion and the imputation of being obstructive and frivolous.

I shall therefore beg the indulgence of the Court during a brief space, to avail myself of the privilege laid down in Simmon's "Practice of Courts-martial" p. 83, viz.:—"The accused may however avail himself of any opportunity to explain any particular act or any part of his conduct on which an imputation prejudicial to him may have arisen," trusting that the courtesy of the Court will accord such weight to my explanation in their subsequent action regarding this case, as may appear to them right and just under the very peculiar circumstances which render the present Court (considered as one of inquiry) unique, and without any previous parallel or precedent.

Ground of the same.

Exceptions taken. Incompetency of the Court.

It is laid down by both Military and Common Law that "Courts of Inquiry" can only be convened by authorities to whom Her Majesty has delegated the power to call General Courts-martial; and it is obvious that the former without the latter power would be useless, because the one is a Court to inquire if an offence has been committed, and if found the other is to place some suspected person upon his trial for such supposed or found offence.

The Volunteer Act of this Colony does not go so far; it stops short at the Court of Inquiry, without providing means of bringing to trial such suspected person. In the present case the Court (if it be one, as I shall presently contend it is not) has assumed the functions of a "Court-martial" having put me upon my trial by direct and formal charges without any previous Court of Inquiry, no power being given in the Volunteer Act to any person to file such charges against me, nor do they state at whose suit they are so filed, so that I stand in the somewhat peculiar position of being a defendant without a plaintiff. Section 24 of the Volunteer Act is the only section authorizing the assembling of a Court of Inquiry, and this only authorizes the Officer Commanding Volunteer Force to assemble such Court, but not upon an officer.

Want of vitality in Court.

There has been no doubt an intention to give the Governor power to assemble a Court with reference to an officer, but such power has been in some way omitted.

To create a Court express authority must be given with all necessary details as to the material of the Court, and the objects and powers, and when and upon what occasions to be convened; but where are such given to the Governor, to convene this Court? The mere reference at the end of section 24 does not give to the Governor this power, but on the contrary seems by the expression "assembled by direction of the Governor as aforesaid" to point to such power being given previously; and had it been intended that the Governor should assemble a Court with similar powers and objects as the Officer Commanding Volunteer Force, it would have stated so, but the words above quoted do not affect that object, for when the attention is directed by the words "as aforesaid" to look naturally for the Governor's powers somewhere just above them, no such powers are to be found, but instead the powers of the Officer Commanding Volunteer Force.

As no Court having legal authority can be created otherwise than by special provision of an Act of Parliament, implication, inference, or logical deduction not being sufficient, I submit therefore that this Court is not properly constituted, and has no power to deal with the charges preferred against me. In further support of my view I would beg to point out that it is scarcely probable that whilst a whole paragraph is devoted to confer in minute detail a certain power on the Officer Commanding the Volunteer Force, the bestowal of a higher power on a higher officer could have been intended to be effected by a few hasty and ambiguous words forming the tail end of the paragraph. Even the marginal note bears testimony to the correctness of my interpretation of the 24th paragraph, and the intention of the framer of this Act, for it makes no mention whatever of the Governor.

Summoned as a Court of Inquiry, and the construction and functions of a Court-martial adopted instead.

Brigade Order No. 90, dated 6th June, 1873, summoned this Court as one of "enquiry," and the duties of such a Court are thus defined in "Tytler's Military Law," p. 340:—

> "In conformity to the practice of the Civil Courts of Criminal Judicature, in which no party can be arraigned before his Peers for any crime until a previous 'Court of Inquest' has declared that there appears sufficient ground for bringing the accused person to trial, it is understood to be consonant with military law and practice that where blame has been incurred a previous 'Court of Inquiry' takes the matter under consideration, and determines on such evidence as can be brought before it whether there is or is not sufficient cause for bringing particular persons to trial for the offence or crime before a General Court-martial."

It is thus, I think, clear beyond dispute that although Courts of Inquiry may perchance elicit matter for charge or indictment, yet they have no power whatever in themselves (nor does the Volunteer Act give them any such power) to deal with prosecutions or try charges, as this pseudo Court of Inquiry has done.

Simmons in his "Practice of Courts-martial" has this passage—

> "The Queen, though restrained in a certain degree from exercising that full control which a despotic commander would have in a foreign country by the Mutiny Act, has the discretion of issuing such orders as she pleases for the better discipline and regulation of the Army, provided they are not contrary to that Act or the Common Law."

I am not subject to the Mutiny Act; but even that cannot contravene the Common Law; yet this Court has assumed a power which not even Her Majesty possesses, by overriding both in trying me previous to inquest, and without even so much as the name of "Court-martial" to color the fact.

Simmons, in his "Practice of Courts-martial," p. 175-6, says,—

"Every General Court-martial is attended by an officer styled the Judge Advocate, who has powers with respect to prosecution similar to those of the Attorney General," who is of course a lawyer. But the same authority states, at page 83, that professional persons are not generally permitted at Courts of Inquiry, so little so that (same page) "the accused is allowed no counsel."

Captain Baynes permitted to sit in Court (professing to be one only of Inquiry, and to sit with closed doors), and to discharge (in such a Court) the functions of Judge Advocate by cross-examining witnesses for the prosecution through the medium of the President.

On these data it is a self-evident fact that this Court (if one of Inquiry) should have caused Captain Baynes (he being no member of it) to withdraw, whereas it permitted him to exercise the functions of Judge Advocate (and something more) in cross-examining Gunner Lockyer, a witness for the prosecution, as though it had been a Court-martial.

Captain Baynes exceeded the duty of a Judge Advocate by cross-examining his own witnesses, he having only a right (in case this were a Court-martial) to examine them (a duty in the present instance discharged by the President) leaving the cross-examination to myself as the accused person.

It is true this course was not persisted in, Captain Baynes putting no question to Messrs. Williams, Nixon, M'Kellar, Byrne, Myles, or Fairfax, the witnesses who were called subsequently to my protest having been recorded on the proceedings of the Court; but this could not prevent my case from being subject to prejudice by the previous irregular course pursued in the cross-examination of Lockyer by Captain Baynes.

And now, if the Brigade Order already referred to be trustworthy in designating this Court to be one of Inquiry, and ordering it to sit with closed doors, and it having been shown on accepted authorities that a Court of Inquiry can have nothing to do with "prosecutors or Judge Advocates," "prosecutions or charges," I would respectfully beg to be informed how it happened that an officer exercising functions foreign to the nature of a Court of Inquiry, even with open doors, was permitted (he being neither President nor Member) to sit in this closed Court of Inquiry?

I would here crave permission to observe that an essential part of the duty of a Judge Advocate is to "take care that the prisoner does not suffer from his want of knowledge of the law or inexperience of Courts; he is bound to take care that no illegal evidence does appear, and to see that the prisoner has an opportunity of a fair defence."

I quote from "Byerley Thomson's Constitution, Administration, and Government, Military and Civil, of the Military Forces and Institutions of Great Britain and Ireland," a work compiled from the best Military and Common Law authorities at present in force.

Now, supposing (which I deny) that Captain Baynes was justified in every other point, would he be doing his duty towards the accused—would he be taking care that no illegal evidence did appear—while doing his utmost to introduce to the attention, and for the guidence of this Court, depositions taken by a different Court on a different subject?

Attempted importation of depositions from a different case into my own.

Is the introduction of ready-made evidence permissible by the Common Law from case to case, just as may suit a prosecutor's views? I believe not, and the action of Captain Baynes in this instance argues (if nothing culpable) at least inexperience as an officer, when contrasted with those portions of a Judge Advocate's duties, which I have underscored.

I return my respectful acknowledgments to the President and Members of this Court for having protected me by declining to receive those depositions. Still there remains the fact that an illegal act to my prejudice was attempted by the very officer who was bound (if he had any right to act at all) to protect my interests, and see that I had not only fair play but the benefit of any doubt that might arise.

Importation into my case of letters, &c., from a different one, an important letter of mine being withheld.

On the point of "introduction of letters, &c., into my case from a different one" (to which I took exception more than once), I was overruled by the Court; but my conviction is, that the introduction of documents from a different case, containing matter between third parties regarding me and my conduct, which I had never read or heard of, and of the purport of which I still remain in ignorance, was a line of conduct opposed to law and equity.

Apart, however, from this, and admitting (for the sake of argument only) that the course adopted by the Court was right in the abstract, it surely would be proper that *all* documents bearing upon the particular subject should be put into Court, and not an *ex parte* selection—in short, *all* or *none*.

So far from this being the case, however, an important letter of my own, dated 23rd May, 1873, was wanting, its purport being to inform the Commandant that certain evidence was false in that case from which the remaining documents were produced, and acted on by this Court.

The letter in question contained other matter as well, but the foregoing was of vital importance, because if it have not been laid before the Governor, or the sum and substance of it clearly explained to him, he has had, unfortunately for me, to decide without this letter a certain case appertaining to a witness in the present case, under the erroneous impression that *full* particulars and *reliable* evidence were before him, when the contrary was the fact. This letter of mine not appearing with the others before this Court renders it, I think, probable that the Governor has not had it under his observation either, in which case I should come before his view in the light of an offender. I cannot divest my mind of the idea that both my letter and the substance of it have not been before the Governor.

I feel confident (were it otherwise) that I should not at the present moment stand before this Court in a position which I trust to be excused for designating a false one.

First charge encumbered with irrelevant matter, being the prosecutor's interpretation of certain depositions taken by a different Court in a different case.

I protested against the first charge being gone into, because an attempt was made to bias the Court to an issue unfavourable to me, by means of evidence taken in a different case, which, condensed, was interpreted by the prosecutor to mean certain things appended to the charge, and dictated to the Court, by the same person, as established facts. If they were so indeed, they must necessarily constitute the pith and substance of the very depositions which the Court had previously decided not to receive; so practical a contradiction of the Court's views (exhibited in their refusal to receive the depositions themselves) as to render it difficult to reconcile with that refusal their subsequent acceptance of them in their new feature as "facts," on any other hypothesis than that they were "ordered" to do so, which the Court stated was their reason for overruling my protest against the appendices to this charge.

I have a right to assume that the depositions were declined, because it would have been illegal to have received them (as truly it would have been), and respectfully submit that their subsequent reception in disguise was equally so. No Court, civil or military, permits a prosecutor in making his charge to append to it a string of assumptions of his own; and by the law of evidence (which operates equally in military as in civil cases) witnesses (when they can be produced, as in the present instance) must be called to give *verbal* testimony, evidence abridged and modified from depositions in a different case being illegal, and therefore ought not to be *made use of in any way*. Referring to my late remark as to the officer acting as Judge Advocate (folio 8), I beg to draw the attention of this Court to the Queen's Regulations, sect. 14, para. 771, as to that official's duties. *b.* "He will give his advice on all matters of law, evidence, or procedure, and whether consulted or not, will interfere to ensure the due formality and *legality* of the proceedings," also to show that the law of evidence is the same in a military as in a Civil Law Court. I request leave to quote from the Mutiny Act (34 Vic. cap. 9)—"And whereas no man can be forejudged of life or limb, or subjected in time of peace to any kind of punishment within this realm by Martial law, or in any other manner than by judgment of his Peers, and *according* to the *known* and established laws of this realm."

This charge relieved from illegal matter terminates at the words "Volunteer Artillery Brigade."

First charge fails to specify the place where and the time when the alleged offence was committed, as required by law.

In the next place it is pointedly laid down in the Queen's Regulations, sect. 14, para. 745, that charges must be specific in dates and places when and where an offence is alleged to have been committed. Now this charge is informal and invalid because defective in both particulars.

Second charge vague and informal in not containing specification of *time* and *place*, as required by Queen's Regulations; also, as not specifying

A portion of the foregoing objections applies to the second charge, viz.,—that "time" and "place" are not specified in it (as required by the Queen's Regulations); and not only is this requirement emphatically laid down in para. 745 of those Regulations, but in the Appendix (5) a form is given (9), in which spaces are left blank purposely that dates and places should be duly inserted. In its present defective form, which renders it vague and incapable of satisfactory and conclusive proof or disproof, any Military Court or Court of Law would have thrown this charge out. I refer the Court on this point to Queen's Regulations (App. No. 4), Instruction 3, under the head of "Charge," wherein it is prescribed that "No Court-martial should proceed to trial until they have satisfied themselves of their competence to deal with the charge, both as respects their jurisdiction and the *precision* with which the charge is *worded*." It thus appears that it is not only the right but the duty of the Court to reject inaccurate charges such as these, irrespective of "orders"; indeed, if a Court act unconditionally under a prosecutor's orders, I contend that its proceedings cannot be impartial, and I was informed by this Court that it was *bound* to investigate the charges as sent in, because it had been *ordered* to do so, and moreover my objections were characterized as frivolous and obstructive on that account. Objection must also be taken to the absence of all information in this charge as to

whether

whether "uniform" was worn when the alleged offence was said to have been committed, because there is no criterion other than the wearing or not wearing of uniform laid down in the Volunteer Regulations by which to determine when a Volunteer is a soldier and when a civilian. In the Volunteer Regulations, para. 135, it is laid down that "Volunteers shall give the military salute to all commissioned officers of Volunteer Corps in this Colony, and officers of Her Majesty's service, when both are in uniform." Now, to give the military salute is to acknowledge "soldiership," and equally the right to withhold it when neither or only one is in uniform indicates the reverse or "citizenship." Hence it results that no conversation or remark passing between two Volunteers out of uniform, or on an occasion where only one of them wears it, can lawfully be made the subject of military inquiry or action in any way. Volunteers on becoming so not being required by law to give up any rights or privileges they previously possessed as citizens, but remaining possessed of them still—one such right being perfect freedom of conversational intercourse and exchange of sentiments and ideas on any topic whatever, no military power being authorized by Act of Parliament, regulation, or precedent to interfere in such a case. I submit, therefore, that I am the subject of an undue assumption of authority in having been suspended from duty and cited before a Military Court to answer for my conduct as a civilian and citizen, the same not falling within the range of military discipline. Before concluding this branch of my subject, I refer to a question which I put to this Court at its last but one sitting, *i.e.*, subsequently to its examination of the principal witness for the prosecution (Gunner Lockyer). The question was, as to what Act or Regulations governed the proceedings of the Court. I presume it appears on the minutes, and that the fact of the Court having to be cleared for consultation before a reply could be made, is also recorded in them. The reply ("By the Volunteer Act and such other Regulations as may be in force") sufficed, and I have based my arguments upon it; but I submit that the authority regulating the Court's proceedings should have been ascertained before it commenced them, not at its second or third meeting, so as to render it doubtful whether its previous action and examination of the chief witness for the prosecution had been guided by any definite and clearly recognized principle at all, whereby my interests might suffer. The circumstance, although beyond recall, is, I think, deserving of consideration.

whether the offender was in *uniform* when the alleged offence was said to have been committed.

I have called no witnesses. I make no defence (neither denying or admitting anything), the only course consistent with my objections against this Court's constitution, &c. I therefore propose, with permission of the Court, to close this statement with a few comments on the evidence of Gunner Lockyer (principal witness for the prosecution) and the (so-called) "facts," borrowed from his case and appended to the first charge, contrasting the same with the evidence given by other witnesses also for the prosecution. I trust I may not be prejudiced at head quarters by this statement, for I feel in duty bound, as an old officer of some practical experience in military usages and duties, to waive personal considerations in favour of the interests of that Force to which I at present have the honor to belong, and to disclose whatever contrary to those interests has occurred in the present case and proceedings, sincerely trusting that attention may thereby be directed to the existing necessity (if the Volunteer Force is to continue and become effective) of such an administration of its affairs as will not only provide for its military discipline on a legal basis, but protect its civil privileges from aggression, a result not to be attained under the present system.

EVIDENCE of Gunner Lockyer, principal witness for the prosecution, compared with that of the other witnesses for the same.

Lockyer, upon oath, states as follows :—	The other witnesses upon oath state as follows :—
1.	
"That the *only* reason assigned for prohibiting his going to the Encampment was because his name had not been given in personally."	Sergeant-Major E. Byrne and Gunner M'Kellar both state that the reason assigned for the same was that his name was sent in *too late*. Also Lockyer himself admits, in cross-examination, having had assigned as a reason (in a written memo. before the Court) that "as he had referred himself to the Commandant, he must await that officer's decision as to going to Camp."
That "I told him, in presence of the Battery, I would prevent him from going to the Encampment, because he intended to fight it out."	Sergeant Williams swears, on the contrary, that I said "I did not think I had power to prevent Lockyer from going to Camp, but I did not feel at liberty to give my consent." Lockyer also, being cross-examined, admits that the words I used may have been to the effect that "I did not think, under the circumstances, he ought to have *my* permission to go to the Encampment; but I had no power to prevent it."
Lockyer swears positively that he never said he would go to Camp with or without permission, nor any words implying the same thing.	Gunner M'Kellar swore, on the contrary, that he had heard Lockyer (subsequently to his being informed that his name was too late to be received) declare that he "*would* go to Camp." Sergt.-Major Byrne stated, on oath, that Lockyer had said "he *would* go to Encampment, not because he particularly wished it, but to show Captain Bamford that he was not going to have his own way." Sergt. Williams also, on oath, declares that Lockyer said (in his hearing) that "he *would* go to Camp whether he had leave or not," or "words to the same effect."
Lockyer swears positively that I said "I would appeal to Parliament if the Colonel interfered in his (Lockyer's) case."	Capt. Bamford states—"The words are not those I used—the expression not mine, but a clever distortion of it, calculated to convey a false idea." Lockyer states in his evidence, that "on the occasion to which he alludes, he was *not in uniform*." Remaining witnesses declare that on the occasions to which they allude "neither they nor I wore uniform."

I here beg to refer the Court to folios 14–15, for my statement as to the second charge, merely, in addition, here reminding it that Lockyer represents the expression attributed to me to have been uttered very hurriedly, and it certainly appears questionable whether reliance can be placed by this Court on his evidence as to what was said or done in so hurried a manner, when it is constantly and flatly contradicted by the sworn testimony of the other following witnesses on his own side (as shown above) regarding transactions which were not hurried at all. Had his evidence, given as it was, upon oath, been in my humble opinion trustworthy, I should not have ventured to set down my unsworn statement against it, as I have done in the foregoing comparison of evidence; but the Court will perhaps concede that under the circumstances I am not wholly without reasons for estimating my simple *word* as quite equal to Gunner Lockyer's *oath*, especially as I *cautioned* him on the subject *in Court*. I desire leave now that I am about to quit the subject of the second charge, to recall an incident which virtually annuls it, viz. :—I was summoned by the Colonel to an interview on the 18th September, 1871, relative to an application I had sent in to be examined as to my fitness for the rank of captain, when as he was disposed to have me examined as first-lieutenant only. (Brigade Order, 6th Sept., 1871.)

Points applicable to this second charge were discussed, and ultimately conceded to me by the Colonel, whose remark as I took my leave was, "I have no desire to muzzle any man, but you will of course regard this conversation as strictly confidential." The peculiarity of the expression he used may assist him in recalling the *details* of the interview, which I cannot, of course, go into without betraying confidence—and once recalled to mind, they would exculpate me so far as the second charge is concerned—(were I to admit the necessity of a defence).

The first charge simply amounts to this, viz. :—"That I dismissed Gunner Lockyer for disobedience of my orders."

The entire evidence on the subject proves him guilty of that disobedience.

I respectfully submit therefore that my conduct does not merit to be stigmatized as being to the prejudice of, but rather to be considered as upholding good order and discipline.

Moreover, it is in accordance with the Volunteer Act, section 28, part 3, which runs thus—

"The commanding officer of a Volunteer Corps (for explanation of the word 'Corps' see section 61) may discharge from the Corps any Volunteer not being a commissioned officer of the Corps, and strike his name out of the muster-roll, either for disobedience of orders by him, &c., &c., &c."

So far, therefore, as the dismissal of Gunner Lockyer for disobedience of orders is concerned, let the facts above speak for themselves, while I enter into a short account of collateral circumstances.

I ordered Gunner Lockyer not to go to Camp without orders from the Commandant, because he had written to that officer on the subject, and was therefore, in my opinion, bound to await his reply. This I fully expected would be in writing and through me, the usual and proper course, as pointed out by the Commandant himself in "No. 9 fact" and by his Brigade Order, dated 15th September, 1871 (to which as being still in force, attention was directed in the *Sydney Morning Herald*—"Volunteer Notices"—of the 17th June, 1873). This order directs that applications from non-commissioned officers, trumpeters, buglers, gunners, or privates, are to be made through the officers commanding their Batteries or Companies." I could not therefore believe that in the very face of his own order (and contrary to the usages of the Service) the Commandant had personally given Lockyer his consent for him to go to Camp; and more, I do not believe it now. Fact 14 merely mentions that "Lockyer *said* so," but it is not in the charges or in these "*facts*" stated to be a "*fact*." I think had it been a "fact" at all it would surely have been set forth in the "recapitulation," where so many less important matters have been recorded; that Lockyer said this thing or that thing can scarcely, I contend, weigh much in the opinions of such as are acquainted with the "facts" of this case as opposed to his sworn testimony regarding them. As far as I am concerned, I never succeeded in obtaining from the Commandant any reply at all in Gunner Lockyer's case, although I made pointed application for one. I received instead memoranda of a *general* character *not particular* to *the case at issue*. Indeed it would have been next to impossible for me to imagine they could have been *intended* to apply to Lockyer, whose case was exceptional to the generality, and respecting whom I had applied to the Commandant in terms so unmistakeably directed to Lockyer's case alone, that they could not, I very respectfully submit, be appropriately answered by any less decisive than themselves. Had the Commandant just written plainly "let him go," the matter would have been settled, and all possibility of a misunderstanding avoided. At this point, I beg to draw the attention of the Court to "facts" 10 and 12. In the first of these Captain Lett is stated to have forwarded the Commandant's "*decision*"; in the other it is termed a "*hint*" (memo. 22nd March). As both words refer to the same memorandum, but assuredly differ widely in signification, it would really appear to imply that the prosecutor himself practically admitted that no *decision* but only a *hint* had been conveyed to me. In support of this view that no decision had in fact been come to so late as the 11th April, I find that Sergeant Williams* states in his evidence that "Lockyer was released from arrest on that day" not finally but "pending further advice from Captain Bamford." It is impossible then (in my opinion) to arrive at any other conclusion than this, that the "further advice" was required to enable the Commandant to arrive at a "decision" which had not then (11th April) been formed, or if at any previous moment formed, had been between that moment and the 11th April abandoned, and the previous state of indecision again been reverted to. This being the case, the remarks contained in "fact" 11 (that Captain Bamford has not yet supplied Mr. Lockyer with any reply to his communication) is fully accounted for, inasmuch as I could not by possibility supply Mr. Lockyer with the Commandant's reply to a matter regarding which *that officer* had supplied *me* with none, and which he had not even decided about in his own mind. I think I am warranted then by the circumstances in attributing the misunderstanding, trouble, and annoyance, which have arisen relative to Gunner Lockyer, to a want of some decided reply of particular and individual application to that individual's case only—which decided reply I very earnestly requested but never received. And at this stage I feel bound to state my belief that there would have been plenty of time for me to have finally succeeded in procuring such decided reply, had not some twelve or fourteen days been wasted in consequence of my having been misled by the unusual course adopted by Captain and Adjutant Lett in forwarding me the memo. of 22nd March *direct in reality*, though *purporting to be* "*by order*."

I chanced to refer to Major Shepherd on the subject, who denying all knowledge of the memo. the fallacy became clearly apparent, so far as the words "by order" were concerned. I did not for a moment imagine that the Colonel had directed Captain Lett to forward that memo. straight to me, because it was a most unusual course; opposed to the Brigade Order 15th September, 1871, because it would ignore (as in fact it did ignore) Major Shepherd, through whose hands it should have passed to me; and lastly, because it is usual and correct to mark documents from the Colonel "By Command," and not "By Order." As an officer who had been accustomed to the sober and unvarying routine of a regular service, I hope I may be held excusable for not in the least comprehending the eccentric and most uncalled for action of Captain Lett in this matter. I use the words "uncalled for" advisedly, because I know for a fact that Major Shepherd *was in Sydney on the 22nd March, and had been for some days*. I am aware that my assertion flatly contradicts Captain Lett's evidence, given before Mr. Lockyer's Court of Inquiry. I may regret, but cannot help it, for my assertion is the truth, and Captain Lett's evidence is not. One proof of this exists in the Volunteer Artillery Staff Attendance Book. Thus it appears tolerably clear that Captain Lett's extraordinary course of action as regards the memo. in question was the *primary* cause of a series of obnoxious occurrences not yet terminated, for I at least am a sufferer by it still. To this action of his it is attributable that no *decisive* answer could be obtained in time to prevent the succeeding unpleasant details, so that in effect the want of that decisive answer has produced only a *secondary* influence upon the case,—resulting from Captain Lett's *primary* departure from the proper routine of his duty.

So great a stress has been laid in these proceedings on my Battery Order of the 3rd February, 1873, as to render it imperative on me (so that this Court be not misled as to its real value) to point out that it has nothing whatever to do with Gunner Lockyer's dismissal from No. 8 or Prince Alfred's Own Battery. He was dismissed for wilful and premeditated disobedience of my written order, dated 26th March, 1873, seven weeks subsequent to the Battery Order in question.

Fact 18 (appended to 1st charge) concedes this point and therefore marks the irrelevancy of facts 1, 2, 3, 4, 5, 6, and 7, as not touching the reason of Lockyer's dismissal at all.

I have to refer with the permission of the Court to fact 13 for a few moments, for it makes a great ado about nothing, as I am about to explain.

The Commandant's memo. 8/4/73 was indeed in my hands on Thursday, 10th April, but late in the afternoon, and I had no opportunity of replying to it until late at night. Now Lockyer started for Camp the same day, thus abruptly terminating the question at the time pending between the Colonel and myself "as to whether he was to go or not," thereby committing the act of disobedience for which he was dismissed. The date of my reply therefore being subsequent to Lockyer's disobedience of orders, becomes insignificant, being no longer capable of exercising any influence on the case. No matter on what date soever my reply was made, the salient fact remains impregnable, that "Lockyer had been already guilty of disobedience of orders."

The alteration of the date admits of easy explanation, however, which for the satisfaction of the Court I shall briefly give. "My memo. in reply to the Colonel's 8/4/73, was originally dated when it was written late at night on the 10th April. Next day was Good Friday; on Saturday, 12th, on going to deliver the letter I found the Brigade Office closed. I considered if I were to forward the letter to Ham Common on Monday it would be unlikely to arrive there before the Commandant had left. I consequently decided to retain the correspondence (since it could no longer affect the matter to which it related) till the return of head quarters to Sydney. I did so, altering the date to that of the day on which the letter was delivered (the 15th or 16th, I do not remember which), but on reflection I deemed it would be more correct that the memo. should bear its *original* date, and so ran my pen across the tail of the 5 or the 6 (whichever it may have been) to reduce it to an "0" again."

I have but a few words to add in relation to the four instances of this charge and to the alleged "facts" appended to it. I shall not detain the Court very long.

I dismiss the 1st, 2nd, and 3rd instances with this remark: "If my action in dismissing Gunner Lockyer (as set forth in the 4th instance of this charge) for disobedience of orders, be in accordance with section 28, Volunteer Act, the accessory circumstances before the fact contained in those previous instances cannot constitute an offence; such a thing is simply impossible. Assuredly the disobedience was committed, and the evidence of it is conclusive. If therefore the dismissal is wrong, consequent on the disobedience, then the Volunteer Act is wrong also, and it becomes a question by whose authority can it be made out to be so."

Now, gentlemen, for a glance at some of the assumptions appended as "facts" to this charge, and I have done.

Prosecution facts.—Fact 1 *states*—	*Contrasted with the evidence*—
Gunner Lockyer's name to have been given in on 12th Feb., 1873, by Gunner M'Kellar.	Gunner M'Kellar swears positively it was not.
Facts 2 *and* 3.	
Lockyer's name was rejected because he did *not give* it in *himself*, and no other reason was then given.	Byrne and M'Kellar both swear it was rejected for being *too late*, and that *this* and no other cause for its rejection *was assigned at the time*.

Fact

* Also Lieut. Nixon.

Prosecution Facts—Fact 6.	*Contrasted with the evidence.*
Bombardier Keele.	Williams swears his application was sent in in time.
Fact 7.	
Persons were permitted to attend Encampment who had not complied with Battery Order.	No evidence to show this.
Fact 8.	
"Mr. Lockyer's intention."	I submit it is impossible that a man's "intention" can be proved at all.
Facts 10 *and* 12.	
"Decision and" "Hint."	Contradict each other. (See folio 22.) The greater part of fact 12 is suggestive to the Court of views to favour the prosecution.
Fact 14.	
"I ordered Lockyer's arrest should he appear in Camp."	Such arrest was the consequence of Lockyer's disobedience of orders, and my order for it consistent with the usages of the Service, and with sect. 28 (2) Volunteer Act.
Fact 15.	
Commandant releases Lockyer from arrest.	Nixon and Williams state the fact "pending further advice from me." "Being in uniform," I may not comment on this action of the Commandant.
Fact 16.	
That Lockyer was dismissed before investigation of the cause of his release from arrest.	Sergeant Williams swears I did investigate the circumstances, and that he informed me of them himself previous to my ordering the dismissal of Lockyer. His release from arrest did not relieve from liability to punishment for disobedience of orders.
Fact 18.	
Lockyer excluded by too rigid a construction of Battery Order, 3/2/73, from participation in what others in the Battery enjoyed in *violation* of it.	No evidence adduced proves such violation of orders to have occurred on the part of any one but Lockyer—and military orders cannot be too literally construed. There is no harshness in requiring that an order shall be held to mean just what it states.

I think it is evident that the greater part of these so termed facts turn out (as shown in the foregoing statement) to be principally—

1st.—*Facts* which are contradicted by evidence, such as 1, 2, 3.
2nd.—Facts which contradict each other, as 10-12.
3rd.—Facts which are not supported by evidence, as 7, 8.
4th.—Impossible facts, such as 8.

In conclusion, I assert this charge lies in a nutshell—Did or did not Gunner Lockyer disobey my orders, and thereby incur dismissal under section 28, Volunteer Act?

Such is the plain question, divested of alien matter, tending to divert the attention from the only point essential to be considered.

I have only further to request that the Court will be good enough to annex this statement to their proceedings.

I have, &c.,
J. B. BAMFORD, Capt.,
Commdg. No. 8 or P.A.O. Battery, V.A.

Sydney, 7th July, 1873.

Members of the Court of Inquiry to Lieut.-Colonel Richardson.

Battalion Office,
Sydney, 22 July, 1873.

Sir,

We have the honor to report that in compliance Brigade Order No. 90, of 6th June, 1873, convened under the authority of His Excellency the Governor, we have held a Court of Inquiry to investigate and report upon the conduct of J. B. Bamford, with respect to the discharge of Gunner Lockyer from No. 8 Battery, Volunteer Artillery.

We have examined Gunner Lockyer, Sergeant Williams, Gunner M'Kellar, Lieutenant Nixon, Lieutenant Miles, Sergeant-major Byrne, and Qr.-master-sergeant Fairfax, and after careful consideration of the evidence taken before the Court, and of the exhibits produced, as marked from A to L inclusive, and of the written statement handed to the Court by Captain Bamford, we find,—

That Gunner Lockyer's name was not accepted as one of the members of No. 8 Battery to be present at the Encampment.

That Gunner Lockyer's name was not given in or before the 12th February, 1873, in obedience to Battery Order, but was subsequently mentioned by Gunner M'Kellar when he was informed that it was then too late.

That Gunner Lockyer made application through Captain Bamford to Colonel Richardson to be allowed to attend the Encampment.

That Gunner Lockyer was prohibited by Captain Bamford from attending the Encampment, unless he (Lockyer) obtained the Colonel's permission.

That such prohibition was not withdrawn after Gunner Lockyer had informed Captain Bamford verbally that the Colonel had given him (Lockyer) verbal permission to be present at the Encampment.

That Captain Bamford must have been aware that his prohibition was contrary to the intention of the Government to have as many Volunteers as possible at the Encampment, as intimated to him by memo. of 22/3/73, under signature of Captain Lett, as Adjutant, supported by subsequent memo. of 2nd April and 8th April, bearing the initials of Colonel Richardson, and admitted by Captain Bamford to have been in his possession on the 10th April, the date originally attached to Captain Bamford's memorandum thereon.

That Captain Bamford ordered the arrest of Gunner Lockyer should he appear at the Encampment, and that in obedience to such order Gunner Lockyer was placed under arrest at the Camp.

That Gunner Lockyer was on the same day, shortly after his arrest, released from such arrest by direction of Colonel Richardson, and resumed his duties as a member of the Battery, and returned to Sydney with the other Volunteers, upon the Encampment being broken up.

That Gunner Lockyer was subsequently dismissed by Captain Bamford.

That no investigation as to the cause of his release was made by Captain Bamford, or by his direction previous to Gunner Lockyer's dismissal.

With respect to the Second Charge, we find,—

That Captain Bamford has on more than one occasion in a conversational manner used words to the effect that he would appeal to Parliament if the Colonel acted improperly with respect to Gunner Lockyer. This appears to have been said when the parties were not in uniform, with the exception of the occasion when addressing Gunner Lockyer upon his (Lockyer's) telling Captain Bamford that he had obtained the Colonel's verbal permission to be present at the Encampment.

In

In noting the above conclusions, the members of the Court have to express their opinion that the difficulties arising out of the case have been caused by the irregular manner in which the application by Gunner Lockyer has been dealt with. It appears by the documents produced, and by the evidence given, that Gunner Lockyer's name was rejected because it was not furnished in time, and that he was told that he could only obtain permission to be present at the Encampment from the Colonel. He makes the application through Captain Bamford, the captain of his Company; Captain Bamford endorsed thereon, for the information of the Colonel, a memorandum of Gunner Lockyer's inattention to his former duties. The application, instead of being forwarded to the Colonel, appears to have been returned to Captain Bamford with an endorsement under signature of Captain and Adjutant Lett, by order, stating that the Commandant thinks it desirable that as many men as possible should attend the Encampment. The letter of application does not appear to have been laid before the Colonel, and Captain Bamford, acting under this impression by a memo. endorsed by him, requests that, as a point of discipline is involved, the letter may be laid before the Commandant. This is not complied with, but the letter is again returned to Captain Bamford, who notes thereon that it has been again returned to him by mistake. It is then initialled by Majors Shepherd and Wilson, and marked as to be forwarded, but Captain and Adjutant Lett returned it to Captain Bamford, who endorses a memo. that it is again been returned to him by the Adjutant instead of being forwarded to the Commandant, and requests the Field Officer in charge to take steps to have it laid before the Commandant. It then appears to have reached the Commandant, who endorses thereon that the memo. by Captain Lett was written after Captain Lett had obtained the Commandant's views thereon, but this does not imply a direct permission for Gunner Lockyer to attend the Encampment. The application is again returned to Captain Bamford, who appears, from his subsequent memo. endorsed thereon, to have supposed the memo. authorized by the Colonel, and placed on the application, to refer to the members of the Battery generally, and asks by memo. of 4th April that the Commandant will give a decision as respects Gunner Lockyer's case individually. A memo. is, on the 10th April, sent to Captain Bamford, requesting copy of the Battery Order respecting the giving in of the names for the Encampment, and states that Captain Bamford will be held responsible for any action of his which precludes any Volunteer under his command attending the Encampment. Captain Bamford forwards the copy, but does not countermand his order respecting Gunner Lockyer's arrest, but acts on his own authority in contravention of the wishes expressed by the Commandant. The Court cannot but think that had a direct permission been endorsed on Gunner Lockyer's application, instead of a verbal permission being given to Gunner Lockyer, the irregularities by Captain Bamford would not have arisen.

The memo. of Adjutant Lett, if written by direction of the Commandant, should have stated such fact, and should also more definitely have stated that the required permission had been given; failing to do so, Captain Bamford treated the matter in a general aspect, and having given direct orders to Gunner Lockyer that he must not attend the Camp without the Commandant's permission, he treated the action of Lockyer in being present at the Camp as in direct opposition to his orders; this would probably not have been the action of Captain Bamford if direct permission in reply to Lockyer's application had been given, and notified to Captain Bamford, and the subsequent difficulties would have been avoided.

As to the second charge it is shown by the evidence that Captain Bamford has, on more than one occasion, expressed himself to the effect that he would have the matter taken up by some Member of Parliament. This was said to Gunner Lockyer in a hurried manner, when he informed Captain Bamford that he (Lockyer) had the Colonel's verbal permission to go to the Encampment (see Lockyer's evidence); and was also subsequently said in a conversational manner in private offices, and when neither of the parties were in uniform, and upon which subject the Members of the Court beg to refer to Captain Bamford's statement attached to the evidence taken before the Court.

We have, &c.,
T. J. JAQUES, Major, President.
THOS. RICHARDS, Major, 1st S.B.V.R., } Members.
W. WILSON, Major, Left Wing, V.A., }

Lieut.-Col. Richardson to His Excellency the Governor.

Brigade Office,
Sydney, 8 August, 1873.

Your Excellency,

I have the honor to forward, for your information, the proceedings of a Court of Inquiry, assembled to investigate the conduct of Captain Bamford, Commanding No. 8 Battery, Volunteer Artillery Brigade, with reference—

1st. To his having prohibited the attendance of Gunner Lockyer, of his Battery, at the late Richmond Encampment, having placed the said Gunner improperly in arrest, and subsequently dismissed him from the Battery,—no circumstances existing to warrant his adopting such an extreme measure.

2nd. For insubordinate conduct, in using threatening language towards myself.

2. These matters are specifically set out in the form of charges, and, as given in for the guidance of the Court, are attached to its proceedings.

3. Your Excellency will be pleased to bear in mind, that some short time ago a Court of Inquiry was held to examine into the circumstances connected with Gunner Lockyer's discharge; but it appearing subsequently (from a communication of the 23rd May last, made by Captain Bamford, copy attached), that the Court had denied to Captain Bamford the privilege of producing rebutting evidence, and of making a reply to the statements which affected him, your Excellency was pleased to direct the assembly of a second Court of Inquiry, thus giving to Captain Bamford an opportunity of explaining and rebutting the facts which seemed to affect him.

4. The object of each of these Courts being almost identical, I embodied, for reference to the second Court, what appeared to be the facts recorded by the first Court, preferring to do this rather than recast the instructions myself.

5. With reference to the first instance in the first charge, declared by the Court not proved, I would point out, in justice to the first Court, whose expressed opinion, as before stated, led to this instance being brought before the second Court, that the evidence as given before the first Court seems to have warranted that Court reporting as it did. Captain Bamford himself also states, on the usual declaration, on honour, before that Court, that "he approved of the rejection of Lockyer's name, *because he Lockyer did not attend in person to give it.*"

6. As to instance 2 of the first charge, the Court find that Gunner Lockyer was prohibited from attending the Camp by Captain Bamford, and "that Captain Bamford must have been aware that his prohibition was contrary to the intention of the Government to have as many Volunteers as possible at the Encampment, as intimated to him by memo. of 22/3/73, under signature of Captain Lett, as Adjutant,—supported by subsequent memo. of 2nd April and 8th April, bearing Colonel Richardson's initials, and admitted by Captain Bamford to have been in his possession on the 10th April."

7. Third instance of first charge—The Court states its opinion, "that Captain Bamford ordered the arrest of Gunner Lockyer should he appear at the Encampment, and that in obedience to such order, Gunner Lockyer was placed under arrest at the Camp."

8. Fourth instance of first charge—The Court states its opinion, "that Gunner Lockyer was subsequently dismissed by Captain Bamford, and that no investigation as to the cause of his release from arrest was made by Captain Bamford previous to Gunner Lockyer's dismissal."

9. The Court do not enter into the recapitulation attached to the fourth instance of the first charge. It therefore appears useless for me to do so with your Excellency, though some of the matters there mentioned may be elsewhere referred to.

10. With regard to the second charge, the Court finds "that Captain Bamford has, on more than one occasion, in a conversational manner, used words to the effect that he would appeal to Parliament if the Colonel acted improperly with respect to Gunner Lockyer. This appears to have been said when the parties were not in uniform, *with the exception of the occasion when addressing Gunner Lockyer*, upon his Gunner Lockyer's telling Captain Bamford that he had obtained the Colonel's verbal permission to be present at the Encampment."

11. Having, I trust, placed clearly before your Excellency the matters laid before the Court in the charges, and the opinion of the Court as recorded thereon, I would offer a few remarks on the line of defence adopted by Captain Bamford, and the legal exceptions he has taken."

12. Captain Bamford takes exception to the competency of the Court, "that it can only be convened by authorities to whom Her Majesty has delegated the power to call Courts-martial." The local Volunteer Act would appear conclusive on this point, giving your Excellency, in section 24, full power to assemble such Court. Had there been a doubt, could it be supposed the Legislature would not have taken action when sections 64 to 68 of the Volunteer Regulations were passed? The right of the Crown, and the Commander-in-Chief as acting for the Crown, to appoint Courts of Inquiry, has been affirmed in England in the case of Home and Lord F. C. Bentinck.

13. As to "vitality of Court"—Captain Bamford objects that to create a Court, express authority must be given, with all necessary details as to the material of the Court, and the objects and powers. As before said, section 24 of the Act gives power to create the Court, and clauses 64 to 68 of the Volunteer Regulations, issued by the Governor, with assent of Parliament, provide for its objects and powers. He objects that no Court can be held without express provision of an Act of Parliament; this one *was held* by authority of an Act of Parliament, but I may remark, that in England at least half the Courts of Inquiry held in the Military Service are held without special Acts of Parliament, by right of the Crown, as before stated, recognized in 1820, in Home and Lord F. C. Bentinck, by the Court of Exchequer Chamber, and the immemorial custom of the Army, which has never been interfered with by the Civil Courts, and is indeed, in some shape, common to the Civil Departments of Her Majesty's Service.

14. Captain Bamford objects "that in this Court of Inquiry the construction and functions of a Court-martial have been adopted." *But this Court has passed no sentence*—merely recorded an opinion as to his conduct; a very usual thing for a Military Court of Inquiry to do. In point of fact, the assimilation of its proceedings to those of a Court-martial, which is advised by authority, and by writers on Military law, has led to the evidence being all sworn testimony; to Captain Bamford's being enabled to cross-examine the witnesses; to his being allowed to object to and obtain the exclusion of depositions tendered in evidence against him, and to his being allowed to make a most lengthy and argumentative reply, all which opportunities, enjoyed by him, obtained him every facility for the making of his defence.

15. Captain Bamford "takes exception to Captain Baynes appearing in Court, and discharging (in such a Court) the functions of a Judge Advocate, by cross-examining witnesses for the prosecution through the medium of the President." Captain Baynes was not acting as a Judge Advocate, though he might with propriety have been so appointed,—Judge Advocates in important cases before Courts of Inquiry being not unfrequently appointed. In many cases of Courts of Inquiry it is usual for the convening authority to appoint an officer acquainted with the matters to be submitted, or having the custody of records, to attend and aid the Court by his special knowledge. In the case of Courts of Inquiry held on matters connected with the Departments of the Army, such inquiries could often not be carried out were there not some person to point out the technicalities of departmental routine to the Court, and put them on the right road to prosecute their investigations.

16. Captain Bamford takes exception to the "attempted importation of depositions from a different case," referring to the proceedings of the first Court, which were tendered in evidence by Captain Baynes, and not received by the Court. That the Court did not receive this evidence seems no great cause of complaint.

17. Captain Bamford objects to the "importation into his case of letters from a different one, and to an important letter of his being *withheld*." The documents alluded to were part of no case, but official documents or letters, and memoranda, all written *before any case* was submitted to a Court of Inquiry—the official records of orders principally. Captain Bamford could have called for the production of any letter, but there is no evidence on the record of the Court that he did. As a matter of fact, the letter of the 23rd May (copy enclosed), alluded to, was the one which led to the convening of this second Court of Inquiry, with the view to give Captain Bamford every facility for replying to the matters brought against him.

18. Captain Bamford objects that the "first charge is encumbered with irrelevant matter, being the prosecutor's interpretation of certain depositions taken by a different Court in a different case." If there is irrelevant matter, it is to be supposed its want of relevancy would have prevented its doing Captain Bamford any harm. No depositions or extracts from such appear to have been admitted in evidence.

19. Lastly, Captain Bamford objects to the want of precision and accurate definition of place and time in the charges. I think your Excellency on perusing them, and noting the fact that practically the second Court investigated the same set of circumstances as the first (excepting of course the second charge), and that there does not appear in Captain Bamford's defence, or the manner in which he examined the witnesses, any trace that he in any way suffered from inability to understand the precise nature of the facts alleged against him, will find there is no warrant for this assertion; and moreover, he might have taken this exception prior to or on the assembly, of the Court, he having been supplied with a copy of the charges previous to the assembly of the Court.

20. Having now placed before your Excellency the matters regarding which Captain Bamford's conduct was impugned, the opinions passed by the Court on the matters laid before it, and the legal objections taken by Captain Bamford, I proceed to call your Excellency's attention to the following facts:—

21. It appears that Captain Bamford assumed the right to prohibit the attendance of the men of his Battery at the Encampment, unless they complied with certain conditions *he* laid down. The Brigade Order, by which officers commanding Corps were directed to send in the names of their men "with the least possible delay," gave no such authority; and to establish such a rule on his own authority was, to give orders he had no right to give, and to act contrary to the spirit and intention of the Government in forming the Encampment. That his views were erroneous were proved to him by the memo. addressed to him by Captain Lett, on 22/3/73, and my memos. of 2/4/73 and 8/4/73.

22. Captain Lett's memo. (by order) of 22/3/73, and my memo. of 2/4/73, sent to Captain Bamford, written on the fly-leaf of the letter containing Gunner Lockyer's appeal, so sent, though the memos.' themselves did not mention Lockyer's name, it was clear the memos. were to be held applicable to the particular case of Lockyer, and so indicated my directions on the subject. Memoranda of general application are never written on the back of a letter containing appeal on a special case; being written on the back of that letter, they could refer to that letter only, though of course they would have also a general application to any similar case which might afterwards arise. The farther memo. of 8/4/73, received, as Captain Bamford subsequently acknowledges, on the afternoon of 10/4/73 (instead of 16/4/73, as altered by him), must, had the other two failed to do so, have clearly enlightened him as to my wishes, yet, instead of communicating with Gunner Lockyer and the lieutenant in charge of the Battery at the Camp, to inform the former of the permission having been given, and the latter that the order for arrest was not to be carried out, he kept the memo. in his pocket, taking no action on it. His failing to take any action on this memo., and the tone of Captain Bamford's memo., 4/4/73, and his dismissing Gunner Lockyer without any inquiry into the latter's release by my order, all appear to me to evidence a spirit of insubordination. Again, had not Captain Bamford been actuated by an insubordinate spirit, he would, on receiving the verbal intimation from Gunner Lockyer that I had given him my permission to attend the Encampment (though the intimation was irregularly conveyed), have endeavoured officially, or semi-officially, to ascertain whether I had or had not given such permission, and acted accordingly. This course would seem to have been incumbent on him, seeing the large amount of work he must have known devolved on me at that time in preparing for the Camp (especially as I had virtually no Brigade-Major, Captain Baynes being fully occupied in his own department), and the great liklihood that he might not have received a more formal intimation of the leave having been accorded through oversight alone. By his persistence in refusing to be guided by superior authority he sought to counteract the efforts of the Government and the expressed wishes of his military superior.

23. I would draw your Excellency's attention to the tone of Captain Bamford's memo., 4/4/73; to the tone of the remarks at bottom of page 16 of the defence; to the attack on Captain Baynes when performing his duty; and the very offensive nature of the remark when Captain Bamford states in his defence that he considers his word better than Gunner Lockyer's oath.

24. In reference to Gunner Lockyer's dismissal by Captain Bamford, Captain Bamford himself states, that after the application for leave to attend the Camp had been forwarded through him to me, he considered "*the matter out of his hands*," which is corroborated by his memo. of 26/3/73, and letter 18 April, 1873, yet he took the matter up again when he chose and dismissed the man, and this without inquiry into the facts connected with his release from arrest. He considered the matter out of his hands when it was his duty to aid the intentions of the Government as to the attendance of his men at the Camp, and this in the face of memos. from superior military authority, but takes it up to perpetrate what, as before expressed by me to your Excellency, in letter of the 27th May last, 73/301, I cannot but regard as an inconsistent and tyrannical act of abuse of the powers vested in him by the Legislature. It being also obvious that Lockyer having been released from arrest by superior authority, it was not competent for a subordinate to take extreme action, unless under direction of such superior authority. It does not even appear that reference was made to Major Shepherd, the Officer Commanding the Volunteer Artillery Brigade at the Camp, under whose immediate command the Volunteer Artillery, of which this Battery formed part, was.

25. With reference to the second charge, I would draw your attention to the fact that the Court state that on one occasion, when Captain Bamford used threatening language, as to bringing the matter before Parliament, he was in uniform, and addressing a gunner of his Battery. On the other occasion he seems to have been engaged in conversation (with parties in plain clothes), discussing my conduct as his superior officer with his subordinate officers and non-commissioned officers. In such a position, discussing Battery affairs with his Battery subordinates, he must be looked on as the Captain of No. 8 Battery.

On

On the impropriety and insubordinate character of such threats so addressed, I leave your Excellency to judge. Apart from this pernicious example of insubordination to those under his immediate command, I feel it incumbent on me to record my humble opinion that reference to Parliament on particular matters affecting discipline should be discouraged until satisfaction or redress has been sought through the prescribed channel, as such references encourage resistance to responsible authority, turning every defendant into an appellant, and being destructive alike of discipline and the exercise of firm authority.

26. I would draw your attention to the fact that Captain Bamford's conduct, as wanting in a due spirit of subordination, was the subject of unfavourable comment by the late Governor, the Earl of Belmore, which was duly communicated to him; and further, that his conduct and bearing as an officer seem to lack a proper sense of the respect due to authority.

27. Captain Bamford, on page 20 of his defence, states that some conduct, or words of mine, at an interview held with him in the year 1871, in presence of Captain Hopkins, Brigade Adjutant, Volunteer Artillery Brigade, would absolve him from the second charge. This (on perusing a memo. taken immediately after the interview by Captain Hopkins, and in his handwriting, annexed) I conclude means I gave him then a latitude of speech which I refuse him now. I fail to see how an interview of 1871 can in such a case influence decisions in 1873, and further, I do not admit that the conversation which took place at the interview in question can bear the construction which Captain Bamford has attempted to put on it.

I have, &c.,
JOHN S. RICHARDSON, Lt.-Col.,
Commandant

P.S.—The proceedings of first Court of Inquiry are herewith enclosed, in case your Excellency may desire to refer to them, together with Captain Lett's explanation regarding certain memoranda alluded to in the proceedings of the Court.—J.S.R., Lt.-Col.

True copy.—W. B. B. CHRISTIE, Capt., Major of Brigade.

Notes of a conversation held between the Commandant and Mr. Bamford, P.A.O. Battery, 14 Sept., 1871.

THE Commandant considered the tone of Mr. Bamford's letters insubordinate, and consequently deficient of that spirit which should actuate officers of the Volunteer Force, and that he expected that support to which he was entitled from all officers under his command.

If Mr. Bamford was prepared to act in accordance with his views, the usual examination for a lieutenancy might be waived, and he (Mr. Bamford) might at once be examined for a captaincy, otherwise he must be prepared to undergo a probation as a subaltern officer.

The Commandant also pointed out, that although he expected due support from the officers, they were at liberty to appeal to proper authority in case they had any grievance.

The cases of Captains Wells and MacDonald having been quoted, it was pointed out that these gentlemen were appointed under special circumstances—the first of these officers holding a commission at the time in the Force, and well known as a good officer; the second having formerly been in the Force, and known to, and favourably brought to notice by, Major Shepherd, upon whose sole recommendation he was appointed.

Mr. Bamford, in the course of this conversation, expressed his regret that he had listened to the advice of Major Shepherd and Captain Deane, as by what he had heard and read he could see that they were both in the wrong.

The Commandant requested that this conversation might be considered as private and confidential, to which Mr. Bamford assented, and also, as I considered, concurred in the remarks made.

S. HOPKINS,
15/9/71.

True copy.—W. B. B. CHRISTIE, Capt., Major of Brigade.

Treasury, N.S.W.,
13 March, 1873.

Gunner Lockyer to Lieut.-Colonel Richardson.

Sir,

I have the honor to lay before your notice the following:—

On the last evening on which the names were taken of those who wished to attend the Encampment, I forwarded my name by Mr. M'Kellar (gunner), so that, as he was giving in his own, he might give mine also; but on tendering my name he was informed that as I had not attended myself on that particular evening it could not be received.

Has been for some time an habitual absentee.—J.B.B., Capt.

Having the time at my disposal, and wishing particularly to attend the Encampment, perhaps, under the circumstances, you will see no objection to my name being added to the list.

I have, &c.,
NICHOLAS LOCKYER,
Gunner, "Prince Alfred's Own" Battery.

Forwarded for the Commandant's decision.

Memo.—I have already more than once explained to Gunner Lockyer that I could not, consistently with my own Battery Order on the subject, forward his name, now that the date I had fixed in that order for receiving them has passed, and I feel surprised he should assign as a *reason* for the indulgence he seeks, a fact which, in my opinion, is distinctly against his request, viz., non-attendance at drill.—J.B.B., Capt., No. 8, or P.A.O. Battery, V.A., 14/3/73.

W.W., Major, V.A., 14/3/73.

The Commandant thinks it desirable that as many men as possible should attend the Encampment. It was necessary that an approximate idea of the number who would be likely to attend should be given; hence the Brigade Order requesting names to be forwarded by a certain date, but it never was intended to prevent any person from attending simply because his name was not submitted in time. It is the duty of Officers Commanding Batteries to endeavour to secure as large a muster as possible at the Encampment.—By order, C. LETT, Capt., Adjt., V.A., B.C., 22/3/73.*

*1. Why was not memo. of Captain Bamford, 14/3/73, referred to Major Shepherd, instead of having been submitted to the Commandant, as shown by memo. of Capt. Lett, 22/3/73?—J.S.R., Lt.-Col.

As a *point of discipline* is involved in this matter, I must request that Gunner Lockyer's letter may be laid before the Commandant (to whom it is addressed). The *matter is important* in its *future* bearings upon the discipline and subordination of my Corps; and I think the Commandant is the proper authority to decide on all cases referred to him.—J.B.B., Capt., No. 8 or P.A.O. Bat., V.A., 27/3/73.

Forwarded to me again by mistake. Intended for the Commandant.—J.B.B., Capt., No. 8, 31/3/73.

Forwarded.—W.W., Major, V.A., 31/3/73.

Forwarded.—P.L.C.S., Major, Com. V.A., 31/3/73.

The Adjutant has forwarded this to *me* again instead of to the Commandant. I beg of the Field Officer in charge of the Left Wing to take such measures as will ensure that this letter reaches its destination. The Commandant should have had it a fortnight ago by rights.—J.B.B., Capt., No. 8 or P.A.O. Bat., V.A., 1/4/73.

2. Why were the papers forwarded to Capt. Bamford instead of to the Comdt.?

The memo. in question was written by Captain Lett after he had ascertained my orders on the subject.—J.S.R., Lt.-Col., Comdt., B.C., 2/4/73.

In the particular instance of Gunner Lockyer—will the Commandant please inform me whether he will support my authority and the integrity of my Battery Order, or whether that individual's wishes are to supersede them—this being the point at issue between him and myself? I had already done my best to ensure a large attendance of No. 8 Battery, previous to Capt. Lett's memo., and I expect it will be well represented.—J.B.B., Capt., No. 8, 4/4/73.

W.W.,

W.W., Major, Left, Wing, V.A., 5/4/73.
Forwarded to the Commandant.—By order, C. LETT, Capt., Adj., V.A., B.C., 7/4/73.
Requested that Major Shepherd will be good enough to call upon the Adjutant (Captain Lett) to give the explanation, in writing, required by memos. 1 and 2, as within.—J.S.R., Lt.-Col., Comdt., 7/8/73.—Urgent. Recd.—8/8/73.
Captain Lett will give the explanation required with as little delay as possible.—P.L.C.S., Major, Com. V.A., 8/8/73.

Memo.—

I do myself the honor to state, for the information of the Commandant, and in reply to his queries,—

It has been the practice, until very recently, for me to open and reply, as by order, to communications addressed to the Major Commanding V.A.*

I considered, however, that Captain Bamford's memo: of 1/3/73, on Mr. Lockyer's letter of 13th March, involved a question of more than ordinary importance, and I therefore thought it best to leave it to be dealt with by the Major Commanding.†

On the 22nd March, finding that Major Shepherd had not been at the office for some days, I concluded that he was out of town, and, as the matter was then very urgent, I took the papers to the Commandant, who, being busy preparing for the Encampment, desired me to write the memo. of that date, which bears my signature. In doing this I acted to the best of my judgment in the absence of Major Shepherd, as Captain Bamford desired *not that officer's "decision" but the Commandant's.*‡

2. When my memo. was returned to this office on 27th March, I imagined that Captain Bamford had omitted to notice that I had italicised the word "Commandant" (which I had done to show that the reply was *not my own*), and I therefore sent it back to him. It was again transmitted to this office on 31st March, and it appears that Major Shepherd wrote on it the word "forwarded."

By some mistake in the hurry of business I enclosed it to Captain Bamford instead of the Commandant, and the former again sent it back with the memo. of 1/4/73.

I then saw that Captain Bamford was determined to ignore the memo. which I had written by order,§ and I again took the papers to the Commandant, who made a memo. stating that I had acted by his directions.

CHAS. A. W. LETT, Capt., Adjt., V.A.,
8 August, 1873.

* No such practice has ever, to my knowledge, existed. On one occasion Captain Lett was authorized verbally by me to deal with unimportant matters, but *this only for a few days.*

† This is clearly a matter beyond Captain Lett's duty under any circumstances.

‡ Had Capt. Lett referred to the V.A. Staff Attendance Book he would have seen my attendance noted on the 31st and 32nd March; it is difficult, therefore, to imagine how he came to this conclusion.

§ The memo. in question was not written "by order."

I exceedingly regret that any difficulty has arisen with Captain Lett, but from his desire some time since to retire from the position of Adjutant, on the ground that he had not sufficient time to discharge his duties satisfactorily, no better result could be looked for, as pointed out in my correspondence with the Commandant at the time, urging the acceptance of Captain Lett's resignation. I have already called the attention of the Commandant to his interference with members of the Force under my command, by giving them private audiences on official subjects, and receiving communications from them direct, as in the present instance. This no doubt has tended to engender a system of irregularity, out of which the present difficulty has arisen, and it is to be hoped will be the cause of putting these matters on a proper basis in future. Had my recommendations to the Commandant, generally met with due attention, the present contingency could never have arisen. I beg to refer to the marginal notes opposite Captain Lett's memo.—P.L.C.S., Major, Comg. V.A., 8/8/73.

True copies.—W. B. B. CHRISTIE, Capt., Major of Brigade.

His Excellency the Governor to Lieut.-Colonel Richardson.

Government House,
Sydney, 4 September, 1873.

Sir,

I have received your letter (73/448) of the 8th ultimo, forwarding the proceedings of two Courts of Inquiry, and other papers, in connection with the case of Captain Bamford and Gunner Lockyer, of No. 8 Battery of Volunteer Artillery.

It appears to me that Captain Bamford has throughout the proceedings in this case shown a want of judgment and justice in dealing with his subordinate, and an absence of loyal submission to superior authority, which prove him unfit to be entrusted with command.

I have laid all the papers in this case before the Executive Council, who concur in this view, and have advised me that Captain Bamford's services, as Commanding Officer of No. 8 Battery, should be dispensed with.

I have accordingly to request that you will take the necessary steps for giving effect to this decision.

I have, &c.,
HERCULES ROBINSON.

True copy.—W. B. B. CHRISTIE, Capt., Major of Brigade.

(No. 132.)

Brigade Office,
Sydney, 6 September, 1873.

BRIGADE ORDER.

HIS Excellency the Governor, with the advice of the Executive Council, is pleased to dispense with the further services of Captain James Bromley Bamford, officer commanding No. 8 or "Prince Alfred's Own" Battery, Volunteer Artillery Brigade.

By Command,
W. B. B. CHRISTIE, Capt.,
Major of Brigade.

True copy.—W. B. B. CHRISTIE, Capt., Major of Brigade.

Captain Bamford to Major Shepherd.

32, Francis-street, Enmore,
10 August, 1873.

Sir,

I have the honor to solicit your attention to the following facts:—

1. I dismissed Gunner Nicholas Lockyer from my Battery for disobedience of orders.
2. His Excellency, on Mr. Lockyer's appeal, granted him a Court of Inquiry, with a view to his reinstatement.
3. Captain and V. A. Adjutant Lett, on the 25th April, 1873, put in orders for this Court, Captain Cooper as President, Members: Lieutenants Masters and *Bradley*. The last-named officer belonging to No. 9 Battery, being presumably biased against me by reason of my asserted claim to precedence of rank for the officers of my Battery over those of his, was *selected* by Captain Lett *out of his turn*, Lieutenant Talbot whose tour of Court of Inquiry duty it properly was by the roster, being *passed over*. This irregularity you were good enough to remedy.
4. When Lieutenant Bradley's name was expunged for that of the proper officer, Captain Lett communicated the circumstance to the Commandant, and the Court now properly constituted was countermanded by his directions, on the 2nd May, 1873. Captain Lett was my informant on this subject.

5. A fresh Court was then ordered (May 14th, 1873), Major Clarke to be President, in whose stead Captain Lett substituted Major Wilson, an officer between whom and my Battery there had then recently been unpleasant relations,—a fact likely to have affected me personally had you not caused your original order to be acted upon by erasing the name of Major Wilson, and having that of Major Clarke inserted in its stead.
6. Captain F. Wells, of No. 9 Battery, to which Lieutenant Bradley belongs, and liable to entertain prejudice against me for the same cause as that officer (which is stated in para. 3), was put in orders by Captain Lett, to sit on the same Court, *out of his turn*, the officer (Captain Fahey) whose proper tour of Court of Inquiry duty it was, according to the roster, having been *passed over*. I brought this irregularity also to your notice in sufficient time for it to be remedied, which you accordingly caused to be done.
7. Captain Lett's sworn testimony, given before this Court, was not the truth,—a fact made known to you in my letter dated 23rd May, 1873, forwarded to the Commandant the day following, and by him replied to on the 26th of the same month.
8. I have reason to surmise that this letter was never brought under His Excellency's notice, although so important a document in the case. If it be so, His Excellency reinstated Mr. Lockyer, and thereby stigmatized my conduct as an officer, under an erroneous belief that "the truth, and the whole truth," was before him, when he was actually possessed neither of the one nor of the other.
9. I place these facts before you without comment. Should you uphold Captain Letts' action towards me I submit; if otherwise, the matter is in your hands, and, as my commanding officer, I look to you for justice.

I have, &c.,
J. B. BAMFORD, Captain,
Commanding No. 8, or P.A.O. Battery, V.A.

In justice to all parties, and, as it appears to me, the only course open, I beg to recommend, in conformity with the 18th Article of War, than which I can find no better guide, that a Court be convened to deal with these charges.—P.L.C.S., Major, Comdg. V.A., 13/8/73.

The Major Commanding V.A.B.,—The 18th Article of War is only applicable, as therein specified, to persons subject to the Mutiny Act. Volunteer officers, not being so subject, I prefer for the present to confine myself to hearing and judging of both sides of the question, after which I may, in the event of considering it necessary to cause the conduct of either Captain Bamford or Captain Lett to be investigated, take the step recommended by Major Shepherd. As Major Shepherd's action has been referred to, I have to request he will inform me of the circumstances connected with this case, which came under his personal knowledge and direction. Major Shepherd should not have permitted Captain Bamford's highly improper statements, prejudicial to the honorable action of Major Wilson, Captain Wells, and Lieutenant Bradley, of the Vol. Art. Brigade, to have passed unnoticed: and I should be failing in my duty were I not to point this out, as also emphatically to condemn the expression of sentiments such as those of Captain Bamford's, feeling also convinced that those officers would have acted impartially, and in accordance with the declaration of honor which would have been required of them when sitting as a Court.—J.S.R., Lt.-Col., Commdt., B.C., 15/8/73.

I made my memo. on the assumption that the expressions of Captain Bamford represented not his own sentiments as to Major Wilson, Captain Wells, and Lieutenant Bradley, but as the probable cause why Captain Lett departed from the order of the roster, and selected those officers for the Court. The Commandant appears to have arrived at a different conclusion. Will the Commandant therefore kindly consent to withdraw his censure (15/8/73) until it has been ascertained, by reference to Captain Bamford (which I have made), what his meaning actually was? I am quite aware that Volunteers are not under the Mutiny Act, and merely quoted the Article of War in deference to what I have always understood to be the Commandant's views (in which I heartily concur) that Volunteers should be worked on a parallel with the Regular Forces.—P.L.C.S., Major, Comdg. V.A., 19/8/73.

As the matter stands at present I cannot comply with Major Shepherd's suggestion. I, however, have no objection to Captain Bamford submitting any explanation he chooses.—J.S.R., Lt.-Col., Comdt., B.C., 20/8/73.

The explanation from Captain Bamford having been forwarded on the 20th instant, I simply return this without reference to that officer.—P.L.C.S., Major, Comdg. V.A., 25/8/73.

Memo.—With reference to Captain Bamford's letter of 10th instant, I request that he will be good enough to inform me without delay on what grounds he assumes that Major Wilson, Capt. Wells, or Lieut. Bradley would have failed to discharge their duties impartially had they sat on a Court convened to investigate matters in which he was a party concerned?—P.L.C.S., Major, Comdg. V.A., 18/8/73.

In reply to the above, I hasten to disclaim the slighest intention to reflect disparagingly on Major Wilson, Capt. Wells, or Lieut. Bradley, believing in all good faith that they are strictly honorable gentlemen. My letter of 10th instant was intended to convey that Capt. Lett (in my opinion) must have been actuated by the sentiments which you appear (I grieve to think) to have attributed to me in reference to those officers when he appointed them to sit on the Court out of their tour of duty,—choice having been made in each case of the only officers of the whole Artillery Force who could by possibility be imagined to entertain a prejudice against me. Three such instances consecutively could scarcely have occurred accidentally; there must certainly have been "intention," and when I subsequently find Capt. Lett giving evidence prejudically affecting me, which evidence is contradicted by facts, I feel justified in believing that intention to have been "my injury," in which case it is consistent to suppose that the officers in question were selected as being in Capt. Lett's idea, *not mine*, more likely than others to effect it.—J.B.B., Comdg. No. 8 or P.A.O. Batty., V.A., 19/8/73. "*Urgent—sent direct.*"

Forwarded for information of Commandant. My assumption proving to be correct, I again respectfully request that the Commandant will kindly consent to withdraw his censure.—P.L.C.S., Major, Comdg. V.A., 20/8/73.

The Major Commanding V.A.B.,—I have again carefully perused Captain Bamford's remarks in letter of 10th instant, concerning Major Wilson, Captain Wells, and Lieut. Bradley, V.A.B., and must confess that I see nothing therein which would have warranted me in coming to any other conclusion than that contained in my memo. 15/8/73. Further, I consider that officer's explanation eminently unsatisfactory; therefore, under these circumstances, I am unable to withdraw any portion of my remarks. Major Shepherd will be pleased to furnish me with a report of his action with reference to the detail of officers for the Court, alluded to in Captain Bamford's letter of 10th instant.—J.S.R., Lt.-Col., Comdt., B.C., 26/8/73.

My action consisted in correcting according to roster the details of officers for the Court in question previously made by Captain and Adjutant Lett, as described in Captain Bamford's letter, 10th August, 1873.—P.L.C.S., Major, Com. V.A., 28/8/73.

Memo.—Major Shepherd's report, as conveyed in "memo.," 28/8/73, concerning his action with reference to the detail of officers for the Court of Inquiry, alluded to in Captain Bamford's letter of the 10th instant, not affording the requisite information, I have to attach copy of the letter in question, and copy of Major Shepherd's memo., and to request Major Shepherd's reply in accordance with the following, viz.:—

With reference to paragraph 3, containing statements affecting the roster of officers of the Volunteer Artillery Brigade,—

1. Major Shepherd to state whether Lieutenant Bradley was put in orders out of his turn in place of Lieutenant Talbot?
2. Whether Major Shepherd by order to Captain Lett directed the alteration stated to have been subsequently made; that is, directed Lieutenant Bradley's name to be struck out and Lieutenant Talbot's inserted in the detail? If so, how this order was conveyed to Captain Lett?

With reference to paragraph 5,—

1. Major Shepherd to state whether he ordered Major Clarke to be detailed as President of the Court of Inquiry referred to?
2. If so, how was the order conveyed to Captain Lett?
3. Is the statement correct that Major Wilson's name was substituted for that of Major Clarke by Captain Lett?
4. Did Major Shepherd subsequently order the original detail of Major Clarke, as President, to be carried out?
5. If so, to whom, and in what manner was the order conveyed?

With

With reference to paragraph 6,—

1. Was Captain Wells put in orders out of his turn in place of Captain Fahey?
2. If so, what orders were given by Major Shepherd, and to whom and in what manner conveyed to remedy the alleged irregularity?

J.S.R., Lt.-Col., Com., 29/8/73.

True copies.—W. B. B. CHRISTIE, Captain, Major of Brigade.

Letter from Major Shepherd to Commandant, dated 29th August, 1873, withdrawn. See letter from His Excellency the Governor of the 21st November, 1873, and Major Shepherd's of the 27th of the same month.—J.S.R., Lt.-Col., Com.

Captain Christie to Major Shepherd.

(73/481.)

Brigade Office,
Sydney, 1 September, 1873.

Sir,

1. I am directed by the Commandant to acknowledge the receipt of your letter of the 29th August last, and to state in reference thereto that the matters connected with the roster of the Volunteer Artillery being as yet uninvestigated he is unable to entertain any such application as you have submitted for his consideration.

2. With regard to the last paragraph of your letter, I am directed to call your attention to the irregularity of any direct application to Mr. Parkes; the proper course to be adopted would be for you to submit any such application through the Commandant.

3. The Commandant observes that his memorandum of the 29th August last, directing a reply to certain questions, has not yet been complied with.

I have, &c.,
W. B. B. CHRISTIE, Capt.,
Major of Brigade.

True copy.—W. B. B. CHRISTIE, Capt., Major of Brigade.

Major Shepherd to Lieut.-Colonel Richardson.

(146.)

Volunteer Artillery Office,
Sydney, 2 September, 1873.

Sir,

I have the honor, with deference, to remind you that my letter (29th ultimo) is substantially a suggestion that our repeated differences should be referred for settlement to the Premier.

The Volunteer Artillery roster matter is an entirely different thing connected with Captain Bamford's charges against Captain Lett, these two different subjects being (in the first paragraph of your letter (73/481) now before me) complicated with each other in a manner which can scarcely, I think, fail to produce confusion and misunderstanding as to the object of my letter of 29th ultimo, more particularly as the roster matter is apparently assigned as a reason on your part for objecting to entertain my application to Mr. Parkes, I cannot possibly conceive any connection between the two things.

The third paragraph of your letter 73/481 relates altogether to the matter between Captains Lett and Bamford, as your memo., 29th August, proves, whilst the second paragraph of your letter regards my suggestion (29th August), affecting only Mr. Parkes, you, and myself.

I feel myself incompetent to grapple with the combination of distinctly different subjects presented in your letter 73/481, as it stands at present, and very respectfully request that you will be pleased to direct the withdrawal of it with a view to the treatment of each subject in a separate communication.

I am very desirous that my suggestion (29th ultimo), touching as it does the Premier of the Colony, should not be confused with irrelevant matter; and as my request made in the previous paragraph is in accordance with Volunteer Regulation, section 80 (*a*), "that not more than one subject be treated in one letter," I confidently anticipate that you will be kind enough to grant it.

I have, &c.,
P. L. C. SHEPHERD, Major,
Commanding Volunteer Artillery.

True copy.—W. B. B. CHRISTIE, Captain, Major of Brigade.

Captain Christie to Major Shepherd.

(73/485.)

Brigade Office, Sydney,
3 September, 1873.

Sir,

I have to acknowledge the receipt of your letter of the 2nd instant, referring to my letter of the 1st instant.

2. I am directed by the Commandant to request for the third time that an answer may be *at once* sent to the queries addressed to you in memo. of the 29th of August last.

I have, &c.,
W. B. B. CHRISTIE, Captain,
Major of Brigade.

I return my respectful acknowledgments for the Commandant's kind compliance with my request of 2nd instant, that the present subject should be treated thus, as a separate communication. I cannot, *at once*, as he requests, reply to his memo. (29th ultimo), as it involves so many minor details to which I regret not to have leisure to attend immediately, and it did not come into my hands before the 2nd instant. My memo., however (28/8/73), informed him a week ago of the only essential fact, viz., that Captain Lett's action and my own are correctly described in Captain Bamford's letter of 10th ultimo.—P.L.C.S., Major, Commanding Volunteer Artillery, 5/9/73.

True copies.—W. B. B. CHRISTIE, Captain, Major of Brigade.

Major Shepherd to Lieut.-Colonel Richardson.

(No. 154.)

Volunteer Artillery Office,
Sydney, 9 September, 1873.

Sir,

In reply to your memo., 29/8/73, I have the honor to state that the corrections referred to were made under my directions; but in minor details, such as these, no record is kept; therefore, to particularize the manner in which each correction was made is impossible.

I am, however, quite clear as to the facts. The present roster was prepared for the special purpose of providing for a correct and regular rotation of duty for each officer, and my directions to Captain Lett were that this rotation should be strictly carried out.

I greatly regret that in consequence of the mail leaving on Saturday last, and other important private business, I have been unable at an earlier date to send this reply.

I have, &c.,
P. L. C. SHEPHERD, Major,
Commdg. V.A.

True copy.—W. B. B. CHRISTIE, Capt., Major of Brigade.

Lieut.-

Lieut.-Colonel Richardson to His Excellency the Governor.

(73/501.)

Brigade Office,
Sydney, 11 September, 1873.

Your Excellency,

I have the honor to bring to your notice the enclosed copies of documents connected with statements made by Captain Bamford, late of the Volunteer Artillery, having reference to the detail of officers for the Court of Inquiry ordered to investigate his case.

2. Your Excellency will see that Captain Bamford admits that the detail of the officers on the occasions he alludes to was altered, eventually, in the manner he desired. There is therefore no suspicion that an injustice has been done to Captain Bamford.

3. Captain Bamford's original letter may, in a general way, be held to contain two statements—

1st. That the roster of the Volunteer Artillery Brigade had been manipulated.

2nd. To the fact that certain officers of the Brigade were likely to be influenced against him in the performance of their duties as members of Courts of Inquiry.

4. Thinking it highly improper that Captain Bamford should assume, as far as I could see, on no grounds whatever, that any of the honorable men and officers he has named would be influenced by any unworthy motives in adjudicating on his case, I so expressed myself in several memoranda, in which I also stated that I considered Major Shepherd, the Officer Commanding Volunteer Artillery Brigade, should not have sent to me without comment a letter of such a character, impeaching the honor of officers of his Brigade. This was the action taken on what I have termed in para. 3, the second statement contained in Captain Bamford's letter.

5. Statement 1, regarding the manipulation of the roster, being of course a very serious one, I felt it my duty on the 29th August last, to call upon Major Shepherd to render me a specific statement regarding each case of manipulation asserted by Captain Bamford to have taken place. Without some such specific statement, I felt myself unable to take action, and Major Shepherd, the Officer Commanding Volunteer Artillery Brigade, having in a general way endorsed Captain Bamford's statements was bound to put his charges against his Adjutant—Captain Lett—into some specific shape, not only as an act of justice to that officer, but in the performance of his duty as a Commanding Officer, such a course being indicated by the customs of the service and Her Majesty's Regulations. The asserted irregularities in the roster of the Volunteer Artillery should have been a matter of minute investigation by the Commanding Officer of that Corps, and Major Shepherd should long ago, and prior to my queries being addressed to him, have made me a report on the subjects, being, as he states he was, cognizant of them.

6. As I have before stated, on the 29th August I called on Major Shepherd for a detailed report; not receiving one, I again called for a report on the 1st September; again on the 3rd September. On the 10th September I received a letter from Major Shepherd, in which he gives no reply to the specific queries I addressed to him on the 29th August, but reiterates his *general* statement.

7. For the purposes of justice and for purposes of discipline, it is necessary I should have some such report, but the officer whose duty it is to furnish me with one, on whom I have repeatedly called, will not do so. Under these circumstances I have to address your Excellency, with the view to your pointing out to me what steps I am to adopt. If Commanding Officers decline to reply to queries I address to them, it becomes almost impossible for me to carry on the Military business.

8. Your Excellency will note in Major Shepherd's letter of the 29th August last, a statement as to there existing between him and myself, "constant and animated differences of opinion." Into this statement I do not propose to enter, it being foreign to the matter I am now laying before you, but I may state that it will be the subject of further reference to your Excellency.

9. Your Excellency will further note (in the same letter of the 29th August last) Major Shepherd's statement as to his reference to Mr. Parkes. Your Excellency is aware that the rules of the Service prescribe that when an inferior officer sends a letter out of the usual channel, he is bound to lay a copy before the superior officer, through whom it would go in the usual course. Major Shepherd has sent me no such copy, neither did he even request me to forward any letter to the Government, which I would most willingly have done, through your Excellency, had I been called upon to do so.

10. I have not entered more fully into the matters referred to in the two preceding paragraphs, as they will be the subject of other communications. *Any* reference to the subjects of those two paragraphs is simply made as explanatory of the papers enclosed.

I have, &c.,
JOHN S. RICHARDSON, Lt.-Col.,
Commandant.

True copy.—W. B. B. CHRISTIE, Capt., Major of Brigade.

His Excellency the Governor to Lieut.-Colonel Richardson.

Government House,
Sydney, 18 September, 1873.

Sir,

I have to acknowledge the receipt of your letter, 11th instant, forwarding for my consideration copies of correspondence arising out of the complaint advanced by Captain Bamford against certain proceedings adopted by Captain and Adjutant Lett in connection with the inquiry recently instituted into the case of Gunner Lockyer.

The charges against Captain Lett in Captain Bamford's letter of the 10th August are clear and specific. He asserts that Captain Lett selected two officers out of their turn to serve upon Courts of Inquiry, passing over in each case those who should have been named in accordance with the roster, and further, that Captain Lett substituted Major Wilson's name as President of the Court ordered on 14th May, 1873, for that of Major Clarke, who had been detailed for that duty by the Officer Commanding Volunteer Artillery.

Major Shepherd, the officer Commanding Volunteer Artillery, has endorsed Captain Bamford's charges against Captain and Adjutant Lett. It appears to me, therefore, that Major Shepherd should be directed to adopt the course which he might with propriety have followed in the first instance, namely, to place Captain Bamford's letter of the 10th August before his Adjutant, Captain Lett, for any explanation he may desire to offer to the charges which are therein advanced against him.

As regards the second point referred to by you in connection with Captain Bamford's original letter, it does not appear to me to be necessary, under existing circumstances, to pursue that branch of the subject further. It is true that the disclaimer contained in Captain Bamford's memo. of the 19th August is apparently inconsistent with his conduct, in objecting to the original constitution of the Courts of Inquiry, as well as with the terms made use of by him in his letter of the 10th August, but I apprehend that if Captain Bamford thought that certain officers were prejudiced against him he was entitled to object to their sitting in judgment upon him, more especially if they were, as he maintains, selected for that duty out of their turn.

I have, &c.,
HERCULES ROBINSON.

True copy.—W. B. B. CHRISTIE, Capt., Major of Brigade.

Brigade Office,
Sydney, 19 September, 1873.

MEMO.

A certified copy of the letter written on the 10th August last, by Captain Bamford, late of the Volunteer Artillery Brigade, is forwarded herewith. The officer commanding the Volunteer Artillery Brigade will be good enough to hand this copy over to Captain and Adjutant Lett, and at the same time call upon that officer to make an explanatory statement regarding the matters affecting him. On receipt thereof, the officer commanding the Volunteer Artillery Brigade will forward the same for the information of the Commandant.

By Command,
W. B. B. CHRISTIE, Capt.,
Major of Brigade.

True copy.—W. B. B. CHRISTIE, Capt., Major of Brigade.

Captain

Captain and Adjutant Lett to Major Shepherd.

Sydney, 27 September, 1873.

Sir,

I have the honor to acknowledge receipt of certified copy of a letter dated 10th August last, addressed to you by Captain Bamford, late of No. 8 Battery, V. A. Brigade, containing certain allegations against me, to which I will reply as briefly as possible for the information of the Commandant.

1. Captain Bamford charges me with having, on 25th April last, in detailing a Court of Inquiry, "selected" Lieutenant Bradley as a member of the Court out of his turn, *because* that officer was "presumably biased "against him, and that I "passed over" Lieutenant Talbot, whose tour of duty it was.

As to one of these two charges, I admit that I did pass over Lieutenant Talbot, but as to the other, I deny that I "selected" Lieutenant Bradley for any such purpose as that suggested by the charge. Having passed over Lieutenant Talbot, the next officer for duty was Lieutenant Bradley. The passing over "of Lieutenant Talbot" was a blunder on my part, which was pointed out at the time by you, and was immediately rectified before any action had been taken on the Brigade Order.

I can only now (as I believe I did before) express my regret for the omission of Mr. Talbot's name, and I most solemnly declare that the idea of purposely passing him over for the sake of "selecting" any officer with a "bias" against Captain Bamford, never entered my brain.

2. It is asserted that as soon as Lieutenant Bradley's name had been expunged and that of Lieutenant Talbot had been substituted, I "communicated the circumstance" to the Commandant, and the Court now properly constituted was then countermanded.

This charge can bear but one construction, viz. :—That having failed in *packing* a Court to the detriment of Captain Bamford, I induced the Commandant to order the Court to be countermanded, thereby implying collusion on the part of the Commandant with me in a grossly improper act.

In answer to this, I will state the circumstances connected with my interview with the Commandant. Late in the day on which the Court had been ordered to assemble, Captain Cooper, the President, found that it would be impossible for him to attend. He accordingly requested Captain Beverley to take his place.[1] I saw Captain Beverley at the Brigade Office about half-past 3 o'clock in the afternoon, and I told him that as I doubted the legality of his acting as Captain Cooper's deputy, and solely at his request, without the authority of a Brigade Order, I would consult the Acting Major of Brigade on the subject.[2] I did so, and Captain Baynes referred me to the Commandant, who agreed with my view of the matter, and recommended that the assembly of the Court should be postponed.[3]

I then mentioned (without giving names) to the Commandant that a captain and two subalterns had been detailed to hold the inquiry, whereupon Colonel Richardson said that as the conduct of a *captain* was in question, it was proper that the Court should be composed of officers of at least equal rank.[4]

A memo. was accordingly forwarded to you, and by your direction I issued Brigade Orders countermanding the Court, and appointing a new one.[5]

3. I am charged with having in the detail of the new Court so ordered substituted the name of Major Wilson for that of Major Clarke, "because the former had recently had some unpleasant relations with Captain Bamford's Battery."

It is now almost impossible to remember every trivial circumstance connected with the disagreeable business, but I think I am correct in stating that Major Clarke was first named as President. That officer met me shortly afterwards, and objected to being called upon to act, as it was not his tour of duty.[6] I returned to the office, and referring to the roster found that it *was Major Wilson's turn*. I accordingly substituted his name, as was proper. When the order was sent to Major Wilson he spoke to you, and expressed a wish to be relieved from the duty of presiding at the Inquiry,[7] and I presume his reasons were satisfactory, as *you* directed me to restore Major Clarke's name to the order.[8]

I do not know where Captain Bamford obtained his information about this matter, for I believe the order in which Major Clarke's name first appeared was never circulated.

It is also stated that I "*selected*" Captain Wells "out of his turn," passing over Captain Fahey, because Captain Wells was prejudiced against Captain Bamford.

The fact is I did not "pass over" Captain Fahey. I entered his name in the Brigade Order appointing the Court; and just after I had done so I met him, and informed him that he had been detailed. He objected very strongly, and said he would protest against being appointed; and, as he informed me, he afterwards saw the Commandant, and repeated his objection. He again saw me, and at his urgent request I made out a new order, inserting the name of the officer *next on the list*, who happened to be Captain Wells.[9]

Captain Bamford evidently makes use of this circumstance solely for the purpose of doing me an injury; and as evidence of how little he desired to have Captain Fahey on the Court, I am permitted by Captain Cooper to state that when the Court, of which he was President, was appointed, Captain Bamford called upon him—knowing that his health was precarious, and that it was possible he might not be able to attend—and begged as a personal favour that he would allow nothing to interfere with his attendance; because if he could not preside it would fall to Captain Fahey's turn, and he (Captain Bamford) had a great objection to him.[10]

4. Captain Bamford's assertion with regard to my *sworn* testimony is malicious and untrue.

To sum up my reply to these charges—

1. The omission of Mr. Talbot's name was a blunder, and was rectified the moment attention was drawn to it.
2. I did not *select* Lieutenant Bradley because he was "biased" against Captain Bamford. I did not know, as a matter of fact, that Captain Bamford and he were not "bosom friends."
4. Major Wilson was nominated President of the Court of Inquiry *because it was his turn for that duty*, not because he has had any unpleasantness with Captain Bamford's Battery.
5. Captain Wells was appointed in place of Captain Fahey because the latter strongly objected to being a member of the Court.
6. The evidence given by me to the Court was true in substance, and whether it were true or not it could not affect the inquiry.

I think I have in the foregoing statement shown clearly that I was not guilty of any wilful malfeasance in connection with the detailing of the Court.

As to the appointment of Captain Wells in place of Captain Fahey, I respectfully submit that, as in the Civil Court, it is usual to allow any juryman to "stand aside," who states that he has a prejudice in a case, so I was, by analogy, perfectly justified in leaving out Captain Fahey *at his own urgent request*.

If it was correct *in principle* to substitute the name of Major Clarke for that of Major Wilson, at the desire of the latter, where was the wrong in appointing Captain Wells instead of an officer who objected to act?

However, as of the last Court appointed, neither Major Wilson nor Captain Wells were members, and as Major Clarke, and Captains Cooper and Fahey were the officers who adjudicated on the matter at issue, I fail to see why an attempt has been made, after the conclusion of the sitting of the Court, to attribute base motives to me, and indirectly to insinuate malice and "bias," against Captain Bamford, on the part of other officers of the Volunteer Artillery Brigade.

I may fairly ask now, in what way has Captain Bamford been injured by my action? If he could have been injured, the charge is, I think, too serious as against the other officers of the Force to be passed over by them without some expression of opinion on their part.

As the whole tenor of Captain Bamford's communication tends to convey the impression that I was *wilfully* acting wrongfully in my official capacity for the purpose of doing him an injury, it may not be out of place to ask you to state whether I have not always expressed the most kindly feelings towards him, and more, that I have *acted* in the same spirit.

I have, &c.,
CHAS. A. W. LETT, Capt.,
Adjutant, V.A.

1 This is substantially correct, except that to the best of my recollection I requested Capt. Beverley to take my place on the morning of the day referred to, urgent private business preventing my attendance.—Jno. C., Captain.

2 Correct.—W.G.B., Capt., 14-10-73.

3 I remember something of this matter, and believe Capt. Lett's statement is quite correct.—J.S.R., Lt.-Col., Comdt.

4 Correct.—J.S.R., Lt.-Col., Comdt.

5 Correct. My direction ran as follows: "Order new detail; Major Clarke, Capt. Cooper, and next captain in roster." My reason for naming Major Clarke was, that Major Wilson had expressed a wish to have nothing to do with the matter. —P.L.C.S., Major, 20-10-73.

6 I certainly recollect meeting Capt. Lett (one afternoon, I think), on which occasion he informed me about my name being mentioned as President of a Court of Inquiry. As I had been President of the last Court (that on charges against Lieut. Nixon, of Capt. Bamford's Battery), I thought that it was fairly Major Wilson's turn for duty. I merely protested; nothing more.—M. A. S. Clarke, Major, 3-10-73.

7 Capt. Lett's statement is substantially correct.—W. Wilson, Major, 3-10-73.

8 Major Wilson expressed a wish to have nothing to do with the matter prior to the first order, and my directions to restore Major Clarke's name was given without any further objection on the part of Major Wilson; and the substitution of Major Wilson's name was without any reference to me.—P.L.C.S. Major, 20-10-73.

9 Capt. Lett's statement is quite correct.—F. Fahey, Capt., 15-10-73.

10 This statement is quite correct.—Jno. C., Capt., 4-10-73.

Forwarded

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Forwarded for information of Commandant.—P.L.C.S., Major, Commdg. V.A., 29/9/73.

Returned to the Officer Commanding V.A.B. for the purpose of having Captain Lett's statement verified or otherwise by the officers whose names appear in the margin. The various matters on which information is desired are bracketed, and it is requested that the officers may note their remarks in margin of Captain Lett's communication, and immediately following their respective names. I have also to request that Major Shepherd will append any remarks he may see fit, after perusal of Captain Lett's explanation, in order that the whole case may be in a position to be decided.—J.S.R., Lt.-Col., Comdt., 1/10/73.

The undermentioned officers will be good enough to make their remarks in conformity with the Commandant's memo. :—

Major Wilson.
Major Clarke.
Captain Cooper.
„ Beverley.
„ Fahey.

P.L.C.S., Major, Comdg. V.A., 3/10/73.

True copy—W. B. B. CHRISTIE, Capt., Major of Brigade.

Captain Lett having asked me to state "whether he has not always expressed the most kindly feelings towards Captain Bamford," I have no hesitation in stating that up to the time of Captain Bamford's drawing attention to the irregularities in connection with the detail of the Court in which he was interested, Captain Lett had frequently, in private conversations with me, expressed himself as entertaining most kindly feelings towards him; but at this juncture Captain Lett expressed himself to the following effect:—"That Bamford had made a mistake in interfering with him; that no man had ever bested him yet; and he would find that he (Bamford) would not do so." Captain Lett also led me to understand that the reason he had passed over Captain Fahey was that he did not consider him competent to act on the Court.

The foregoing expressions having been used in a non-official manner, I should have preferred not referring in any way to them, but Captain Lett having asked me to make a statement in reference to some of them, I consider I should have been wanting in my duty had I stopped short.

I may also mention that I have applied to Captain Bamford to state particulars as to how he obtained the information referred to in page 5 of Captain Lett's letter, and will, on receipt, forward his reply.—P.L.C.S., Major, Comdg. V.A., 20/10/73.

True copy.—W. B. B. CHRISTIE, Capt., Major of Brigade.

Memo.—Will Captain Bamford be good enough to state particulars as to how he became aware of the substitution of Major Wilson for Major Clarke as President of a Court ordered (May 14th, 1873), as set forth in paragraph 5 of his letter, dated 10th August last?—P. L. C. SHEPHERD, Major, Commdg. Vol. Art., 17/10/73.

By the order book.—J.B.B., 24/10/73.

Forwarded for information of Commandant.—P.L.C.S., Major, Commdg. V.A., 24/10/73.

True copies.—W. B. B. CHRISTIE, Capt., Major of Brigade.

Lieut.-Colonel Richardson to His Excellency the Governor.

(73-615.)

Brigade Office,
Sydney, 12 November, 1873.

Your Excellency,

In accordance with your instructions with reference to the charges made against Captain and Adjutant Lett, Volunteer Artillery Brigade, by Mr. Bamford, late a captain in that Brigade, which charges are indorsed by Major Shepherd, his commanding officer, I have the honor to forward herewith Captain Lett's explanation with memos. thereon by other officers. A copy of Mr. Bamford's letter is now in the hands of your Excellency, having been forwarded by me on the 11th September last with other correspondence.

2. Mr. Bamford's first statement is that Lieutenant Talbot was passed over when Captain and Adjutant Lett made the detail of a Court of Inquiry, and the name of Lieutenant Bradley substituted. It would appear Captain and Adjutant Lett *did* pass over Lieutenant Talbot (as he admits himself, though he states by error); Lieutenant Bradley appears to have been the next officer on the roster, and his being detailed would therefore seem to have been consequent on the passing over of Lieutenant Talbot.

3. The next statement made by Mr. Bamford is, that the Court in question, when at last properly constituted, was countermanded by the Commandant (on communication with Captain and Adjutant Lett). The Court seems *not* to have been at that time properly constituted, subaltern officers having been placed on it to investigate matters bearing on the conduct of a captain, which is against Her Majesty's Regulations. The Court seems to have been countermanded by Major Shepherd's order, in consequence of a reference made by Captain and Adjutant Lett on a matter connected with the detail, first to the Acting Major of Brigade and then (by the latter's action in referring him) to the Commandant, who explained to Captain Lett the improper constitution of the Court, the detail of which was then altered by Major Shepherd.

4. The next statement is that Major Wilson's name was substituted by Captain Lett for that of Major Clarke. Major Clarke appears to have been originally named by Major Shepherd, out of his turn, as President of the Court, and on its being represented to Captain and Adjutant Lett by Major Clarke that it was not his (Major Clarke's) tour of duty, Captain and Adjutant Lett detailed Major Wilson, who appears to have been the officer who should have been detailed in the first instance. Major Shepherd, however, subsequently directed Major Clarke to be placed in orders, which was done, and he acted as President of the Court.

5. As to the substitution of Captain Wells for Captain Fahey on this second Court, of which Major Clarke was President, Captain Lett's explanatory statement, confirmed by a memo. of Captain Fahey's, would show that the latter officer *was* in the first instance detailed by Captain and Adjutant Lett, but on Captain Fahey's making strong objections to acting on it, Captain Lett detailed the next officer on the roster, who was Captain Wells.

6. Your Excellency will observe there have been irregularities in the ordering of the details of these Courts, the roster not having been adhered to in the manner customary in the Regular Service, either by Major Shepherd or his Adjutant.

7. It would appear that Major Shepherd has no regular hours of attendance at his orderly-room, which may, to a certain extent, explain the want of harmonious action between him and his adjutant (Captain Lett).

8. In allusion to paragraphs 7 and 8 of Mr. Bamford's letter, I beg to enclose copies and extracts from correspondence which will again bring to your Excellency's notice the action I then took with reference to the letter mentioned in the above noted paragraphs.

9. I cannot but think it a matter of regret, that Major Shepherd, indorsing as he does Mr. Bamford's very serious charges against Captain Lett, did not recognize it as his duty to at once cause inquiry to be made into the irregularities, of which it appears he was cognizant, instead of waiting for upwards of three months before he apparently took any action, and then only when a subordinate's letter compelled him to do so.

10. In conclusion, I have to inform your Excellency that on reconsideration I have decided merely to draw your attention to Major Shepherd's letters of the 29th August and 2nd September last (alluded to in concluding paragraphs of my letter of the 11th September last, No. 73,501), and respectfully to await any decision or instructions your Excellency may see fit to give.

I have, &c.,
JOHN S. RICHARDSON, Lieut.-Col.,
Commandant.

[*Enclosures.*]

[*Enclosures.*]

Letter from Captain Lett, 27/9/73.
Major Shepherd's Minute, 29/9/73.
Commandant's Minute, 1/10/73.
Minute of Major Shepherd, 3/10/73.
Do. do. 20/10/73.
Memo. from Major Shepherd to Mr. Bamford, 17/10/73.
Reply, 24/10/73.
Minute of Major Shepherd, 24/10/73.
Copy of Captain Bamford's letter (23/5/73), with following minutes thereon:—
From Major Wilson, 23/5/73.
" Major Shepherd, 24/5/73.
" Commandant, 25/5/73.
" Major Shepherd, 26/5/73.
" Commandant, 31/5/73.
Letter to Governor, 27/5/73 (No. 73/501.)
Extract from Commandant's letter (par. 3.) 8/8/73.

True copy.—W. B. B. CHRISTIE, Capt., Major of Brigade.

Captain Bamford to Major Shepherd.

32, Francis-street,
Enmore, 23 May, 1873.

Sir,

I have the honor, with reference to the Court of Inquiry upon Gunner N. Lockyer's dismissal from my Battery, to request a copy of the depositions, as I had not the privilege of hearing them (except only Capt. Lett's statement that he forwarded me a certain memo, "as by order" direct), because you were out of town.

I have reason to believe that Captain Lett is in error on this point, and should it at any time become material to me, I trust an opportunity will be afforded me of showing such to be the case.

I make the above application with a view to ascertain whether there be any other errors in statements made before the Court.

I have, &c.,
J. B. BAMFORD, Captain.
Commanding No. 8, or P.A.O. Bat., V.A.

Fowarded.—W. W., Major, Left Wing, V.A., 23/5/73.

Forwarded for consideration of Commandant. I see no objection to this request being complied with, as it appears Captain Bamford was not present during the Inquiry.—P.L.C.S., Major, Com. V.A., 24/5/73.

It was Captain Bamford's business to have attended the Court if he desired to be in possession of the evidence adduced before it. To comply with this request would be to furnish an inconvenient precedent, and is altogether unusual. The circumstances connected with Captain Bamford's action in dismissing Gunner Lockyer from No. 8 Battery would appear to call for further inquiry, which will afford the requisite information and opportunity of reply. If Captain Bamford requires the date of the memo. in question I will cause it to be given.—J.S.R., Lieut.-Col., Com., B.C., 25/5/73.

Captain Bamford was in attendance at the Court of Inquiry, but not permitted to hear the evidence. I regret having worded my memo. of 24/5/73, so as to mislead the Commandant.—P.L.C.S., Major, Com. V.A., 26/5/73.

The Acting Major of Brigade will read the evidence in Captain Bamford's presence, when that officer can make any notes he pleases.—J.S.R., Lieut.-Col., Com., 31/5/73.

True copies.—W. B. B. CHRISTIE, Captain, Major of Brigade.

Lieut.-Colonel Richardson to His Excellency the Governor.

(73-301.)

Brigade Office,
Sydney, 27 May, 1873.

Your Excellency,

I have the honor to submit for your consideration the accompanying proceedings of a Court of Inquiry, held to investigate the causes which led to the discharge of Gunner Lockyer from No. 8 Battery, Volunteer Artillery Brigade, by Captain Bamford, by which it appears that in the opinion of the Court Gunner Lockyer was treated in a manner "not consonant with equity or reason;" and I have therefore to recommend that your Excellency will be pleased to order the restoration of Mr. Lockyer's name as a Gunner to the roll of No. 8 Battery.

Believing that Captain Bamford has been guilty of an inconsistent and tyrannical abuse of the powers vested in him by the Volunteer Act, I have suspended him from military duty, pending reference to your Excellency; and I would recommend that you will be pleased to authorize a Court of Inquiry on his conduct, which will afford him an opportunity of reply.

I have, &c.,
JOHN S. RICHARDSON, Lieut.-Colonel,
Commandant.

True copy.—W. B. B. CHRISTIE, Captain, Major of Brigade.

EXTRACT from Colonel Richardson's letter to His Excellency the Governor, No. 73-448, dated 8th August, 1873.

"3. Your Excellency will be pleased to bear in mind, that some short time ago a Court of Inquiry was held to examine into the circumstances connected with Gunner Lockyer's discharge; but it appearing subsequently (from a communication of the 23rd May last, made by Captain Bamford, copy attached), that the Court had denied to Captain Bamford the privilege of producing rebutting evidence, and of making a reply to the statements which affected him, your Excellency was pleased to direct the assembly of a second Court of Inquiry, thus giving to Captain Bamford an opportunity of explaining and rebutting the facts which seemed to affect him."

True extract.—W. B. B. CHRISTIE, Captain, Major of Brigade.

His Excellency the Governor to Lieut.-Colonel Richardson.

Government House,
Sydney, 21 November, 1873.

Sir,

I have to acknowledge the receipt of your letter of the 12th instant, forwarding Captain Lett's reply to the charges advanced against him by Mr. Bamford, late a Captain in the Volunteer Artillery Brigade, in a letter dated the 10th August last.

I am of opinion that Captain Lett has satisfactorily refuted the imputation of malevolently exercising the authority of his office with a view to Captain Bamford's injury in a case which was under official investigation; and Mr. Bamford being now no longer in the service, any further proceedings in this matter appear to me to be unnecessary.

But I cannot pass over in silence Major Shepherd's letter to you of the 29th August last, and which is attached to the papers in this case, which you have forwarded for my perusal. The tenor of the letter in question is so insubordinate and improper that I trust Major Shepherd will see the propriety of at once withdrawing it when he is informed of the view which I take of his communication.

I have, &c.,
HERCULES ROBINSON.

True copy.—W. B. B. CHRISTIE, Captain, Major of Brigade.

Captain Christie to Major Shepherd.

(73-633.)

Brigade Office,
Sydney, 24 November, 1873.

Sir,

I have the honor, by direction of the Commandant, to forward for your information the accompanying copy of a letter from His Excellency the Governor, having reference to certain charges preferred against Captain Lett by Mr. Bamford, late a captain in the Brigade under your command; and with reference to the second paragraph to request you will be pleased to inform Captain Lett of His Excellency's decision.

I have, &c.,
W. B. B. CHRISTIE, Capt.,
Major of Brigade.

True copy.—W. B. B. CHRISTIE, Capt., Major of Brigade.

Major Shepherd to Lieut.-Colonel Richardson.

Volunteer Artillery Office,
Sydney, 27 November, 1873.

Sir,

I have the honor to acknowledge the receipt of your letter, 73/633, 24th November, 1873, forwarding copy of letter from His Excellency, 21st November, 1873.

I have duly informed Captain Lett as directed.

My letter of 29th August last was penned in all good faith for the welfare of the Volunteer Artillery Force; but I withdraw it, as a matter of course, at His Excellency's desire.

I have, &c.,
P. L. C. SHEPHERD, Major,
Commg., Vol. Art.

True copy.—W. B. B. CHRISTIE, Capt., Major of Brigade.

Lieut.-Colonel Richardson to His Excellency the Governor.

(73-642.)

Brigade Office,
Sydney, 28 November, 1873.

Your Excellency,

I have the honor to acknowledge the receipt of your letter of the 21st instant, having reference to the charges preferred against Captain Lett by Mr. Bamford, late a Captain in the Volunteer Artillery Brigade; and with regard to the concluding paragraph thereof, to forward the accompanying communication from Major Shepherd, withdrawing his letter of the 29th August last.

27 Nov., 1873.

I have, &c.,
JOHN S. RICHARDSON, Lt.-Col.,
Comdt.

True copy.—W. B. B. CHRISTIE, Capt., Major of Brigade.

No. 2.

MINUTE OF HIS EXCELLENCY THE GOVERNOR.

MINUTE for the Executive Council.—The case of Capt. Bamford and Gunner Lockyer.

THE facts of this case, divested of all irrelevant matter, appear to be simply as follows:—

On the 23rd January, 1873, Colonel Richardson issued a Brigade Order, calling on the officers Commanding Volunteer Corps to furnish, with as little delay as possible, returns showing the names of the officers, non-commissioned officers, and men of each Corps who were willing to attend the Camp of Instruction proposed to be formed in the following Easter holidays, from the 10th to 14th April.

On the 3rd February, Capt. Bamford, Commanding No. 8 Battery, V.A., issued a Battery Order calling on members of the Battery who intended going into Camp to give in their names to the Battery Sergeant-major on or before the 12th February.

It appears that Gunner Lockyer sent in his name through Gunner M'Kellar; but the evidence is conflicting as to whether his name was given in on or after the 12th February. His name at all events was rejected, and the evidence is again conflicting as to whether this was in consequence of his not having given in his name personally on the 12th, or whether it was in consequence of his name not having been given in by M'Kellar until after that date.

Shortly afterwards, Gunner Lockyer wrote to Captain Bamford asking that his name might be forwarded, but Capt. Bamford refused to receive it, stating that Gunner Lockyer's only resource was to apply to the Commandant.

On the 12th March, after Major Wilson's parade on that day, Gunner Lockyer, as an act of courtesy, informed Capt. Bamford that he intended to appeal to the Commandant; Capt. Bamford replied that if he did so he would be attempting to overrule his authority. On

On the 13th March, Gunner Lockyer wrote to the Commandant, asking that his name might be added to the list of those who intended to attend the Encampment, sending his letter through Capt. Bamford, who endorsed on it a minute dated 14th March, giving as his reason for having refused to forward Lockyer's name that it had not been given in by the date fixed in the Battery Order. Capt. Bamford noted also on Lockyer's letter that he had been for some time an habitual absentee from drill.

On the 22nd March, after the Commandant's parade on that day, Capt. Bamford gave a general invitation to the whole Battery to attend the Camp, irrespective of the point as to whether their names had or had not been sent in in time. He made however an exception in the case of Lockyer, who was told that having applied to the Commandant he must await that officer's decision on the subject.

On the 22nd March, Mr. Lockyer's letter of the 13th to the Commandant, with Capt. Bamford's endorsement on it of the 14th, was returned to Capt. Bamford by Capt. Lett, the Adjutant of the Volunteer Artillery, with the following minute endorsed on it:—

> "The Commandant thinks that as many men as possible should attend the Encampment. It was necessary that an approximate idea of the number who would be likely to attend should be given; hence the Brigade Order requesting names to be forwarded by a certain date, but it was never intended to prevent any person from attending simply because his name was not submitted in time. It is the duty of officers Commanding Batteries to endeavour to secure as large a muster as possible at the Encampment.—By order, C. LETT, Capt., Adjt., V.A., 22/3/73."

Notwithstanding this expression of the Commandant's opinion, endorsed on Gunner Lockyer's letter, Captain Bamford, on the 26th March, issued the following memo.:—

> "Memo. 26/3/73.—Gunner N. Lockyer is informed that the permission granted to members of the Battery generally to join the Encampment does not apply to him. As he has applied to the Commandant on the subject he must await that officer's reply, by which he must be guided.—J. B. BAMFORD, Capt., Comg. No. 8 Battery, V.A."

On the following day (the 27th March) Captain Bamford returned Mr. Lockyer's letter, with its endorsements, to Captain Lett, requesting that it might be laid before the Commandant, assuming that this had not been done, and that Captain Lett's minute of the 22nd was unauthorized.

A week was then lost, during which the letter was being passed backwards and forwards between Captain Bamford, Majors Wilson and Shepherd, and Captain Lett, until, on the 2nd April, the authenticity of Captain Lett's minute of 22nd March, was established beyond dispute by Colonel Richardson endorsing on the letter in his own handwriting:—

> "The memo. in question was written by Captain Lett after he had ascertained my views on the subject.—J.S.R., Lt.-Col., 2/4/73."

Captain Bamford then put forward a new objection, that the Commandant's views, embodied in Captain Lett's minute of the 22nd March, and endorsed upon Gunner Lockyer's letter, did not decide Gunner Lockyer's case, and on this plea he again on the 4th March returned Gunner Lockyer's letter with its various endorsements to the Commandant with the following minute written on it:—

> "In this particular instance of Gunner Lockyer will the Commandant please to inform me whether he will support my authority and the authority of my Battery Order, or whether that individual's wishes are to supersede them—this being the point at issue between him and myself. I had already done my best to ensure a large attendance of No. 8 previous to Captain Lett's memo., and I expect it will be well represented.—J.B.B., Captain, No. 8, 4/4/73."

On the 8th April the letter was returned to Captain Bamford by Colonel Richardson, with the following minute attached to it:—

> "Requested copy of the Battery Order referred to. I shall hold Captain Bamford responsible for any action of his which precludes any Volunteer under his command attending the Encampment.—J.S.R., Lt.-Col., 8/4/73."

This minute appears to have reached Captain Bamford on the 10th April, the day his Battery left Sydney for the Camp, and was replied to by him the same day forwarding a copy of the Battery Order of the 3rd February, called for, and observing that "Gunner Lockyer was far from deserving that an exception should be made in his favour."

In the meanwhile it appears from Gunner Lockyer's evidence that understanding from the last paragraph of Captain Bamford's memo. of 26th March that he was to apply to the Commandant for a reply to his appeal of the 13th March, he waited on that officer, and on showing him Captain Bamford's memo. of the 26th March the Commandant gave him verbal authority to attend the Camp. Of this Gunner Lockyer informed Captain Bamford at a meeting of the Battery, at Dawes' Point, on the 9th April, and asked for his decision whether he should go or not. Captain Bamford replied that he would not say yes or no; what Gunner Lockyer did would be on his own responsibility; at the same time Captain Bamford threatened that he would appeal to Parliament if Colonel Richardson interfered.

On the following day (the 10th April) the Battery left for the Camp. On that day, as has been shown, Captain Bamford was not only aware of the verbal authority given by the Commandant to Gunner Lockyer to attend the Camp, but he was also in possession of Captain Lett's minute of the 22nd March, on Mr. Lockyer's letter, and of the subsequent minutes of the Commandant on the same subject, dated 2nd and 8th April. Notwithstanding all these clear indications of the views of the Commandant, Captain Bamford not only did withdraw his memo. to Gunner Lockyer of the 26th March, but instructed Sergeant Williams on leaving that he was to place Gunner Lockyer under arrest for disobedience of orders if he attended the Camp. Gunner Lockyer accompanied the Battery to the Camp on the 10th, and on the 11th was arrested by Sergeant Williams under Captain Bamford's orders. On reference to the Commandant, however, he was at once released and allowed to return to duty.

On the 14th or 15th the Battery returned to Sydney, and on the latter day, without any inquiry whatever, Captain Bamford, who does not appear himself to have attended the Camp, issued a Battery Order, striking Gunner Lockyer's name off the roll of the Battery for "wilful and premeditated disobedience of his lawful command."

The foregoing is, I believe, an accurate narrative of the transactions in connection with this case in the order in which they occurred, and on an impartial review of them it appears to me impossible to arrive at any other conclusion than one unfavourable to Captain Bamford.

In the first place it was ill-judged of him to take a stand with such persistence upon the 12th February, as a date beyond which no names would be received. The object of calling for returns might have

have been perceived, namely, to ascertain in sufficient time, to make the necessary preparations, the number likely to attend the Encampment. It appears to me immaterial whether Gunner Lockyer's name was refused because he did not give it in personally on the 12th, or because it was not given in till some days later by M'Kellar. He, at all events, intimated his desire to attend by letter to Captain Bamford soon afterwards, and as the Encampment was not to take place for nearly two months Captain Bamford might well have added his name to the return, if it had not then been sent in to head quarters, or if it had already gone forward he might have sent the name in on a supplementary list. In refusing to do so he acted unwisely, for he was making a stand upon a point which was objectless and untenable, as he himself subsequently proved by the general invitation which he gave to the Battery five weeks later, on the 22nd March.

In the next place, Captain Bamford acted unreasonably in informing Lockyer, as he did on the 12th March, that he would view an appeal to the Commandant as an attempt to over-rule his authority, seeing that he had himself suggested that course to Gunner Lockyer as his only resource when refusing to receive his name. This appeal, nevertheless, appears to have been Lockyer's real offence, and not non-attendance at drill, or any other shortcoming; and it alone appears to have influenced Captain Bamford through all the subsequent proceedings. Indeed this is admitted by Captain Bamford in his evidence before the first Court of Inquiry, when he said—"If Lockyer had not referred to the Colonel he would have been glad to see him at the Camp."

Again, the special exclusion of Gunner Lockyer from the general invitation to attend the Camp, given to the whole Battery after parade on the 22nd March, on the ground that he had applied to the Commandant, was illjudged and unjust. Gunner Lockyer had appealed because Captain Bamford had refused him in the middle of February, a permission which, five weeks later, Captain Bamford was prepared to grant to all others similarly circumstanced. The general invitation was an admission that the previous individual refusal was unreasonable, and to seek to punish Lockyer for appealing against an admittedly wrong decision was neither wise no just. It is probable that Captain Bamford thought that Lockyer, who appears to have been an inefficient Volunteer, had no real desire to attend the Camp, but was merely following up the matter with a view of fighting the point with his commanding officer. Still the grounds for the original refusal were admittedly insufficient, and it was therefore certain to be overruled on appeal to higher authority. The wise and dignified course therefore for Captain Bamford to have pursued would have been to have made no exception to the general invitation given to the Battery on the 22nd March, and thus, without special allusion to Gunner Lockyer's name, that person's complaint would have been disposed of by the decision of the commanding officer himself on the general question, without waiting for the result of the appeal to higher authority in the individual case. Instead, however, of availing himself of such an opening for getting out of the difficulty without discredit to his authority, Captain Bamford made it almost a personal question between Gunner Lockyer and himself, whether the former should or should not be allowed to attend the Camp, thus placing himself before the whole Battery in a false position, from which it was subsequently impossible to escape without loss of dignity to himself, except by the continued capricious exercise of authority towards a subordinate.

This mistake was soon followed by others of a more serious character. The receipt of Captain Lett's minute of 22nd March could have left little real doubt in Captain Bamford's mind as to the view taken by superior authority of the insufficiency of the grounds advanced by him for refusing to allow Lockyer to attend the Camp; and it must have shown him further that such refusal was in contravention of the policy of the Government. Nevertheless, Captain Bamford proceeded on the 26th to repeat in a written memo. the prohibition to attend the Camp which he had previously communicated verbally to Lockyer on the 22nd; and on the following day (the 27th) he returned Mr. Lockyer's letter to Captain Lett, requesting that it might be placed before the Commandant for his decision. Assuming that the minute upon the letter had not been authorized by the Commandant, I can see no reasonable grounds for such an assumption. The minute began, "The Commandant thinks" and was signed by order. When however this objection was disposed of by Colonel Richardson's memo. of the 2nd April, Captain Bamford then raised another; that Gunner Lockyer's particular case was not disposed of—Captain Lett's minute. Now, considering that the matter referred to the Commandant was embodied in a letter addressed to him by Mr. Lockyer—that Captain Bamford had, in forwarding that letter, endorsed on it as the reason for refusing to forward Lockyer's name, that it had not been received in time—and that the Commandant had returned Lockyer's letter with the expression of his opinion endorsed on it "that it was never intended to prevent any person from attending, simply because his name was not submitted in time"—it appears to me that the plea that the reply of the Commandant did not decide Lockyer's case is simply absurd. In short I can only conclude that Captain Bamford's endorsements on Mr. Lockyer's letter, subsequent to Captain Lett's minute of the 22nd March, were mere pretexts for delay, so as to enable him to postpone withdrawing his prohibition to Mr. Lockyer to attend the Camp until the Battery had left, and thus either prevent his attending, or be able to dismiss him for disobedience in the event of his being present.

It appears to me that Captain Bamford was guilty of grave impropriety in issuing his written prohibition to Gunner Lockyer, on the 26th March, after the receipt of Captain Lett's memo. of the 22nd, and whatever uncertainty he may possibly have felt at that time as to the authenticity of that memo. he can have had no doubt whatever on the 10th April, when the Battery left for the Camp, as to the opinion entertained by the Commandant as to his treatment of Gunner Lockyer. With the Commandant's minutes of the 2nd and 8th April before him, and the communication made to him by Gunner Lockyer on the 9th, he must have known on the 10th April, beyond all doubt, that it was the Commandant's opinion that Gunner Lockyer should be allowed to attend the Camp. Nevertheless, he allowed the Battery to leave without withdrawing his prohibition of the 26th March, and further instructed Sergeant Williams to arrest Lockyer, if he appeared at the Camp, for disobedience of orders. Throughout these proceedings Captain Bamford appears to me to have acted capriciously and vindictively towards his subordinate, and in opposition to the clearly expressed opinions of his superior officer, of which he was thoroughly cognizant. The subsequent summary dismissal of Gunner Lockyer, without any inquiry, and without affording him any opportunity for defence, was a further flagrant abuse, by Captain Bamford, of the authority vested in him as commanding officer.

The second charge against Captain Bamford, of using threatening language towards Colonel Richardson, his superior officer, appears to have been fully established. From a military point of view it is doubtless a proceeding of a very unsoldierlike and insubordinate character for an officer to threaten,

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in the presence of a subordinate, to take ulterior proceedings against his superior officer, if he should think it necessary to differ with him in opinion; but Volunteers have here so often been allowed, without reproof, and with perfect impunity, to seek a remedy for adverse military decisions in Parliamentary interference, that it is scarcely to be wondered at that Captain Bamford should have announced his intention of adopting a similar course. What is more surprising is that Captain Bamford should have failed to perceive the inconsistency of his conduct. He was censuring his own subordinate for not silently acquiescing in an admittedly unreasonable decision of his commanding officer, and at the same time announcing his own determination to appeal to Parliament against his own immediate superior, if that officer should fail to support him in the untenable position which he had taken up.

Upon a review of Captain Bamford's conduct from first to last in this case it appears to me that he has shown a want of judgment and justice in dealing with his subordinate, and an absence of loyal submission to superior authority, which together prove him to be unfit to be entrusted with the command of a Battery, and I am of opinion that his services in that capacity should be dispensed with.

HERCULES ROBINSON.

25th August, 1873.

No. 3.

MINUTE OF THE EXECUTIVE COUNCIL.

(Min. 73–111.) 1 September, 1873.

His Excellency the Governor lays before the Council a Minute Paper which he has prepared on the case of Captain Bamford and Gunner Lockyer, of No. 8 Battery, Volunteer Artillery, setting forth the history of the case, and the conclusions arrived at by His Excellency.

2. The Council having carefully considered the Minute Paper referred to, concur in the views expressed by His Excellency, and advise that Captain Bamford's services as Commanding Officer of No. 8 Battery of Volunteer Artillery be dispensed with.

ALEX. C. BUDGE,
Clerk of the Council.

Approved.—H.R., 4/9/73.

Sydney: Thomas Richards, Government Printer.—1874.

[1*s.* 3*d.*]

1873.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

J. B. BAMFORD.

(PETITION OF.)

Ordered by the Legislative Assembly to be printed, 14 October, 1873.

To the Honorable the Legislative Assembly of New South Wales, in Parliament assembled.

The Petition of the undersigned, James Bromley Bamford, lately Captain Commanding "No. 8," or "Prince Alfred's Own" Battery, Volunteer Artillery,—

RESPECTFULLY SHOWETH:—

That your Petitioner has been dismissed the Volunteer Service on a charge of insubordination, which is not borne out by the evidence.

That your Petitioner subsequently ascertained that part of the evidence was false, and pointed the same out to the Commandant, but no action has been taken to expunge it.

That the alleged act of insubordination, for which your Petitioner was dismissed, arose from the irregularity and indecision of your Petitioner's superiors.

That irregularities have been permitted in connection with your Petitioner's case contrary to usage and existing orders.

That the foregoing statements are capable of proof should your Honorable House see fit to grant your Petitioner opportunity of bringing it forward.

Your Petitioner therefore humbly prays that your Petitioner may receive such relief in the matter of this Petition as to your Honorable House may seem fit.

And your Petitioner, as in duty bound, will ever pray, &c.

Dated this seventh day of October, in the year of our Lord, one thousand eight hundred and seventy-three.

J. B. BAMFORD.

1873–4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

WILLIAM DEANE.

(PETITION OF.)

Ordered by the Legislative Assembly to be printed, 12 *March*, 1874.

To the Honorable the Legislative Assembly of New South Wales, in Parliament assembled.

The Petition of the undersigned, William Deane, lately Captain Commanding No. 2 Battery, Volunteer Artillery,—

SHOWETH :—.

That your Petitioner has been dismissed the Volunteer Service of New South Wales without a hearing or trial, ostensibly because the then Governor of the Colony, Lord Belmore, held that there was no power to try a Volunteer Officer.

That your Petitioner, upon becoming acquainted with this circumstance, immediately submitted to be tried by any tribunal the Volunteer authorities might appoint, which request was refused.

That your Petitioner having learned (notwithstanding there has been no change in the law) that the present Governor had caused a Volunteer Officer to be tried, thereupon applied to be tried likewise, but this request was also refused.

That your Petitioner will bring forward, if opportunity be granted by your Honorable House, evidence to shew *that he was not guilty of any act of insubordination*, and that your Petitioner was, in fact, dismissed without trial or hearing, for fear of his exposing irregularities on the part of Volunteer authorities.

That some of these irregularities your Petitioner did endeavour to bring forward, but Lord Belmore refused to permit an investigation.

That your Petitioner, being doubtful of the correctness of making appeal to your Honorable House, referred his case to Her Majesty the Queen, who has, by notifying that she cannot interfere with the action of the Volunteer authorities here, clearly indicated that your Honorable House is the only proper tribunal for redress against so manifest an unconstitutional and illegal exercise of authority as punishment without trial, expressly forbidden even by the Mutiny Act, the most arbitrary of British laws (see "The latest Mutiny Act"): "And whereas no man "can be forejudged of life or limb or subjected in time of peace to any kind of punishment within this realm by "Martial law or in any other manner than by judgment of his peers and according to the known and established "laws of the realm."

Your Petitioner therefore humbly prays that he may receive such relief in the matter as to your Honorable House may seem meet.

And your Petitioner, as in duty bound, will ever pray, &c.

Dated this fifth day of March, in the year of our Lord one thousand eight hundred and seventy-four.

WILLIAM DEANE.

1873.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

GOULBURN VOLUNTEER RIFLE CORPS.

(MESSAGE IN REPLY TO ADDRESS.)

Ordered by the Legislative Assembly to be printed, 19 *December*, 1873.

HERCULES ROBINSON, *Governor.* — *Message No.* 17.

The Governor has received the Address of the Legislative Assembly, embodying a resolution agreed to by the House on the 14th October, to the following effect:—"That the Report of the Select Committee on the Goulburn Volunteer Rifle Corps be now adopted," and transmitting to him a copy of the Report referred to.

The tenth and concluding section of the Report adopted by the Legislative Assembly is as follows:—"Your Committee are of opinion that immediate steps should be taken to remove Captain Rossi from the position of Captain of the Goulburn Corps, Volunteer Rifles." The Governor desires to point out that provision is made by the "Volunteer Force Regulation Act of 1867" for calling into existence Courts of Inquiry "to inquire into any matter relative to any Corps or to any Volunteer or non-commissioned officer of the permanent staff belonging thereto"; and the 24th section distinctly states that nothing therein contained "shall authorize any inquiry with reference to an officer otherwise than by a Court assembled by direction of the Governor as aforesaid and composed exclusively of officers of the Volunteer Force." The intention of the Legislature, as expressed in law, is clearly that any inquiry into the conduct of a Volunteer officer should be conducted by a Court composed of Volunteer officers.

The Governor has carefully read and considered all the papers in the case of Captain Rossi, and he has embodied his conclusions in a Minute submitted to his Responsible Advisers. Acting with their advice, and on his own behalf as Commander-in-Chief, the Governor is prepared to take the necessary steps immediately, in the manner prescribed by law, to arrive at a just decision upon the serious representations which have been brought under his notice in relation to Captain Rossi and the "frequent disagreements in the Goulburn Volunteer Corps."

Government House,
Sydney, 18*th December*, 1873.

1873-4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

GOULBURN VOLUNTEER CORPS.

(DECISION OF GOVERNMENT IN CASE OF CAPTAIN ROSSI.)

Ordered by the Legislative Assembly to be printed, 14 *January*, 1874.

PROCEEDINGS of the Executive Council on the 18th December, 1873, with respect to the case of Captain Rossi, of the Goulburn Corps of Volunteer Rifles.

Minute No. 73/61.

HIS Excellency the Governor lays before the Council the papers relating to the case of Captain Rossi, of the Goulburn Corps of Volunteer Rifles, which recently formed the subject of inquiry by a Select Committee of the Legislative Assembly, together with a Minute embodying His Excellency's views on the subject. His Excellency also lays before the Council a Minute Paper by the Honorable the Colonial Secretary, concurring in the views expressed by His Excellency in the Minute referred to, and recommending that a Message be transmitted to the Legislative Assembly, informing the House of the conclusion arrived at, and the course which His Excellency is advised to take.

2. The Council concur in the course herein proposed to be adopted, and accordingly advise that a Message, in the terms herein set forth, be transmitted to the Legislative Assembly.

A. C. BUDGE,
Clerk of the Ex. Council.

Approved—H.R., 19/12/73.

MINUTE BY THE GOVERNOR FOR THE EXECUTIVE COUNCIL.

I HAVE to lay before the Executive Council the accompanying papers in Captain Rossi's case, viz. :—

(1.) Correspondence and Minutes of Military Court of Inquiry with reference to Capt. Rossi's management of the Goulburn Corps of Volunteer Rifles.

(2.) Address from the Legislative Assembly, transmitting a copy of the Report of the Select Committee on the disagreements in the Goulburn Volunteer Corps, together with the Resolution of the House adopting the Report.

(3.) Letter from Capt. Rossi addressed to myself as Commander-in-Chief, calling in question the proceedings of the Select Committee, and praying that his case may be dealt with in accordance with the rules of the Service.

The facts of this case appear to be as follows :—

At a public meeting held at Goulburn, on the 30th September, 1872, presided over by the Mayor, and attended, it is stated, by over 500 persons, the following resolutions were carried unanimously :—

That the frequent and serious disagreements occurring between the Captain and the members of the Goulburn Company of Volunteers are calculated materially to impair the efficiency of that body, and eventually to lead to its disbandment. This meeting, therefore, resolves that a respectful application be made to His Excellency the Governor for the appointment of a special Commission to inquire into the cause of such disagreements, and into the general management of the affairs of the Company.

That a committee, consisting of Messrs. William Davies, John Walsh, and W. R. Riley, with Mr. W. M. Russell as secretary, be appointed to prepare the application mentioned in the foregoing resolution, and to sign the same on behalf of this meeting.

On the 2nd October, the committee so appointed transmitted to me a memorial embodying the above resolutions, and specifying a series of instances in which it was alleged that Captain Rossi was to blame for the disagreements which had arisen in the Corps. The memorial explained the reasons why the public meeting had refrained from asking for a Military Court of Inquiry, as provided in the Volunteer Regulations, and concluded by praying that a special Commission might be appointed to inquire into the causes of disagreement between the Captain and members of the Goulburn Company of Volunteers.

A compliance with the request for a Commission was not possible. It was obvious, notwithstanding the general terms employed in the prayer, that the memorial was directed against Captain Rossi—the propriety of whose conduct in his capacity as Commanding Officer was in a number of specified instances called in question—

and

and the 24th clause of the Volunteer Act of 1867 prescribes:—"Nothing herein contained shall authorize any inquiry with reference to an officer otherwise than by a Court assembled by direction of the Governor as aforesaid and composed exclusively of officers of the Volunteer Force."

A Court of Inquiry, however, composed of Major Raymond as President, and Captains Baynes and Wells as Members, was at once appointed by me to investigate the charges against Captain Rossi embodied in the memorial, and was directed to assemble for that purpose at Goulburn on the 14th November, 1872.

Shortly before the date appointed for the investigation, Captain Rossi applied for a postponement, on the ground that he had not been allowed sufficient time to prepare, and the request being considered reasonable was complied with.

Through some inadvertence the action taken by the Government so far, upon the memorial, was not communicated formally by official letter to the committee. It was, however, I believe, generally known in Goulburn towards the end of November, that an Inquiry had been ordered by Government, and that it was to be by a Military Court instead of by a Commission, as had been applied for. The fact, if I do not mistake, was announced and commented on unfavourably in the Goulburn papers, about the end of November or early in December; and I myself, during my official visit to Goulburn late in November, stated to several persons the decision which the Government had come to in the matter. It is difficult to believe, therefore, that the committee were unaware of the action which the Government had taken upon their representation; nevertheless, upon the plea that their communication had not been officially replied to or acknowledged, the committee resigned their trust, on the 12th December, and announced their resignation in the Goulburn papers. I cannot help thinking, and the subsequent course of events confirms the impression, that the committee were mainly influenced in resigning by the fact that the Government had decided on a Military Court of Inquiry instead of a Commission.

Upon the 7th December—some days before the committee resigned—Captain Rossi addressed the following letter to the Commandant:—

Rossiville, Goulburn,
7 December, 1872.

Sir,

Having reference to the several charges or complaints made against me by a committee appointed at a public meeting, held at Goulburn, as represented by a memorial addressed to His Excellency the Governor, I find in the copy of that memorial which had been forwarded to me from Brigade Office, the following paragraph:—"But while your memorialists have felt it necessary to instance these cases to your Excellency, they would equally rely upon the frequent recurrence of minor causes of disagreement between Captain Rossi and individual members of the Company."

I desire to point out the necessity that the committee should be requested to state specifically what are these "minor causes of disagreement," &c. It is most important and essential that this should be done, and that I may be informed thereof; for it is manifest, if these other charges be now suppressed, no determination of the Court of Inquiry would be considered conclusive, as the committee assert that they equally rely upon these unexpressed complaints as those named in their list.

I am sure it will be regarded as but due to me and fair, that the committee be required, after what they have advanced, to describe definitely their grievances. I respectfully ask that the committee be called upon to do this.

I have, &c.,
F. R. L. ROSSI,
Capt. G. V. C. Rifles.

Lieut-Col. Richardson,
&c., &c., &c.

This

This was communicated by the Colonial Secretary to Mr. Russell, the secretary of the committee, on the 16th December, and on the 28th December Mr. Russell addressed to the Colonial Secretary the following reply :—

The Honorable the Colonial Secretary, Goulburn, 28 December, 1872.

Sir,

In reply to your letter of the 16th instant, requesting to be furnished with particulars of minor causes of complaint in reference to the management of the Goulburn Company of Volunteers, I have the honor to state that I am unable to call the committee together to consider the subject of your letter, inasmuch as after waiting ten weeks without receiving a reply to their memorial or an acknowledgment of its having been received, they formally resigned their trust, and advertised their resignation in the Goulburn newspapers of the 14th instant,—two days previous to the date of your letter.

I have, &c.,
W. N. RUSSELL.

On the 21st January, 1873, Colonel Richardson reported that the Court of Inquiry appointed to investigate the complaints advanced in the memorial, and which had been postponed in November, had been directed to assemble at Goulburn on the 6th February, and requested that Messrs. Davies, Walsh, Riley, and Russell, the gentlemen who had signed the memorial, might be so apprised. Mr. Russell, the secretary, was communicated with accordingly by the Colonial Secretary on the 23rd January.

On the 1st February, Colonel Richardson reported that Captain Rossi being engaged with public duties in connection with the Quarter Sessions and District Court, at Goulburn, in the early part of February, the Court of Inquiry had been postponed till the 17th February, and Mr. Russell was so informed by the Colonial Secretary on the 5th February, 1873.

On the 7th February, Mr. Teece, the Member for Goulburn, moved in the Legislative Assembly, pursuant to notice :—

(1.) That a Select Committee, with power to send for persons and papers, be appointed to inquire into and report upon the frequent disagreements in the Goulburn Volunteer Corps.

(2.) That such Committee consist of Mr. Lord, Mr. Forster, Mr. Baker, Mr. Single, Mr. Garrett. Mr. De Salis, Mr. Wearne, Mr. W. C. Browne, Mr. Lucas, and the Mover.

and the motion being unopposed the question was put and passed.

It will be observed that this motion was made a fortnight after the letter of the Colonial Secretary to the memorialists, informing them that the Military Inquiry had been fixed for the 6th February. It is therefore, I think, to be regretted that, as the Government was proceeding in this matter in the manner prescribed by the Volunteer Act, a motion proposing a contemporaneous inquiry into the same matter, in a manner not contemplated by the Volunteer Act, should have been allowed to pass unopposed as a "formal motion." In fairness, however, to the Government, it must be observed that the terms of the motion were so general that they did not necessarily involve inquiry into the conduct of any particular officer.

When the Court of Inquiry assembled at Goulburn on the 17th February, the complainants, who, as I have shown, had been duly apprised of the meeting, failed to attend. A member of the Court then waited on Mr. W. Davies, one of the memorialists, and asked him to attend. He did so at the next sitting, and informed the Court "that he did not propose to go on with the charges, as he was summoned to give evidence before a Parliamentary Committee, and as that was the higher Court he would not answer any questions there." He added that he preferred to attend the Committee.

See evidence of Mr. Davies before Committee.

It is impossible in view of these proceedings to arrive at any other conclusion than that Captain Rossi's accusers were acting from the first on a settled plan and purpose in this matter, and that having failed to obtain the Commission which they had asked for, they desired to frustrate the inquiry prescribed by law, and to substitute for it a tribunal of their own selection.

In the absence of all prosecutors, the proceedings of the Court were limited to the examination of Captain Rossi's witnesses, and to the reception from that officer of a written reply to the memorial. The minutes of the proceedings of the Court were forwarded to me on the 8th April, and the opinion of the Court was in effect to exonerate Captain Rossi from the charges which had been urged against him.

In the meanwhile the Parliamentary inquiry was also taking place. At the first meeting of the Committee, on the 14th February, it was decided that Messrs. Davies and Riley (two of the members of the committee, who had signed the memorial) and Mr. Martyr (a member of the Company who had been dismissed by Captain Rossi, and whose case had been referred to in the memorial) should be summoned as the first witnesses to give evidence on the next day of meeting, the 20th February.

On the day appointed these gentlemen were examined, the memorial was handed in, and the witnesses questioned upon the various charges against Captain Rossi embodied in it. Whatever may have been the intention of the House in passing the somewhat indefinite order appointing the Committee, the first day's proceedings placed the character of the Inquiry beyond all doubt, and showed that it was simply an inquiry into the conduct of Captain Rossi, based upon the charges advanced against him in the memorial. This is obvious from the questions put to the three first witnesses by the Committee.

Mr. Davis was asked,—

40. *Mr. Lucas.*] What is the general feeling in the City of Goulburn as to Captain Rossi's conduct, and the conduct of the Volunteers?

42. *Mr. Lucas.*] And the feeling all through was against the imperious conduct of Captain Rossi?

43. *Mr. Lucas.*] Will you state your own opinion?

46. *Mr. Lucas.*] Is it your opinion that if Captain Rossi remains in his present position the disbandment of the Force will be the result?

47. *Mr. Lucas.*] What is the general complaint against Captain Rossi?

62. *Chairman.*] What is your opinion of Captain Rossi's fitness to command?

Mr. Riley was asked,—

110. *Chairman.*] What is your opinion of Captain Rossi as a Commander?

125. *Mr. Lucas.*] You have a good opportunity of knowing the feeling at Goulburn in this matter?

126. *Mr. Lucas.*] What do you believe public feeling then to be with reference to the case between Captain Rossi and the Volunteer Corps?

141. *Mr. Lucas.*] From your own knowledge of the circumstances, what is your opinion of the dispute between Capt. Rossi and the Volunteers—who is in fault?

146. *Mr. Lucas.*] If Mr. Rossi should continue in his present position do you think the Volunteers will increase, or the respect of the citizens of Goulburn be retained?

Mr. George Martyr was asked,—

213. *Mr. Lucas.*] What is the general complaint againt Capt. Rossi as a commissioned officer?

216. *Mr. Lucas.*] What is the general feeling amongst the Volunteers now?

218. *Mr. Lucas.*] Do you think that the Goulburn Volunteers are likely to improve under the present officer?

At the commencement of the proceedings on the following day—21st February —Captain Rossi, who had been summoned for that meeting, was called in and informed by the Chairman that "from information received he might be affected by the evidence of other witnesses, and that the Committee were of opinion he should have an opportunity of hearing the testimony affecting him before he was called on to give evidence." The Committee accordingly "had decided to take all evidence bearing upon the frequent disagreements in the Goulburn Volunteer Corps, and then afford him an opportunity of replying to such evidence."

See Mr. Teece's letter of 26th February, p. 55 of report.

See proceedings of Committee, 21st February, p. 5 of report.

Such an intimation, viewed in connection with the character of the first day's proceedings, could have had but one meaning, namely, that Captain Rossi was on his trial, and had better reserve his defence till the prosecution had closed. It was so accepted by Captain Rossi, who accordingly addressed the Chairman by letter on the 25th February, asking that he might be allowed to be present during the examination of witnesses, and be permitted to put questions to them. This application was taken into consideration at the next meeting of the Committee on the 26th February, and Captain Rossi informed that his request could not be acceded to, "as his name was not mentioned in the order of the House, and he was no more a party to the inquiry than any of the persons called, or to be called as witnesses." He was further informed that "if he felt himself aggrieved, and desired to appear before the Committee to examine or cross-examine witnesses, he should have petitioned the House for that purpose."

See Mr. Teece's letter of 26th February, p. 55.

On the 27th February Captain Rossi wrote to the Chairman protesting against the decision of the Committee in not allowing him to attend and examine witnesses, and asking that the correspondence on the subject might be printed as part of the proceedings of the Committee, which application on motion by Mr. Wearne was agreed to.

Subsequently, Captain Rossi adopted the suggestion of the Chairman, and petitioned the House to be heard in person or by counsel before the Committee and to cross-examine witnesses. The Petition was referred by the House to the Committee and taken into consideration at a meeting held on the 6th March, when it was decided to postpone the consideration of it till next meeting.

At the next meeting, on the 12th March, the proceedings of the Committee are reported in the Minutes, as follows :—

Chairman read a letter from Mr. J. S. Paris, apologizing for not having attended to give evidence when summoned, and stating that if counsel be allowed to Captain Rossi he should apply for same privilege; also, a telegram from Messrs. Davies, Walsh, and Riley, as follows :—"If counsel heard, Committee cannot witness Rossi's demeanour, and we shall also apply, others may follow."

Committee resumed deliberations upon Captain Rossi's petition to be heard by counsel, at the same time taking letter from Mr. Paris, and telegram from Messrs. Davies, Walsh, and Riley into consideration.

Resolved (Mr. Baker) :—That having had under consideration the application of Captain Rossi and other persons connected with the Goulburn Volunteer Corps for permission to be heard before this Committee in person, or by counsel, and to cross-examine witnesses, it is the opinion of the Committee that it is not expedient to grant the application so made.

Captain Rossi called in and informed of the decision of the Committee.

On the 20th March, Captain Rossi handed to the Chairman the following letter:—

Sydney, 20 March, 1873.

To the Chairman of the Committee "On the Goulburn Volunteer Corps",—

Sir,

The witnesses for whom I had applied, especially Messrs. Davies and Riley, not having appeared in accordance with my request, made to your Honorable Committee, I respectfully decline to proceed, as those two gentlemen have made unsupported mis-statements and charges against me of which they have no personal knowledge, I am bound to consider them as accusers. Their presence is necessary to the proceedings.

I may, perhaps, be permitted to remind your Honorable Committee that it had been promised me that I should have what witnesses I desired.

I have, &c.,
F. R. L. ROSSI,
Captain, G. V. Rifles.

Captain Rossi explained that he did not propose to cross-examine these witnesses but to bring them forward as his own witnesses in support of certain facts; and he reminded the Committee that a promise had been made to him that he should have what witnesses he required. Two of the Members of the Committee (Messrs. Wearne and Lucas) appear to have considered that Captain Rossi's request was not unreasonable, but the conversation which took place on the subject was suppressed, and eventually Captain Rossi was informed that "the Committee had already decided to recall no witnesses that had up to that time been examined by the Committee." See page 27 of evidence.

At the meeting on the 2nd April, Captain Rossi requested that the conversation which had taken place at the meeting on the 20th March might be reported. The Committee decided not to grant the request.

On the 3rd April, when Captain Rossi was called in for examination, he produced a written statement of his case, which he alleged was necessary to make his position intelligible to the Committee, and requested permission to read it—adding that when he had got his statement in he would answer any number of questions. The consideration of this proposal was postponed to the 9th April, when the Committee deliberated upon it and decided:—

> That the letter handed in this day by Captain Rossi be returned to him, and the substance of the following resolution communicated to him:—That the Committee decline to entertain any written statement from Captain Rossi, a witness summoned by this Committee, until he has given his evidence verbally before it, when any statements Captain Rossi may choose to make will, if deemed proper, appear as Appendices to his evidence.

On the faith of this intimation Captain Rossi submitted himself to the Committee for examination on the 9th and 10th of April, during the whole of which days he appears to have been under examination without apparently having concluded his evidence at the close. The meetings of the Committee called for the 15th, 16th, and 17th April each lapsed in the absence of a quorum, and when the Committee next assembled, on the 21st April, the "Clerk submitted a letter from Captain Rossi, inquiring when he should be further examined, and courting the fullest inquiry." The Committee do not appear to have considered this letter, but proceeded to read the Draft Report, which was submitted by the Chairman. The Report was amended and agreed to, with the exception of the last paragraph, and the further consideration of it then postponed to the following day. See p. 48 of evidence. P. 9 of proceedings.

At

At the meeting of the Committee next day the following is the official record of the proceedings:—

Tuesday, 22 *April*, 1873.

Members present:—

Mr. Tecce in the Chair.

Mr. Single, | Mr. Wearne.

The Committee considered Captain Rossi's letter, submitted yesterday, and instructed the Clerk to reply, stating that, as the examination of witnesses had closed, and the Committee been summoned to consider Report, they could not re-open his examination.

Letter to Captain Rossi accordingly.

Clause 12 *read* and *agreed to*.

Motion made (*Mr. Wearne*), and *Question*,—"That the Report, as amended, be the Report of this Committee"—put and passed.

Chairman to report to the House.

The 12th clause of the Report above referred to was as follows:—

12. Your Committee are therefore of opinion that immediate steps should be taken to remove Captain Rossi from the position of Captain of the Goulburn Corps Volunteer Rifles.

Thus it will be seen that the Committee recommended the summary dismissal of an officer against whom no formal charges had been advanced—who had been refused permission to confront and cross-examine his accusers—who had been informed by the Chairman, in writing, "that he was no more a party to the inquiry than any of the persons called, or to be called, as witnesses"—who had not been allowed to call his own witnesses—and who, by the precipitate termination of the inquiry, had been debarred from submitting his written defence, which he had been distinctly assured by the Committee he should be allowed an opportunity of doing so soon as he had given his verbal evidence.

The Report of the Committee was adopted by the Legislative Assembly, on the 14th October last, by a majority of 26 to 9—the Members of the Government opposing the adoption in debate, and voting against the motion in the Division which followed. An Address was subsequently agreed to as a "formal motion" transmitting the Report and the Resolution adopting it, and this was presented to me by the Speaker on the 4th instant.

On the 29th October, Captain Rossi addressed to me a letter in my capacity as Commander-in-Chief, protesting against the action of the Select Committee, and asking that he might be allowed a full opportunity of defence, alleging that he had not so far been permitted to explain himself. He concludes by praying that he may be dealt with according to the rules of the Service.

These are the simple facts of the case as detailed in the very voluminous papers now laid before the Executive Council for their consideration. I am very reluctant to express any opinion as to the propriety of any proceedings which the Legislative Assembly may in its discretion think proper to adopt; but when the Report of a Select Committee is transmitted to me by the House, with a view to my exercising, in conformity with its recommendations, the powers entrusted to me by the Volunteer Act as the Queen's Representative I feel bound to inquire whether the action expected from me is just, and in unison with the provisions of the law prescribed by Parliament for my guidance. Looking at the proceedings of the Select Committee from this point of view, I cannot resist the conviction that Captain Rossi has not been fairly dealt with in this matter. The Committee appear to me to have placed themselves in a dilemma, from which I can see no escape. Captain Rossi was either on his trial or he was not. If he was on

his

his trial, he should have been allowed the privileges of an accused person; if he was not on his trial, he should not have been found guilty and recommended for immediate dismissal. In other words, if he was on his trial he should have been allowed to be present during the inquiry, to cross-examine his accusers, to call his own witnesses, and to submit his defence in any manner within the limits of propriety which he may have thought best for his own vindication. If Captain Rossi was not on his trial, the Committee should in their Report have stopped short of the final paragraph recommending his summary dismissal, and have contented themselves with calling attention to the evidence laid before them as to the cause of the constant disagreements in the Goulburn Volunteer Corps, and recommended the subject to the serious and immediate consideration of the Executive Government. But it appears to me impossible to review the proceedings of the Committee and the terms of their Report without arriving at the conclusion that, notwithstanding the somewhat indefinite wording of the Order of the House appointing the Committee, Captain Rossi was virtually upon his trial, and that the inquiry from first to last was one "with reference to an officer"—a proceeding which the Volunteer Act indicates should not take place "otherwise than by a Court assembled by direction of the Governor * * and composed exclusively of officers of the Volunteer Force." I enclose the opinion which I have received from the Attorney General on this subject, in which he states that the Act so clearly points out the nature of the Court of Inquiry that the Governor should decline to act on the recommendation of any other tribunal. Sec. 24.

Having expressed my view that the course adopted by the Select Committee in this instance was wanting in that generous indulgence which is usually extended to accused persons, and at variance with the provisions of the Act, which prescribes by implication the course to be adopted in such cases, I need scarcely enlarge on any general considerations as to the violation of sound constitutional principles involved in such proceedings on the part of the Assembly; but I may perhaps be permitted to observe in this confidential paper, intended only for the perusal of the Cabinet, that the Select Committee of the House appear in this matter to have exceeded the authority conferred on them by the Order of the House, and that the House itself, by the adoption of the Report, appears to have assumed a purely executive function which a legislative body cannot with propriety discharge. The conduct of subordinate officials should be controlled through the legitimate pressure which the House can at all times bring to bear upon the responsible advisers of the Crown; but the direct assumption by the House of the management of administrative or judicial details is a proceeding at variance with those great leading principles, as regards the division and balance of political functions and powers, which are essential to good government under a Parliamentary system, and, in its application to military matters, such a course must inevitably prove fatal to the discipline and efficiency of any defensive force. It has been well observed by a great constitutional authority that "the accumulation of legislative, executive, and judiciary powers in the same hands, whether one, a few, or many, and whether hereditary, self-appointed, or elective, may be justly pronounced the very definition of tyranny." "Federalist."

The question remains what course should be followed in the present instance. I have carefully perused every paper in the case; and whilst I think that Captain Rossi has received but a scant measure of justice at the hands of the Select Committee, and that the recommendation of the Report is in contravention of the intention of the Legislature, as defined by the Volunteer Act, I cannot at the same

time

time resist the conviction that there must be some foundation for the strong representations which have been urged from so many quarters as to Captain Rossi's unfitness, from manner and temper and other infirmities, for the command of a body of Volunteers. At the same time it must be remembered, as urged by Captain Rossi, that he has not yet been allowed a full opportunity of explanation and defence, and before conviction he must in common fairness be given such opportunity. What I propose to do, therefore, is, to reappoint a Military Court, such as is prescribed by the Volunteer Act (the members of which I will myself select) for the thorough investigation of this case in view of the light recently thrown upon it by the evidence taken before the Select Committee. When Captain Rossi has laid before such tribunal his defence I shall then be in a position, which I am not at present, to decide with fairness and without any violation of the law, whether the public interests will best be advanced by Captain Rossi's services being dispensed with or retained.

HERCULES ROBINSON.

Government House, Sydney,
15*th December*, 1873.

Crown Law Office,
Thursday afternoon,
11/12/73.

My dear Sir Hercules,

I have carefully considered the points suggested by you this morning in our conversation about Captain Rossi's case. The main question is involved in some difficulty, by reason of the peculiar wording of the concluding part of section 24 of the Volunteer Act. I have looked into the only opinions of Sir James Martin and Sir Wm. Manning upon questions at all similar to this that I can find in the office, but they do not help me. The cases which have occurred are the cases of a non-commissioned officer,—one Calder, and of Captain Deane. Calder's case, being that of a non-commissioned officer, furnishes no guide; nor is Deane's case of much use. Deane was dismissed by the Governor (Lord Belmore) *with the advice of the Executive Council*, without inquiry under the Act, such inquiry being manifestly unnecessary, inasmuch as Deane's offence was insubordination at once brought clearly under the Governor's notice. I enclose you a copy of the Parliamentary paper in Deane's case, and have side-marked Lord Belmore's minute of 23 August, 1871.

There seems to be no case in point which can be regarded as a precedent.

I am of opinion—

1st. That the appointment of officers is vested by the 9th section of the Volunteer Act in the Governor, which word means, there being nothing in the context or subject matter inconsistent therewith, the Governor with the advice of the Executive Council. The Act itself does not in terms vest the power of dismissal in the Governor, but the Acts-shortening Act, 16 Vict., No. 1, makes the power of dismissal an incident to the power of appointment. Therefore, the Governor with the advice, &c., may dismiss.

2nd. That it is not *illegal* for the Governor, with the advice, &c., to dismiss arbitrarily, *i.e.*, without inquiry, or without assigning any cause; but it is in the last degree improbable that any Executive Council would tender, or that a Governor would act upon, any such advice. There is, however, I think, clearly no absolute necessity for an "inquiry"; and if I am right in thinking that an arbitrary dismissal would be legal, it could not be said that if the Governor and Executive Council were to act upon the Report of the Select Committee (or, indeed, upon information obtained through any other channel), and to dismiss Captain Rossi, such dismissal was illegal.

3rd. But if an "inquiry" is to be the *means of adjudication*, then, although the Act does not *expressly state* that no inquiry should be otherwise resorted to than as indicated in section 24, viz., "by a Court assembled by direction of the Governor (with advice, &c.), and composed exclusively of officers of the Volunteer Force"—in other words, composed exclusively of the peers of the officer whose conduct is the subject of inquiry—yet, I think the Act so clearly points out the nature of the Court of inquiry that the Governor should decline to act upon the

the recommendation of any other tribunal. In this particular case, the reason for so declining is strengthened by the fact that a Court of Inquiry under the Act appears to have been in the first instance appointed, and the proceedings before it abandoned by the parties complaining against Captain Rossi, with a view to the substitution by those parties of a totally different tribunal—a tribunal certainly not contemplated by the Act. (See Capt. Rossi's letter of date 27 Feb., 1873, at p. 55—Appendix—of the Report.)

I remain, &c., &c., &c.,
&c., &c., &c.,
(Signed) J. GEO. LONG INNES.

His Excellency
Sir Hercules Robinson,
K.C.M.G.,
&c., &c., &c.

P.S.—The Under Secretary tells me there is no opinion of Sir W. Manning in the office upon the distinction between the Governor's position as Commander-in-Chief, as distinguished from his position as Governor, "with the advice of the Executive Council." I have not adverted to it, because I think that the question does not arise in this case; but that the Governor's powers are in this matter to be exercised with such advice.—J.G.L.I.

MINUTE PAPER FOR THE EXECUTIVE COUNCIL.

Colonial Secretary's Office.
Sydney, 18 December, 1873.

MINISTERS having considered the case of the Goulburn Volunteer Rifle Corps, as presented by the Report of the Select Committee of the Legislative Assembly, and adopted by Resolution of the House on the 14th October, and also the Papers relating thereto, together with the Minute of His Excellency the Governor, dated the 15th instant, on the case,—are of opinion that, under the provisions of the "Volunteer Force Regulation Act," Captain Rossi cannot be removed from his position as Captain of the Goulburn Volunteer Corps in the manner recommended in the Report.

I therefore recommend that the accompanying Message by His Excellency be sent to the Legislative Assembly, informing the House of the conclusion arrived at, and of the course which His Excellency is advised to take.

HENRY PARKES.

HERCULES ROBINSON, *Message No.* 17.
Governor.

The Governor has received the Address of the Legislative Assembly, embodying a Resolution agreed to by the House on the 14th October, to the following effect:—"That the Report of the Select Committee on the Goulburn Volunteer Rifle Corps be now adopted," and transmitting to him a copy of the Report referred to.

The tenth and concluding section of the Report adopted by the Legislative Assembly is as follows:—"Your Committee are of opinion that immediate steps should be taken to remove Captain Rossi from the position of Captain of the Goulburn Corps, Volunteer Rifles." The Governor desires to point out that provision is made by the "Volunteer Force Regulation Act of 1867" for calling into existence Courts of Inquiry "to inquire into any matter relative to any Corps or to any Volunteer or non-commissioned officer of the permanent staff belonging thereto"; and the 24th section distinctly states that nothing therein contained "shall authorize any inquiry with reference to an officer otherwise than by a Court assembled by direction of the Governor as aforesaid and composed exclusively of officers of the Volunteer Force." The intention of the Legislature, as expressed in law, is clearly that any inquiry into the conduct of a Volunteer officer should be conducted by a Court composed of Volunteer officers.

The Governor has carefully read and considered all the papers in the case of Captain Rossi, and he has embodied his conclusions in a Minute submitted to his Responsible Advisers. Acting with their advice, and on his own behalf as Commander-in-Chief, the Governor is prepared to take the necessary steps immediately, in the manner prescribed by law, to arrive at a just decision upon the serious representations which have been brought under his notice in relation to Captain Rossi and the "frequent disagreements in the Goulburn Volunteer Corps."

Government House,
Sydney, 18th December, 1873.

[1s.] 300—C Sydney: Thomas Richards, Government Printer.—1874.

1873–4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

GOULBURN VOLUNTEER CORPS:
(CASE OF CAPTAIN ROSSI.)

FINDING

OF THE

COURT OF INQUIRY APPOINTED ON 24 DECEMBER, 1873,

TO INVESTIGATE AND RECORD AN OPINION UPON
CERTAIN MATTERS CONNECTED WITH THE CONDUCT OF CAPTAIN ROSSI,
COMMANDING THE GOULBURN CORPS OF VOLUNTEER RIFLES:

TOGETHER WITH

THE PROCEEDINGS OF THE EXECUTIVE COUNCIL—MINUTES OF EVIDENCE TAKEN BY THE COURT—AND OTHER PAPERS RELATING TO THE CASE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
13 *February*, 1874.

SYDNEY: THOMAS RICHARDS, GOVERNMENT PRINTER.

1874.

[4*s*. 6*d*.] 321—A

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No. 194.

Brigade Office,
Sydney, 24 December, 1873.

BRIGADE ORDER.

By direction of His Excellency the Governor, a Court of Inquiry will assemble at Goulburn, at 10 a.m. on Tuesday next, the 30th December, to investigate and record an opinion upon certain matters connected with the conduct of Captain Rossi, commanding the Goulburn Corps of Volunteer Rifles.

President.

Major P. L. C. Shepherd, Vol. Art.

Members.

Major J. H. Goodlet, S.B.V.R.

Major Thos. Richards, S.B.V.R.

Captain Rossi to be warned, and all evidence to attend.

By Command,
W. B. B. CHRISTIE, Capt.,
Major of Brigade.

True copy.
W. B. B. Christie, Capt.,
Major of Brigade.

Memorandum.

Brigade Office,
Sydney, 29 December, 1873.

Instructions for the Court of Inquiry detailed in Brigade Order of 24 December, 1873:—

1. The Court will investigate the case of Captain Rossi, commanding the Goulburn Corps of Volunteer Rifles, and receive his defence.

2. It will inquire into the matters set out in a Memorial to His Excellency the Governor, undated, marked—"Supposed to be dated 3rd Oct., 1872," in pencil, in left-hand corner—and matters contained in printed papers thereto attached; also, into matters set out in a second Memorial to His Excellency the Governor, dated 12th Oct., 1872, with printed documents attached.

3. It will submit its opinion as to the merits of the case, and as to whether the Goulburn Corps is likely to be benefited or not by Captain Rossi's further association with it.

4. It will sit as an open Court.

5. The attendance of a shorthand writer has been sanctioned, to facilitate the taking of evidence. It will be necessary that the gentleman performing this duty be sworn to take down the evidence correctly.

JOHN RICHARDSON,
Lt.-Col., Commandant.

MEMORIALS REFERRED TO IN BRIGADE ORDER OF 29TH DECEMBER, 1873.

To His Excellency Sir Hercules George Robert Robinson, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief of the Colony of New South Wales and its Dependencies, and Vice-Admiral of the same.

The respectful Memorial of William Davies, John Walsh, William Russell Riley, and William Murray Russell,—

Showeth :—

That at a meeting held at Goulburn, on 30th September, presided over by the Mayor, and attended by between five hundred and six hundred persons, the following resolutions were carried unanimously :—

That the frequent and serious disagreements occurring between the captain and the members of the Goulburn Company of Volunteers are calculated materially to impair the efficiency of that body, and eventually to lead to its disbandment. This meeting, therefore, resolves that a respectful application be made to His Excellency the Governor for the appointment of a special Commission to inquire into the cause of such disagreements, and into the general management of the affairs of the Company.

That a committee, consisting of Messrs. William Davies, John Walsh, and W. R. Riley, with Mr. W. M. Russell as secretary, be appointed to prepare the application mentioned in the foregoing resolution, and to sign the same on behalf of this meeting.

Your Excellency's memorialists beg to explain that the meeting purposely refrained from asking for a Court of Inquiry, as provided in the Volunteer Regulations, because, in the matter of the disagreements complained of, the conduct of the Lieutenant-Colonel Commanding is blamed as well as the conduct of Captain Rossi, while the Court of Inquiry is "a Board of which the Officer commanding the Volunteer Force may make use to assist him in arriving at a correct conclusion on any subject"—such subject in the present instance being in part his own conduct.

Your memorialists are aware that it may be asked why the Volunteers themselves have not appealed to your Excellency. The reply they have given is, that the rules or supposed rules of discipline are so stringently enforced as to justify the belief that any of their number initiating the matter would be dismissed from the Force; hence it is that the public have taken up the question.

Your memorialists respectfully beg to refer your Excellency to the annexed leading article from the *Goulburn Herald*, to the newspaper reports of the public meeting, and to the correspondence between Captain Rossi and John W. Chisholm, Esq., J.P., also attached.

Your Excellency's memorialists beg to instance the following cases of disagreement that have arisen in the Goulburn Company :—

Assault, by Captain Rossi, on Corporal Fuller in the ranks.

Assault, by Captain Rossi, on Sergeant Mawson.

Resignation of two different committees.

Resignation of all the corporals save one.

Dismissal, on apparently trivial grounds, of Privates Chambers and Morris.

Appointment as sergeant of Private Hayley—a mere youth—over the heads of men of mature age, which appointment was therefore most distasteful to the Company.

The order to Private Robertson when in plain clothes to give the military salute, in contravention of Regulation 88, and the severe censure passed upon him by Colonel Richardson for non-compliance, without Private Robertson being allowed to reply.

The dissolution of the Rifle Association, owing to the refusal by Captain Rossi of the use of the targets, notwithstanding that the rules of the Association had been sanctioned by himself.

The public reprimand of Corporal (now Private) Clarke, for saying, at a non-military meeting, that the captain had committed an error of judgment in bringing about the dissolution of the Association.

The dismissal unheard of Private and Secretary Martyr, whose case is now before your Excellency, on petition from the party aggrieved.

Summoning Mr. Martyr before the Police Court for not returning his arms and accoutrements, notwithstanding its being known that the appeal to your Excellency was pending.

Disputes between the members of the Band and the bandmaster, and the retention of the latter in his situation, notwithstanding a unanimous vote of the committee dispensing with his services.

Attempts, supported by threats, to get members of the Band—many of them boys—to sign a document which your memorialists are informed is an acknowledgment that they had been guilty of falsehood in their complaints against the bandmaster.

Increasing the weekly subscription to a higher rate than in any other Company, without taking a regular vote, and refusing recruits the right to vote, notwithstanding that they were called upon to pay the increased rate.

Dismissal of Private Paris, who, believing the increased rate to be illegally imposed, refused to pay more than the former subscription.

Several Police Office cases between Captain Rossi and members of the Company, some arising out of non-payment of the increased rate of subscription.

Imperfect and unsatisfactory manner of keeping the Company accounts.

But while your memorialists have felt it necessary to instance these cases to your Excellency, they would equally rely upon the frequent recurrence of minor causes of disagreement between Captain Rossi and individual members of the Company.

Your Excellency's memorialists submit that, instead of the captain being regarded by the members of the Company with confidence, a feeling of positive aversion has grown up, which must materially

impair

impair the usefulness of the Corps, and, by diminishing the number of efficient members, will probably eventually lead to its disbandment. As evidence of the probability of this, they would mention that scarcely a fourth of the original members now remain in the Company.

Your Excellency's memorialists respectfully submit that, as several of the principal matters of complaint—especially the very grave one of condemning men unheard—have been expressly sanctioned by the Lieutenant-Colonel Commanding, the confidence of the whole Volunteer Force of the Colony must be materially shaken as to the wisdom, impartiality, and gentlemanly feeling with which it is managed.

Your memorialists further submit that the apparent intention of the Lieutenant-Colonel Commanding, and of Captain Rossi, is to ignore and destroy the citizen character of the Volunteer Force, to disregard the fact that the privates are frequently in the same social position as the captains, and to reduce them to the same position of inferiority to their officers, not only in the ranks but elsewhere, that is the case in regiments of the line; and that this course, if persisted in, must eventually be fatal to the popularity of volunteering, and cause the men who hereafter join to be only those who will be actuated by no higher motive than a desire to secure land orders which they may convert into money. From men actuated by such a consideration as this, the desired subserviency may be expected; and, with the elimination from the Volunteer ranks of all noble devotion to Country and all spirit of self-respect, such disputes as those that have occurred in the Goulburn Company may possibly cease. But your memorialists respectfully submit that the character of the Force will be lowered, its efficiency in time of danger lessened, and the objects for which the Volunteer movement was originated fail to be attained.

Your Excellency's memorialists therefore respectfully pray that, in consideration of the statements here made, your Excellency will be pleased to appoint a special Commission to inquire into the causes of disagreement between the captain and members of the Goulburn Company of Volunteers.

And your memorialists, as in duty bound, will ever pray.

WILLIAM DAVIES.
JOHN WALSH.
W. R. RILEY.
W. M. RUSSELL.

Supposed to be dated 3rd Oct., 1872.

To His Excellency Sir Hercules Robert Robinson, Knight Commander of the Most Distinguished Order of St. Michael and St. George, Governor and Commander-in-Chief of New South Wales and its Dependencies, and Vice-Admiral of the same.

May it please your Excellency:—

Referring to the Memorial addressed to your Excellency on the 3rd instant, drawing attention to certain disagreements existing in the Goulburn Company of Volunteer Rifles, we have the honor again to address your Excellency, and to enclose to you a report, taken from the Goulburn paper, of certain proceedings at the Police Court, Goulburn, on Monday last.

In forwarding this, we do so simply for the purpose of strengthening the Memorial previously sent, by showing conclusively that these disagreements are still in existence, without any probability of their ceasing under the present management of the Company.

We beg to subscribe ourselves,
Your Excellency's most obedient Servants,

Goulburn, 12th October, 1872.

WILLIAM DAVIES.
W. R. RILEY.
JOHN WALSH.
W. M. RUSSELL.

Lieutenant-Colonel Richardson, with reference to previous papers relating to this matter.—B.C. 12th Nov., /72. For U.S., W.G. Very urgent.

[*Enclosure.*]

SMALL DEBTS COURT.

Monday, October 7.

(Before the Police Magistrate and Messrs. De Lauret and Sheppard.)

Several undefended cases in the Small Debts Court were disposed of, after which the following defended cases were gone into:—

Rossi v. King.—This was an action brought by plaintiff, as Captain of the Goulburn Corps Volunteer Rifles, against defendant, a member of the Company and also of the Band, to recover the sum of £10 upon a bond entered into by defendant in that amount to attend at certain practices and perform certain duties as bandsman, in consideration of receiving instruction in music and being provided with instruments and uniform.

Mr. Betts appeared for the plaintiff, and Mr. Gannon for defendant.

Mr. Gannon, at the commencement of the case, objected that the Court had no jurisdiction, as at present it was not properly constituted for the trial of any cases. The sixth clause of the Small Debts Act provided that a bailiff should be appointed. Such an officer was necessary for the service of subpœnas. He had made inquiry, and found there was no bailiff at present, and they had no power to go on without. Suppose, for instance, that a witness were guilty of contempt, and the Court were to pass any sentence upon him, there was no officer to carry it out. The police had no power to interfere, as the Act made special provision, and provided its own officer.

The Police Magistrate said the defect might be remedied, and the Bench thereupon appointed Constable Lloyd to act as bailiff for the day.

Mr. Betts, in opening the case, explained its nature, and contended that the verdict must be for the full amount of the bond or for nothing. He then tendered the bond in evidence, and called

Mr. G. Martyr, who stated that the signature to the bond was that of defendant.

To Mr. Gannon: I was secretary to the Company; fines have been inflicted on members of the Band.

Mr. Gannon here said he had given Mr. Betts notice to produce all documents in the case, which he had not done.

Mr. Betts stated he had not received any such notice; and Mr. Gannon said it had been left at his office.

Mr.

Mr. Gannon asked Mr. Betts to produce the Band rules, also the book showing the fines incurred.

Mr. Betts replied: We produce nothing.

Mr. Gannon remarked: If you had not a dishonest case you would not be afraid to produce everything.

Captain Rossi hereupon got up excitedly and claimed the protection of the Court.

Mr. Gannon objected to Mr. Rossi speaking at all when he prosecuted by an attorney, and pointed out that no difference should be made between Captain Rossi and any other suitor.

Some words ensued, Captain Rossi speaking at the top of his voice, and the Bench at last ruling that he ought not to interfere.

Mr. Gannon then proposed to ask Mr. Martyr: Did you hear Captain Rossi tell defendant that if he were about to leave the district the bond would not be enforced?

Mr. Betts objected to the question; but the objection was overruled.

Witness: I did hear Captain Rossi tell defendant that if he had to leave the district the bond would not be enforced; I was told the same when my son joined; White, a bandsman, left the Band and district, and has not been prosecuted, nor has Hayley, nor Charley the drummer; there was an investigation by the committee in reference to the bandmaster, at which members of the Band gave evidence; defendant was examined.

Mr. Gannon: Did the committee after hearing the evidence decide that the bandmaster was incompetent to teach the Band?

Mr. Betts objected to the question, as the evidence, having been taken in writing, should be produced.

Mr. Gannon: You have the documents?

Captain Rossi: I have not; witness has them.

Mr. Martyr: I have not; Captain Rossi must know that to be the case.

The question was allowed.

Witness continued to Mr. Gannon: The committee towards the end of July decided that Mr. Deane's services should be dispensed with after August 1st; defendant gave evidence, and was cross-examined by Mr. Deane; it was on receipt of a document signed by members of the Band that the inquiry was held.

To Mr. Betts: No reason was assigned for the bandmaster's dismissal; I am not aware that other members of the Band who left the district applied for leave; I don't remember Mr. Dean applying to be heard before the committee decided; you were present, and must be aware that there was a good deal of excitement; some members of the Band are boys, but there are men in the Band also, and it was upon their making certain charges that the inquiry was held; my son signed the letter making charges against the bandmaster; he did it without my knowledge; I never spoke to him about it, nor did I speak to him about the evidence he could give; he is quite competent to judge for himself.

Edward Deane deposed: Defendant was a member of the Band; the last time he attended for practice was on the 6th June, and he has not played in the Band since; he was absent on the 9th July; I never received any explanation why he was absent; he played the first cornet, which is the leading instrument in the Band; he never gave me notice of his intention to leave; I remember an inquiry into certain charges against me some time ago; some boys belonging to the Band were examined; some of them were fourteen years of age and under; I recollect Mr. Betts making a protest against any decision being arrived at without my being allowed to make my statement; I never had an opportunity of doing so; I have had no notice that my services were to be dispensed with; I have not had much opportunity of teaching a brass Band collectively; I can teach every instrument separately; it is a common thing for a bandmaster not to take an instrument in his hand.

To Mr. Gannon: It is the first brass Band, such as the Goulburn Volunteer Band, that I have taught; the charges made against me were by the bandsmen; I received a copy of the complaint, was present when the inquiry was going on, and had an opportunity of cross-examining the witnesses; defendant was examined; I heard that he had left the district; I recollect Bandsman White leaving the Band, also Hayley and Charley; I don't know that they were prosecuted; during the last six months I can name at least 160 absences a month; Captain Rossi may have told me that the committee wished to dispense with my services.

To the Bench: I gave defendant private lessons to enable him to take the position of first cornet player; he played remarkably well considering the time he was in the Band.

To Mr. Betts: There never was a time when I could not instruct defendant beyond a certain point; subsequently to the charges being made against me, one of the bandsmen asked me to set some music for him and defendant to play at a concert.

Andrew Sproule, sergeant of the Band, deposed:—In July I asked defendant why he absented himself from the Band: he replied, he supposed he would be fined; afterwards he told me he was going Bathurst, and sent me his instrument and clothing.

To Mr. Gannon: I accepted the clothing and instrument; I was one of the committee investigating certain charges against the bandmaster; some of the Band were examined; the committee, and I as one of them, recommended that his services should be dispensed with, but not upon the evidence taken; I could play before I joined the Band, and as well as most amateurs; I have heard complaints of Mr. Deane outside these charges; the recommendation of the committee has not been carried out, although Captain Rossi was present at the meeting when the resolution was passed.

To Mr. Betts: If I were leaving the district I should get leave or give notice; the recommendation of the committee was not carried out because Captain Rossi would not act upon it unless the committee signed a legal document indemnifying him against any consequences.

To the Bench: Defendant has always been fined when he failed to attend at practice; he is also a member of the Company; the Band meet three times a week for practice; I have not seen defendant at practice the last three months, but I have not been there much lately myself; I don't recollect telling defendant that he was fined on 9th July.

F. R. L. Rossi deposed: I remember defendant signing the bond; I don't recollect telling him at the time what has been stated to-day; I may have done so; but I never led defendant to understand, even by an infinitesimal point, that he could leave without giving notice; at the same time I do not wish to impugn what has been stated; White left without notice, and joined the Permanent Force, but was reprimanded by the Commandant for leaving as he did; Hayley's father sent a written application to be relieved from the bond; I know defendant has been absent from the Band; he had not given me notice of his intention of leaving the district.

This was the plaintiff's case.

Mr. Gannon said the case must fall through. A plaintiff coming into Court was bound to prove all that he alleged. In this case no such proof was given as could warrant the Bench in giving a verdict for the plaintiff. Defendant was a member not only of the Band but of the Company also; and under the 30th section of the Volunteer Act the maximum penalty that could be enforced against a Volunteer for any breach of rule was £5, consequently this bond was *ultra vires*, as Captain Rossi had no power to inflict a penalty of £10, and as he claimed here to be acting as Captain of the Goulburn Volunteer Rifles, he was clearly out of Court. Defendant was a Volunteer, and the Volunteer Act gave him certain rights. He further disputed the right of Captain Rossi to have a Band at all; there was nothing to show that he had such authority. No rules were produced, nor was there any evidence of consent from the Commandant for him to have a Band. The bond itself was very strict, and should be read as much for one side as the other. It was plain from the evidence that if defendant left the district he was clear of the bond; he had left the district, but first of all gave up his uniform and instrument to the proper authority. Mr. Betts had tried to show that the bond was forfeited through defendant's absences from practice, but it was proved that he had been fined for being absent, and no one could be punished twice for the one offence. He contended that proper instruction was not provided—not instruction fit for a full brass Band. As to the penalty, he disputed the idea that it must be £10 or nothing. It might be law in the District Court, but was not so in a Court of Equity. The penalty must be equivalent to damages proved to have been sustained. Now, what damages could the Band sustain because a man left after asking permission of the bandsergeant instead of that of the captain, while the captain had allowed three others to go away who asked him? No damages whatever had been proved.

Mr. Betts rose to reply; but Mr. Gannon objected that, as he had called no witnesses, the other side had no right of reply.

Mr. Betts argued that he could reply on points of law.

The Bench leaning towards Mr. Betts's view, Mr. Gannon said if such were the ruling he should call witnesses.

After some argument, Mr. Gannon asked the Bench to decide the question.

Mr. Betts said the right had been repeatedly conceded to Mr. Gannon.

Mr. Gannon: I have been stopped in the same way.

Both advocates then agreed that the decision of the Bench on the point should be taken as determining the future practice of the Court.

The Bench held that the case had better stop at that point.

Messrs. Betts and Gannon: Then this decision will guide the future practice of the Court.

The Police Magistrate, in giving the decision of the Bench, said they did not recognize the technical objections raised by the advocate for the defence, and that they held the bond to be perfectly good; but they must deal with the case on its whole merits. It had been distinctly stated that the defendant was told that if he left the district the bond would not be enforced; and although Captain Rossi did not recollect this, he could not give it a distinct contradiction. The verdict must therefore be for the defendant.

The verdict was received with marked signs of approbation from the bystanders.

The Court then adjourned till 2·30.

GOULBURN POLICE COURT.

MONDAY, OCTOBER 7.

(Before the Police Magistrate, and Messrs. De Lauret and Sheppard.)

Two adjourned summons cases, in which Captain Rossi, of the Goulburn Volunteers, sued Private Martyr for detention of arms and accoutrements, and of minute-book, &c., were, by consent, postponed till the 25th instant.

THE GOULBURN VOLUNTEERS—MORE POLICE COURT CASES.—By our report of the proceedings in the Small Debts Court it will be seen that on Monday last Captain Rossi sued Mr. Thomas King for £10, the amount of a bond entered into by defendant, by which he bound himself to pay the sum mentioned in the event of his not complying with the condition that he should attend regularly at the practices, &c., of the Band. It seems that Mr. King had been absent on some occasions, for each of which he had been fined; but believing that, as a journeyman, he could obtain better employment at Bathurst, he decided to leave Goulburn altogether, and accordingly he delivered up his uniform and the instrument he played to the Band-sergeant. He then left Goulburn; and Captain Rossi took out a summons against him, which was served upon him at Bathurst. A witness called for the plaintiff proved that the defendant when signing the bond was told that the penalty would not be sought to be enforced if he left the district. Several other matters cropped up during the hearing of the case, such as the fact that the bandmaster had been complained against by the members of the Band, and his services discontinued by unanimous vote of the committee, though the captain had notwithstanding chosen to retain him in his position; that the defendant was one of those who had given evidence adverse to the bandmaster; and that other members of the Band who had left had not been prosecuted. The following legal points were raised by the defendant's counsel:—First, that the defendant being a member of the Volunteer Force, no higher penalty than that provided in the 30th section of the Volunteer Act, namely £5, could be imposed; second, that it had not been proved in evidence that the captain had received the sanction of the officer commanding the Force to form a Band, and that without this sanction he had not the power to do so; third, that the defendant was induced to sign the bond by the representation that the penalty would not be enforced if he left the district; fourth, that the defendant was not supplied with competent musical instruction as member of a Band, it being shown that this was the first brass Band taught by the present bandmaster, and that the committee, whose representative the present plaintiff was, had themselves entertained complaints against the bandmaster, and unanimously agreed to dispense with his services; fifth, that the defendant had been punished for his absence from practice by being fined, and that no one can be punished twice for the one offence; and sixth, that in a Court of Equity only the damage actually sustained could be awarded, and that in this case no such actual damage had been proved. The Bench disregarded the technical objections, but gave a verdict for the defendant on the ground that when signing the bond he had been told that the penalty would not be enforced if he left the district. The decision of the Bench was received with applause by a Court more than usually crowded. During one part of the hearing of the case, the defendant's counsel having called for the production of certain documents, which were refused by the other side, characterized the prosecution as a dishonest one, whereupon Captain Rossi, though represented by an attorney, insisted on strongly protesting against the use of such an expression, and a short scene occurred, in which he had the principal part of the talk to himself. It may be mentioned that Mr. King is but a journeyman tradesman; and as going to Bathurst and returning have somewhat impoverished him, the penalty of £10 would have been a most serious loss to him, tantamount almost to ruin. Two other cases against Private and Secretary Martyr, who has lately been discharged from the Company by Captain Rossi, and who has appealed to His Excellency the Governor, and who was charged by the captain with refusing to deliver up his arms and accoutrements, and also with refusing to deliver up the minute-book, were postponed to the 25th instant.

FINDING IN THE CASE OF CAPTAIN ROSSI, GOULBURN VOLUNTEER RIFLES.

FIRST REPORT.

THE Instructions to the Court of Inquiry appointed by His Excellency the Governor to investigate this case, are contained in the following Memorandum from the Brigade Office :—

MEMORANDUM.

Brigade Office,
Sydney, 29 December, 1873.

INSTRUCTIONS for the Court of Inquiry detailed in Brigade Order of 24 December, 1873 :—

1. The Court will investigate the case of Captain Rossi, Commanding the Goulburn Corps of Volunteer Rifles, and receive his defence.

2. It will inquire into the matters set out in a Memorial to His Excellency the Governor, undated, marked—"Supposed to be dated 3rd Oct., 1872," in pencil, in left-hand corner—and matters contained in printed papers thereto attached; also, into matters set out in a second Memorial to His Excellency the Governor, dated 12th Oct., 1872, with printed documents attached.

3. It will submit its opinion as to the merits of the case, and as to whether the Goulburn Corps is likely to be benefited or not by Captain Rossi's further association with it.

4. It will sit as an open Court.

5. The attendance of a short-hand writer has been sanctioned, to facilitate the taking of evidence. It will be necessary that the gentleman performing this duty be sworn to take down the evidence correctly.

JOHN RICHARDSON,
Lt.-Col., Commandant.

The charges set forth in the Memorial referred to are as follows :—

Assault, by Captain Rossi on Corporal Fuller in the ranks.

Assault, by Captain Rossi on Sergeant Mawson.

Resignation of two different committees.

Resignation of all the corporals save one.

Dismissal, on apparently trivial grounds, of Privates Chambers and Morris.

Appointment as sergeant of Private Hayley—a mere youth—over the heads of men of mature age, which appointment was therefore most distasteful to the Company.

The order to Private Robinson when in plain clothes to give the military salute, in contravention of Regulation 88, and the severe censure passed upon him by Colonel Richardson for non-compliance, without Private Robertson being allowed to reply.

The dissolution of the Rifle Association, owing to the refusal by Captain Rossi of the use of the targets, notwithstanding that the rules of the Association had been sanctioned by himself.

The public reprimand of Corporal (now Private) Clarke, for saying, at a non-military meeting, that the Captain had committed an error of judgment in bringing about the dissolution of the Association.

The dismissal, unheard, of Private and Secretary Martyr, whose case is now before your Excellency, on petition from the party aggrieved.

Summoning Mr. Martyr before the Police Court for not returning his arms and accoutrements, notwithstanding its being known that the appeal to your Excellency was pending.

Disputes between the members of the Band and the bandmaster, and the retention of the latter in his situation, notwithstanding a unanimous vote of the committee dispensing with his services.

Attempts, supported by threats, to get members of the Band—many of them boys—to sign a document which your memorialists are informed is an acknowledgment that they had been guilty of falsehood in their complaints against the bandmaster.

Increasing the weekly subscriptions to a higher rate than in any other Company, without taking a regular vote, and refusing recruits the right to vote, notwithstanding that they were called upon to pay the increased rate.

Dismissal of Private Paris, who, believing the increased rate to be illegally imposed, refused to pay more than the former subscription.

Several Police Office cases between Captain Rossi and members of the Company, some arising out of non-payment of the increased rate of subscription.

Imperfect and unsatisfactory manner of keeping the Company accounts.

The Court commenced its sittings at Goulburn on Tuesday, 30th December, 1873, and concluded them on Tuesday, 6th January instant.

Thirty-five witnesses were heard on oath, who were examined and cross-examined by Mr. Davies on behalf of the Memorialists, and by Captain Rossi in defence.

The whole of the evidence was taken down by a shorthand writer, but the greater portion of it has not yet been transcribed, owing to the protracted sittings of the Court, and consequently no opportunity has been afforded for its perusal. A detailed report upon the various charges is therefore at present impossible; but the Court feels itself in a position to express a general opinion upon the merits of the case, and deems it desirable to do so without further delay, in view of the public interest attaching to the Inquiry.

With regard, then, to the charges contained in the Memorials,—The Court considers some of them to be of an unimportant character; and others to relate to cases which have been dealt with by Captain Rossi in strict accordance with his duty as Commanding Officer of the Corps; while in all they find that his action has been sustained either by advice or instructions from the Commandant. There are, however, certain cases of dismissal which will receive the further consideration of the Court as soon as the Evidence is ready for perusal.

If the investigation had been confined to the charges stated, there would have been no grounds for a Finding seriously adverse to Captain Rossi, but the third clause of the Instructions before quoted gave a wider and more general scope to the Inquiry; and the Court desires to state distinctly that the conclusions at which it has arrived under this portion of its Instructions, are in the main based upon reasons separate from any consideration of the specific charges referred to.

In pursuance of this general instruction, the Court proposed for its own consideration the following questions :—

(1.) Is it true, as generally alleged, that the Goulburn Corps of Volunteer Rifles is in a state of disaffection and hostility towards Captain Rossi, as the Commanding Officer?

(2.) If so, has Captain Rossi's management of the Corps led or contributed to this state of affairs?

(3.) If such a state of disaffection and hostility does exist, is there any probability of its being allayed so long as Captain Rossi remains Commanding Officer?

(4.) What is the state of public feeling in Goulburn in reference to the affairs of the Corps?

After a most anxious consideration of these several questions, the Court has arrived at the conclusion that a very considerable number of the oldest and most influential members of the Corps are decidedly hostile and disaffected towards Captain Rossi; and that from a want of tact and prudence he has himself largely contributed to bringing about this result. By an over-rigid application of military rule and a habit of dealing inflexibly with supposed breaches of etiquette—practices which might be correct enough in the government of a purely military body, but which are wholly inapplicable to a Volunteer Corps—Captain Rossi has caused occurrences of quite a trivial character to become sources of chronic irritation amongst the members of the Corps, and to be magnified, ultimately, into public grievances. In this way he has impaired his influence with the Corps, and lost the sympathy and support of the inhabitants of Goulburn. It is necessary to remark, that the evidence elicited and adduced by Captain Rossi in his defence confirmed the Court in these views more than anything that was proved, or even urged, against him by his accusers.

For these reasons, the Court has unanimously arrived at the conclusion that neither the Goulburn Corps nor any one connected with it is likely to be benefited by the retention of Captain Rossi as Commanding Officer, and is of opinion that he should be relieved of the Command and allowed to retire.

While, however, the Court is of opinion that this course is the only one that would be expedient in the circumstances of the Corps and the state of public feeling in Goulburn regarding it, it is also of opinion that Captain Rossi is entitled to great consideration. It is manifest that by many he is held in good esteem, and there is abundant proof that as an Officer he is zealous almost to enthusiasm—not unmixed with the most kindly thoughtfulness towards many members of the Corps.

The Court is of opinion, finally, that whatever steps may be taken in the matter, nothing should be done with the intention of inflicting punishment upon Captain Rossi, but rather that he should meet with that generous consideration which should be accorded to one who has laboured hard and earnestly in the effort to discharge an onerous public duty, and of whom the worst that can be said is, that he has worked "not wisely, but too well."

P. L. C. SHEPHERD,
Major, President.

JOHN H. GOODLET,
Major, Com. Sub. Battln.

THOS. RICHARDS,
Major, 1st S.B.V.R.

} Members.

SECOND REPORT.

SINCE sending in their general opinion on the 13th ultimo, the Members of the Court have perused the evidence, books, and documents before them; and, having given all the circumstances of the case their most careful consideration, have arrived at the following opinions upon the several charges set forth in the Memorial, namely:—

1. *Assault by Captain Rossi on Corporal Fuller in the ranks.*

The alleged assault was not committed in the ranks. It was indiscreet on the part of Captain Rossi to lay his hand, however lightly, on Corporal Fuller; but, under the circumstances disclosed, his doing so could scarcely, by the most strained construction, be termed an assault. The charge is unimportant.

2. *Assault by Captain Rossi on Sergeant Mawson.*

Captain Rossi was not justified in laying his hand on Sergeant Mawson; but the Court regards the charge as frivolous.

3. *Resignation of two different Committees.*

Captain Rossi's action in regard to these circumstances was correct; but the quarrel might have been avoided by the exercise of tact on his part.

4. *Resignation of all the Corporals save one.*

Captain Rossi is fully exonerated. Having the sole control in the appointment of non-commissioned officers, he had a perfect right to make any arrangements or establish any tests he considered proper in order to satisfy himself of the efficiency of the candidates.

5. *Dismissal on apparently trivial grounds of Privates Chambers and Morris.*

Privates Chambers and Morris were decidedly wrong; but the Court is of opinion that a severe reprimand would have been a more fitting punishment than dismissal.

6. *Appointment as Sergeant of Private Hayley—a mere youth—over the heads of men of mature age, which appointment was therefore most distasteful to the Company.*

There are no grounds for complaint, and Captain Rossi appears to have acted with perfect fairness.

7. *The order to Private Robertson, when in plain clothes, to give the military salute, in contravention of Regulation* 88, *and the severe censure passed upon him by Colonel Richardson for non-compliance, without Private Robertson being allowed to reply.*

Captain Rossi took up an untenable position, and was wrong in demanding a salute from a member of the Company while such member was out of uniform.

8. *The dissolution of the Rifle Association, owing to the refusal by Captain Rossi of the use of the Targets, notwithstanding that the Rules of the Association had been sanctioned by himself.*

Captain Rossi had a right to forbid the use of the Targets; but he might have avoided all difficulty by exercising his undoubted authority with more consideration towards the Association.

9. *The public reprimand of Corporal (now Private) Clarke, for saying, at a non-military meeting, that the Captain had committed an error of judgment in bringing about the dissolution of the Rifle Association.*

The reprimand of Corporal Clarke in this instance was unjustifiable.

10. *The dismissal unheard of Private and Secretary Martyr, whose case is now before your Excellency, on Petition from the party aggrieved.*

Private Martyr was dismissed for protesting against the alteration, by Captain Rossi, of the Minutes in an irregular and informal way, and for characterizing such altering as "tampering with the Minutes." Private Martyr, as Secretary, was responsible for the correctness of the Minutes, and, in objecting to their being altered without the formal consent of the Committee, he did nothing more than was required of him by virtue of his office. The word "tampering" may be regarded as an unnecessarily strong term, and it would have been wise of Mr. Martyr to have withdrawn it when the opportunity of doing so was afforded him; but, nevertheless, the Court is of opinion that, under the circumstances, its use did not furnish sufficient reason for dismissing him without previous inquiry.

11. *Summoning Mr. Martyr before the Police Court for not returning his arms and accoutrements, notwithstanding its being known that the appeal to your Excellency was pending.*

Captain Rossi, as custodian of the Government property used by the Corps, was right in taking all necessary steps for securing the return of Private Martyr's arms and accoutrements.

12. *Disputes between the members of the Band and the Bandmaster, and the retention of the latter in his situation notwithstanding a unanimous vote of the Committee dispensing with his services.*

Captain Rossi, being personally responsible, was quite justified in protecting himself against legal liability.

13. *Attempts, supported by threats, to get members of the Band—many of them boys—to sign a document which your Memorialists are informed is an acknowledgment that they had been guilty of falsehood in their complaints against the Bandmaster.*

Captain Rossi appears to have been actuated by motives of kindness in this matter.

14. *Increasing the weekly subscription to a higher rate than in any other Company, without taking a regular vote, and refusing Recruits the right to vote, notwithstanding that they were called upon to pay the increased rate.*

Captain Rossi was not to blame in this matter, although there seems to have been some slight irregularity in putting the Resolution to the vote at the second meeting.

15. *Dismissal of Private Paris, who, believing the increased rate to be illegally imposed, refused to pay more than the former subscription.*

Private Paris's conduct was ill-advised and improper, but, under the circumstances, a severe reprimand and caution in the first instance would have been sufficient.

16. *Several Police Office cases between Captain Rossi and members of the Company, some arising out of non-payment of the increased rate of subscription.*

Captain Rossi simply performed his duty in instituting proceedings in these cases, and in regard to the Company subscriptions he was set in motion by the Committee.

17. *Imperfect and unsatisfactory manner of keeping the Company accounts.*

The Court fails to see that any blame attaches to Captain Rossi in regard to this matter.

With this, its final opinion, the Court begs to transmit Minutes of Proceedings, together with Evidence taken, and all papers and documents handed in, during the course of the Inquiry.

P. L. C. SHEPHERD,
Major, V.A., President.

JOHN H. GOODLET,
Major, Com. Sub. Battln.

THOS. RICHARDS,
Major, 1st S.B.V.R.

} Members.

Volunteer Artillery Office,
2 February, 1874.

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GOULBURN VOLUNTEER CORPS:
(CASE OF CAPTAIN ROSSI.)

HIS EXCELLENCY THE GOVERNOR to LIEUT.-COLONEL RICHARDSON.

Government House,
Sydney, 4 February, 1874.

SIR,

I have carefully considered the papers (herewith returned) in connection with the Court of Inquiry recently appointed to investigate the frequent disagreements in the Goulburn Volunteer Corps, and I concur in the general conclusions embodied in the Report.

It appears to me that the best course to adopt in the first instance will be to forward a copy of the Report to Captain Rossi; as I feel sure that, on perusing it, his zeal for the Service will at once lead him to relinquish voluntarily a position which I am of opinion he can now no longer retain with advantage to the public or credit to himself.

I have also to request that you will convey to the President and Members of the Court my sense of the able and efficient manner in which they have conducted the Inquiry entrusted to them.

I have, &c.,
HERCULES ROBINSON.

CAPTAIN ROSSI to HIS EXCELLENCY THE GOVERNOR.

To His Excellency SIR HERCULES GEORGE ROBERT ROBINSON, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief of the Colony of New South Wales and its Dependencies, and Vice-Admiral of the same.

YOUR EXCELLENCY,

With reference to the communication addressed to Lieutenant-Colonel Richardson, in which your Excellency is pleased to suggest that I should relinquish voluntarily my position as Captain of the Goulburn Volunteer Rifle Corps, I beg most respectfully to say that I feel I cannot at present, with justice to myself, act upon your Excellency's suggestion; and I beg most respectfully to lay before your Excellency the reasons which appear to justify me in arriving at this conclusion.

The Court of Inquiry which assembled in Goulburn on the 30th December was, as I was informed by letter from the Brigade Office, dated 25th December, 1873, "to investigate and record an opinion upon certain matters connected with the *conduct* of Captain Rossi, commanding the Goulburn Corps of Volunteer Rifles." This letter was accompanied by a Brigade Order, which was in precisely the same terms; and the letter itself went on to say, "I am directed to forward to you copies of two Memorials in which the matters laid to your charge are set out," &c. I annex copies of these two letters, and by them your Excellency will observe that I was clearly and distinctly called upon to meet the charges set out in the Memorials referred to, and, inferentially, nothing else. I accordingly prepared and conducted my defence solely and exclusively to refute these charges, believing that the Report of the Court of Inquiry would be based upon whatever opinion they might form of my conduct in reference to these matters. Turning, then, to the Report of the Court, I respectfully ask your Excellency to say whether I have not on the whole succeeded in justifying my conduct upon the matters laid to my charge. I submit that the Court have decided substantially in my favour in nearly every one of the eighteen charges mentioned in the two Memorials; for they report that "the Court consider some of them to be of an unimportant character, and others to relate to cases which have been dealt with by Captain Rossi in strict accordance with his duty as Commanding Officer of the Corps," while in *all* they find, "that his action has been sustained either by advice or instructions from the Commandant." The Court, however, draw attention to certain cases of dismissal, namely, those of Chambers and Morris, Martyr and Paris. As to the dismissal of Chambers and Morris, the Court state that these gentlemen were decidedly wrong, but that a severe reprimand would have been sufficient. Upon this I beg to point out, as the evidence shows, that a Court of Inquiry was specially appointed to and did inquire into the conduct of Chambers and Morris; and such Court, after hearing the evidence of the accused, reported to the Commandant, who thereupon directed their dismissal, which recommendation was carried into effect. So the dismissal can scarcely have been said to be my act at all. As to the case of Mr. Martyr, the Court is of opinion that his conduct did not furnish sufficient reason for his dismissal without previous inquiry. Here, again, I acted as advised by the Commandant, whose written opinion upon the case, conveyed to me through Major Hales, was in the following words:—"If I were in Captain Rossi's place, I should dismiss the Volunteer referred to from the Corps, for insubordinate conduct.—J.R., Comdt., 20/8/72." And not only so, but a Court of Inquiry, also specially appointed to take evidence in this matter, decided the dismissal was proper, whereupon your Excellency decided that Mr. Martyr could not be reinstated. The

My letter, with the memo. indorsed, is hereto annexed.

The only other case of dismissal is that of Paris, as to whom the Court say that his "conduct was ill-advised and improper," but under the circumstances a severe reprimand would have been sufficient in the first instance. As mentioned in my defence, Private Paris was insubordinate from the time he joined the Corps; and when I referred the matter of his dismissal to the Commandant, through Major Brown, he decided that, under the circumstances, I had acted rightly. The only other charge upon which the Court say that I was not justified is No. 9, as to which the Court is of opinion that the reprimand of Corporal Clarke was not justifiable. I again refer to the evidence and documents, by which it will appear that I was directed by the Commandant to "caution" Corporal Clarke, which, as I implied, was to be done on parade, more especially as his condemnation of my conduct was in public and was published in the papers.

Upon the above four charges, therefore, in which the Court to some extent attach blame to my conduct, I beg to ask your Excellency to be so good as to examine the evidence and papers, when I venture to hope that your Excellency will arrive at the conclusion that there are not grounds to condemn me, even upon the four charges named. Should your Excellency, however, after considering the facts above-mentioned, and which are established by the evidence, fail to come to such a conclusion, I would still submit, considering the number and variety of the charges against me, that the decision of the Court is substantially in my favour; and having explained or refuted the charges laid against me, I would respectfully urge upon your Excellency that I have done all that according to the copy Brigade Order I was called upon to do. I am now informed, however, for the first time, that the third clause of the instructions to the Court gave a wider and more general scope to the inquiry. The letter with which the copy of the Brigade Order was enclosed to me, apparently purported to send a copy of such Order in full. It appears now, however, that the Order in question contained five clauses, but only a copy of one of such clauses was forwarded to me; and though the letter I have mentioned referred indirectly to the second clause, no reference whatever was made to the third clause. This instruction is as follows:—

> "3. It will submit its opinion as to the merits of the case, and as to whether the Goulburn Corps is likely to be benefited or not by Captain Rossi's further association with it."

It was not in any way important that I should be informed of clauses 4 and 5 of the instructions, but it was most essential that clause 3 should have been communicated to me; for while I was confining my attention and directing my efforts to refuting all that I had any notice I should be called upon to refute, the Court was engaged in a further and different consideration, and was seeking to form an opinion upon a matter and a question which I did not know of, and which I could not anticipate formed any part of the inquiry. This portion of the instructions to the Court, I respectfully contend, should have been communicated to me with the letter informing me of the object of the inquiry; otherwise, how could I be prepared with evidence upon this question, or know that it was important or necessary that I should go into any such inquiry at all? Under this head of "*their inquiry*," the Court, as stated in their finding, proposed to themselves four questions—not one of which questions I had ever been called upon, or given to understand that it was necessary for me to meet, or for the Court to arrive at any decision upon. The witnesses examined against me were called to prove the charges set out in the Memorials; and as these charges were, to a great extent, complaints by persons who had been dismissed, alleged to have been assaulted, or reprimanded by me, it is manifest that the answers of these few persons to the four questions mentioned by the Court could not be expected to be in my favour. I respectfully but distinctly state that the Court did not enter upon an examination which could sufficiently and fairly put these questions to the test. It is true the Court say they were confirmed in their views by the evidence educed and elicited by Captain Rossi in his defence, but I respectfully submit that the evidence "educed and elicited" by me does not justify this remark; but whether this be so or not, the witnesses called by me were not called to prove that the Corps would be benefited by my further association with it, and I distinctly state that I called no witness to testify as to whether the Corps would be benefited by my further association with it or not, because, as already stated, I was not aware that the Court were directed to make this inquiry. Had I been so aware, I would and could have called witnesses who would, I fully believe, have induced the Court to come to a different conclusion.

To show that the Corps has not suffered by my retaining the command, I would refer your Excellency to the evidence which proves that the Corps now possesses the full number allowed, and that there are twenty-seven recruits waiting for vacancies—a larger number than there has ever been at any time previous; also to the fact that the number of efficients for 1873 is greater than in any previous year, and that the state of the Corps, as regards efficiency, has gone on steadily increasing each year. I may also add that there have lately been repeated applications to join the Band; and the Colours, which were most expensive, and about which so much was said, have been fully paid for. Upon the question put by the Court as to whether the state of disaffection (assuming any to exist), is likely to be allayed, I would ask that the evidence of Sproule, that there have been no quarrels since Martyr's dismissal,—the evidence of Mawson, Wilkie, Clarke,

Clarke, and others, that there is now, and has for some months past, been no cause of complaint,—may be taken into account, as showing that there is no reason to believe that the unpleasantness which has occurred will be continued.

With reference to the general opinion of the Court, sent to your Excellency on the 13th January, I cannot but observe that such Report was drawn up before the Court had an opportunity of perusing the evidence taken down by the shorthand writer; and in this opinion the Court state that if the investigation had been confined to the charges stated, there would have been no grounds for a finding seriously adverse to me. They also say that the Court desires to state distinctly that the conclusions at which they have arrived are, in the main, based upon reasons separate from any consideration of the specific charges referred to. As to the first statement, I again ask permission to point out that, so far as my information extended, the investigation was most clearly confined to the charges stated—the Brigade Order and the letter which accompanies it make no mention of, and I was never informed that the investigation would extend to any other matter whatever; so that while the Court, as they affirm, arrived at their conclusions upon reasons separate from any consideration of the charges referred to, those charges, according to my instructions, were the only consideration by which I was to be affected and to which my attention was directed.

If, as the Court state, that upon the charges laid against me there could be no finding seriously adverse to me, then I submit for your Excellency's consideration whether the question of the benefit to the Corps by my further connection with it ought to arise. The charges laid embraced everything that could be alleged against me; and having substantially obtained an acquittal upon these complaints, I ought not to be subject to condemnation simply because upon other grounds the Court appear to think that the Corps would be benefited by my removal. I would ask how many persons there are in the Public Service occupying important positions, and against whose conduct there could be no finding seriously adverse, but at the same time whose removal would be regarded by some as a benefit to the public; and yet to compel such persons to resign or to remove them against their will would be the greatest injustice. The utmost the Court find against me, in their general Opinion, based, however, apart from the consideration of the charges upon which I was called upon to defend myself, is a "want of tact and prudence," "an over-rigid application of military rule," and "a habit of dealing inflexibly with supposed breaches of etiquette,"—practices which they allege are inapplicable to a Volunteer Corps. An examination of the Report referred to will show that this is the extent of their condemnation of my conduct; while they find in my favour "that Captain Rossi is entitled to great consideration," "that by many he is held in good esteem," that "there is abundant proof that as an officer he is zealous almost to enthusiasm, not unmixed with the most kindly thoughtfulness towards many members of the Corps,"—that he has laboured hard and earnestly in the effort to discharge an onerous public duty, and that the worst that can be said of him is that he has worked "not wisely, but too well." I would beg to point out that, in the cases of members of my Corps whose conduct is admitted to have been decidedly wrong, the Court express an opinion that a reprimand would in the first instance have been sufficient. Now, in my own case, in no instance does the Court go so far as to say that I have (to use their own words with reference to other cases) been "decidedly wrong"; and with reference to the remark that I have acted not wisely but too well, I would observe, as your Excellency will gather from the evidence and papers, that whenever any question has arisen I have invariably sought and followed the direction and advice of my superior, in the full belief that this would be my wisest and safest course.

I must now submit that if I were to resign my position at the present time, such resignation would be voluntary only in name. By myself, by my friends and the public at large, my resignation would be regarded in no other light than as a compulsory removal and as a punishment; and I feel most conscientiously, and respectfully and earnestly submit to your Excellency that, in my own conduct, and I may even say in the Report of the Court itself, no sufficient grounds exist or have been shown to render it necessary that such an extreme step should be taken.

If I may be permitted to do so, I would beg of your Excellency to read the annexed declaration by Anthony Rogers, a member of the Corps, as showing the expressed opinion of Mawson, one of the witnesses against me, upon the question as to whether my resignation would be a benefit to the Corps.

In conclusion, I would state that the references which I have made to the decision of the Court of Inquiry have not been by way of criticism, but only for the purpose of setting clearly before your Excellency the reasons which I would urge upon your attention as justifying me in venturing to take a course different from that which your Excellency has been pleased to suggest as the one which the Finding of the Court should lead me to adopt.

I have, &c.,

F. R. L. ROSSI,

Captain, G. V. Rifles.

Enclosures to the foregoing letter from Captain Rossi to His Excellency the Governor.

[*Enclosure* 1.]

Rossiville, Goulburn,
24 December, 1873.

Sir,

Having reference to the telegram informing me that a Court of Inquiry will assemble on my case at Goulburn, at 10 a.m. on Tuesday next, I have the honor respectfully to request to be informed whether I am to meet such evidence as shall be advanced against me, or in what manner it is purposed to initiate the proceedings. Without such information I am quite at a loss to know for what I am to be prepared; and I shall be thankful to be advised as soon as possible, if practicable, by telegram.

I have, &c.,
F. R. L. ROSSI,
Captn. G.C.V. Rifles.

Lieut.-Col. Richardson.

[*Enclosure* 2.]

No. 194.

Brigade Office,
Sydney, 24 December, 1873.

Brigade Order.

1. By direction of His Excellency the Governor, a Court of Inquiry will assemble at Goulburn at 10 a.m. on Tuesday, the 30th December next, to investigate and record an opinion upon certain matters connected with the conduct of Captain Rossi, commanding the Goulburn Corps of Volunteer Rifles.

President:
Major P. L. C. Shepherd, Vol. Art.

Members:
Major J. H. Goodlet, Sub. Bn., V.R.
Major Thos. Richards, Syd. Bn. V.R.

Captain Rossi to be warned, and all evidence to attend.

By Command,
W. B. B. CHRISTIE, Captn.,
Major of Brigade.

True copy,—
W. B. B. Christie, Captn.,
Major of Brigade.

[*Enclosure* 3.]

73/691.

Brigade Office, Sydney,
25 December, 1873.

Sir,

I am directed to forward herewith, for your information, a certified copy of a Brigade Order of this day's date, directing the assembling of a Court of Inquiry to investigate and record an opinion upon certain matters connected with the conduct of Captain Rossi commanding the Goulburn Corps of Vol. Rifles.

I am also directed to forward to you copies of two Memorials *in which the matters laid to your charge are set out*, a list of the witnesses who gave evidence before the Committee of the Assembly and the Court of Inquiry held in Goulburn; also the papers in which your defence made before the Court of Inquiry was set out.

Requesting you will be good enough to acknowledge receipt of these papers,—

I am, &c.,
W. B. B. CHRISTIE,
Major of Brigade.

Captain Rossi.

1. Copy Brigade Order.
2. Memorial undated, and memo. as to newspaper matter.
3. Memorial dated 12th Oct., 1872, with memo. of printed matter accompanying.
4. Papers connected with defence made before Court of Inquiry.

[*Enclosure* 4.]

Goulburn, 13 August, 1872.

Sir,

When the Committee of my Company lately met me for the transaction of business, the Honorary Secretary, a private of Company, behaved himself in a very unseemly manner; while at the preceding meeting, when I was speaking, he called out "*all bosh*," and I had to require his apology.

On the occasion to which I now more especially refer, he produced the Minute Book, but he had *designedly omitted* to introduce certain important remarks I had made at the previous meeting, and which I had so particularly desired to have noted that I had taken the precaution of sending a memo., requesting this to be done, to the Honorary Secretary. At the meeting, finding however that he had not complied with my wishes, I said to him—"Have I not asked you to place my remarks on the Minutes?" He replied "*I do not care what you told me;*" whereupon I myself wrote down in book what I wished to have inserted, and while doing so the Honorary Secretary said "*I protest against the Minutes being tampered with.*"

I have hesitated to bring before you this matter, and probably would not have done so, but last night in Committee the Honorary Secretary reiterated, by his insertion in Minute Book of the same words, his expression of my *tampering* with the Minutes.

I requested him to withdraw those words, as I thought he could not be aware of their import. He refused to do so, although I remonstrated with him; whereupon I told him I should have to take notice of what he had done.

May I ask to be kindly informed what course I should adopt under these circumstances. We were both in uniform.

I have, &c.,
F. R. L. ROSSI,
Captain, G. C. V. Rifles.

Lieut.-Colonel Richardson.

Major Hales.—If I were in Capt. Rossi's place, I should dismiss the Volunteer referred to from the Corps, for insubordinate conduct. B.C., 20/8/72.—J. S. R., Lieut.-Col., Commandant.

Memo.—Captain Rossi will be good enough to return this to me when he has perused the Commandant's remark.—F. B. Hales, Major, Commanding Western Battalion. Bathurst, 23rd August, 1872. Returned to Capt. Rossi,—J. S. R., Lieut.-Col. Commanding, 16/9/72.

Received second time, 25 Sept., 1872.

Returned from Capt. Rossi. 18/4/73, T. B., Capt.

[*Enclosure* 5.]

In the Colony of New South Wales. *Declaration.*

I *Anthony Rogers*, of Goulburn, in the Colony of New South Wales, coachman, do solemnly and sincerely declare as follows:—I am a member of the Goulburn Corps Volunteer Rifles. Soon after the Report of the Select Committee was made known, myself and several other members of the Corps were speaking upon the question of Captain Rossi's removal; Sergeant Mawson was amongst them, and he stated, in the presence of myself and others, that if Captain Rossi resigned, he (Sergeant Mawson) would be one of the first to ask him to come back again.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Act 9 Vic. No.

ANTHONY ROGERS.

Taken and declared before me, this 10th day of February, A.D. 1874, at Goulburn,—
C. S. Alexander,
A Justice of the Peace.

MINUTE

MINUTE BY THE GOVERNOR FOR THE EXECUTIVE COUNCIL.

I HAVE to lay before the Executive Council the accompanying further papers in Captain Rossi's case:—

(1.) Report of Court of Inquiry lately held at Goulburn with reference to Captain Rossi's management of the Goulburn Volunteer Corps.

(2.) Supplementary Report of Court, with Minutes of Evidence and connected papers in the case.

(3.) Copy of a letter addressed by me to the Commandant, dated 4th February, 1874, inviting Captain Rossi to retire from his position as Captain of the Goulburn Volunteer Corps.

(4.) Letter from Captain Rossi declining to act upon this suggestion.

It is impossible, I think, after a careful perusal of these papers, to arrive at any other conclusion than that Captain Rossi is not well fitted for the command of a body of Volunteers, and that it is desirable in the interests of the public that his services should be dispensed with. I regret that Captain Rossi has apparently failed to appreciate the consideration with which he has been treated, and that he has not thought it due to both the Service and himself to relinquish voluntarily a position for which he is, in the opinion of competent and impartial judges, unsuited. I may add that his mode of meeting my suggestion is in itself a strong corroboration of the correctness of the general Finding arrived at by the Court, and I have no hesitation therefore in submitting to the Executive Council the propriety of relieving Captain Rossi from his command by dispensing with his further services in that capacity.

HERCULES ROBINSON.

Government House,
11th February, 1874.

PROCEEDINGS of the Executive Council, on the 12th day of February, 1874, with reference to the case of Captain Rossi, of the Goulburn Corps of Volunteer Rifles.

HIS Excellency the Governor lays before the Council the Reports and other papers connected with the Court of Inquiry, lately held in Goulburn, with reference to Captain Rossi's management of the Goulburn Volunteer Corps.

His Excellency also lays before the Council a Minute, setting forth his views on the case, and expressing his opinion that Captain Rossi's services as Captain of the said Corps should be dispensed with.

2. The Council having considered the Reports and other papers herewith submitted, concur in the opinion expressed by His Excellency the Governor, in the Minute above referred to, and advise that the services of Captain Rossi, as Captain of the Goulburn Corps of Volunteer Rifles, be dispensed with.

ALEX. C. BUDGE,
Clerk of the Council.

Approved.—H.R., 12/2/74.

HIS EXCELLENCY THE GOVERNOR to LIEUT.-COLONEL RICHARDSON.

Government House,
Sydney, 12 February, 1874.

SIR,

I have carefully considered in Executive Council the Report of the Military Court recently assembled at Goulburn to inquire into Captain Rossi's case, together with that Officer's reply to my letter to you of the 4th instant; and, acting on the advice of the Executive Council, I have arrived at the conclusion that it is desirable to dispense with Captain Rossi's further services as Commanding Officer of the Goulburn Volunteer Corps.

I enclose, for communication to Captain Rossi, a Minute of the proceedings of the Executive Council in his case, and request that you will take the necessary steps for carrying the decision thus arrived at into effect.

I have, &c.,
HERCULES ROBINSON.

GOULBURN VOLUNTEER CORPS:

(CASE OF CAPTAIN ROSSI.)

MINUTES OF PROCEEDINGS AND EVIDENCE.

LIST OF WITNESSES.

For the Prosecution.

NO.		PP.
1.	Mr. R. Chambers	55
2.	Private H. S. Clarke	19 & 77
3.	„ D. Cleary	11
4.	„ H. G. Clegg	74
5.	„ J. B. Craig	54
6.	Mr. W. Davies	13
7.	Mr. R. Fenton	79
8.	Private C. S. Fuller	78
9.	Mr. J. Hadfield	72
10.	Mr. G. Martyr	1
11.	Private B. Mawson	28
12.	Mr. J. S. Paris	47
13.	Mr. W. R. Riley	56
14.	Private W. F. Robertson	50
15.	Quartermaster-sergeant A. Sproule	36 & 42
16.	Sergeant J. J. Trenery	61 & 66
17.	Mr. M. Walker	77

For the Defence.

NO.		PP.
1.	Private J. Cole	90
2.	„ W. Cole	89
3.	„ C. E. Coleman	92
4.	Lieutenant W. Chisholm	85
5.	Mr. W. Conolly	82
6.	Mr. G. Fyfe	93
7.	Private J. Hogan	88
8.	„ J. Horton	88
9.	„ M. Hurley	96
10.	Mr. W. Kershaw	80
11.	Private E. J. Lenehan	84
12.	„ T. M'Hugh	82
13.	„ J. O'Sullivan	81
14.	„ A. Rogers	94
15.	„ A. Sherring	91
16.	Corporal T. Wilkie	93
17.	Private A. Wilson	90
18.	Mr. J. H. Woodhill	95

Captain Rossi's statement 98

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GOULBURN VOLUNTEER CORPS—CASE OF CAPTAIN ROSSI.

PROCEEDINGS of a COURT OF INQUIRY assembled at Goulburn, on the 30th December, 1873, by direction of His Excellency the Governor, bearing date 24th December, 1873, to investigate and record an opinion upon certain matters connected with the conduct of Captain Rossi, Commanding the Goulburn Corps of Volunteer Rifles.

President :

Major P. L. C. SHEPHERD, Vol. Art. Bde.

Members :

Major J. H. GOODLET, Sub. Batt. Vol. Rifles.
Major THOS. RICHARDS, Sydney Batt. Vol. Rifles.

TUESDAY, 30 DECEMBER, 1873.

Present :—

MAJOR P. L. C. SHEPHERD, VOLUNTEER ARTILLERY, President.
MAJOR J. H. GOODLET, SUBURBAN BATTALION, VOLUNTEER RIFLES.
MAJOR THOS. RICHARDS, SYDNEY BATTALION, VOLUNTEER RIFLES.

The Court was opened in the Court House, Goulburn, at Eleven o'clock a.m.

The President read the Brigade Order, bearing date the 24th December, 1873; and the members of the Court made the usual declaration.

The shorthand writer, Mr. Chas. Robinson, was duly sworn.

The President read the memorial to His Excellency the Governor, marked "supposed to be dated 3rd October," from Messrs. William Davies, John Walsh, W. R. Riley, and William Murray Russell; and also the memorial from Messrs. Davies, Walsh, Riley, and Russell to His Excellency the Governor, dated Goulburn, 12th October, 1872.

Mr. W. R. Riley was called to give evidence, but did not appear.

A letter was received from J. W. Chisholm, J.P., Esq., acknowledging the receipt of summons, and declining to give evidence.

The memorialists and the defendant were permitted to consult their legal advisers throughout the proceedings, but professional gentlemen were not permitted to address the Court.

Authority was given to the memorialists to examine witnesses through the Court.

George Martyr was called and duly sworn :—

Captain Rossi applied that all witnesses should be ordered to leave the Court.

The Court directed that all witnesses, other than those who had signed the memorial, should be ordered to leave the Court.

Witnesses withdrew.

Examination by the Court :—

G. Martyr.
30 Dec., 1873.

1. Your name is George Martyr, I believe? Yes.
2. You have heard the charges read? I have.
3. You were at one time a member of the Goulburn Volunteer Corps? Yes; from the commencement.
4. What rank did you hold? I was a private, and also secretary. Soon after the formation of the Corps I became secretary to the Corps, on the resignation of Lieutenant Windeyer.
5. Have you been examined before on charges similar to those which you have heard read to-day? Yes; I was examined before the Select Committee of the Legislative Assembly.
6. Are you willing that the evidence then given by you should be taken as your evidence now? Yes.
7. Is the evidence which you gave before the Select Committee true? It is.

President.] Have you, Captain Rossi, any objection to that evidence being adopted as the evidence of Mr. Martyr? *Captain Rossi.*] Not at all.

The evidence of Mr. George Martyr, given before the Select Committee of the Legislative Assembly, on the 20th February, 1873, was read by the Court, and, together with Appendices B 1, B 2, B 3, and B 4, were admitted by the witness as follows :—

8. You were at one time connected with the Goulburn Volunteer Corps? I joined it at the commencement.
9. What were you in connection with it? A private; and from early in 1869, honorary secretary, up to the date of my dismissal.
10. At what time was the Company formed? In November, 1868.
11. When were you elected secretary? Some time in 1869, after Ensign Windeyer left.

G. Martyr. 12. How long did you fill that office? Four years.
13. You had no recompense for performing the duties? None whatever.
30 Dec., 1873. 14. You are aware what this Committee is appointed for? I am.
15. Are you acquainted with the particulars of any of the disagreements that have occurred? I think it would save the Committee a good deal of trouble if I begin from the beginning, and state what I know. I became secretary in 1869. Captain Rossi joined as captain after I became secretary. A few months after he joined, at a meeting of the committee—a full committee, I believe, at the time—consequent upon some disagreements which had arisen in connection with the appointment of quartermaster and colour-sergeants, one of the committee—Sergeant Welby—wished to make an explanation in connection with the part he had taken. Sergeant Cleary, also a member of the committee, wished to do the same. Captain Rossi said he would have no explanation whatever. They persisted, and he told them that if they did persist he should leave the chair. Finding then that we could not act with credit to the Company, the two sergeants, Corporal Clarke, and myself, resigned; the other three did not. Upon the earnest request of Lieutenant Alexander, I withdrew my resignation, and became again secretary. That was the first disagreement in the Company, consequent upon Captain Rossi's overbearing conduct in committee. The next case that I call to mind was at the first annual general meeting of the Company, on the 30th March, 1870. I, as secretary, had prepared a balance sheet. This balance sheet I had handed to Captain Rossi, as near as I can remember, some five or six days previous to the meeting. I heard nothing more about it until I attended the meeting. Captain Rossi, as chairman, then read a balance-sheet differing from the one I had given him, and called upon me as secretary to read the items. I told him at once that it was impossible for me to read items which made a different balance from what I myself had made. I was proceeding to explain where I believed the difference arose—for I saw what it was—when Captain Rossi, in a loud and violent manner, ordered me to be quiet, and told me I should make no explanation. I persisted in saying I would not read the balance sheet unless I did make an explanation. He then said—"I order you to sit down." I told him I would not sit down, nor would I read the balance sheet as he had prepared it. He then dissolved the meeting. We were not in uniform. He told all the men to attend the next day, or the day after, in uniform. We attended in uniform. Captain Rossi then brought up a balance sheet differing from the one he brought before, and, as near as I can tax my memory, because I had not my own returned to me, within 1s. 8d. of the balance I had made, which was accounted for by being a charge on an overdraft at the Bank, which Captain Rossi paid out of his own pocket.
16. The original balance sheet you made out was a correct one? It was. I have never seen it since.
17. What was the difference between the balance sheets? Only a few shillings; but the one Captain Rossi produced was not correct. As secretary I could not consistently read items producing a balance which I had never seen. Captain Rossi had never taken the trouble to communicate with me after I had given him my balance sheet. I believe the mistake consisted in his putting down £3 5s., instead of 3s. 5d.,—a clerical error. At this second meeting a discussion arose—I scarcely remember how—as to the right of a member to speak at the meeting unless he was in uniform. Privates Chambers and Morris were neither of them in uniform, and they insisted upon speaking. Captain Rossi ordered them to desist and would not hear them. He afterwards reported them to the Colonel, and they were dismissed upon his information.
18. Are you aware whether they were called upon for explanation? One was, I believe—Chambers.
19. Not the other? I think not the other; I could not be quite clear on that point now; I was not present when the inquiry took place. I think the next disagreement that took place was in consequence of the appointment by Captain Rossi of Private Lindsay Waugh to be quartermaster-sergeant—the youngest man in the Company—over the heads of non-commissioned officers and of privates who were much older men.
20. What was about his age? I should think he might have been twenty. No, he was not twenty; it is four years ago, and he is about twenty-two now. Another cause of grievance was a similar one—the appointment of Private Hayley, first as corporal and then as sergeant—he being another of the youngest in the Corps—over the heads of others his seniors in rank and age. I have no doubt it may be said he did pass an examination, but others were not asked to pass this examination.
21. Those who were senior to him in rank were not asked to pass the examination? No other privates were asked to pass it.
22. Do you think they would have passed the examination? I flatter myself I was as well qualified as any man in the Company, but I was not asked. I considered it a great grievance to me, because I happened to be one of the first in joining, and the oldest man in years in the Company. One of the next things was with regard to the changing of a rule. We had certain rules sanctioned by the Government, and amongst these rules was one making the amount payable by each member of the Company threepence a week. The Act does not allow them to pay more than a shilling. Through mismanagement in regard to matters of the Band, the Company had got into debt, and a general meeting of the Company was called to consider the advisability of raising the amount to a shilling a week. A proposition was made that the payment should be raised to a shilling a week for three months or six months. I believe I moved it myself. I considered that would clear us of debt. This motion was carried, but subsequently disallowed by the Commandant or the Governor. At another meeting I again proposed that the subscription should be raised to a shilling a week without any limit as to time. The motion was seconded, and when about to be put by Captain Rossi, who was in the chair—instead of putting it to the meeting, as it should have been put, and asking if there was any amendment, he got up and said: "As there is no amendment to this motion, I shall consider it carried." I knew at the time that there were sixteen or eighteen men there who wanted to propose an amendment for sixpence a week. That gave rise to a great deal of discontent and trouble in the Company, and eventuated in the dismissal of Private Paris. Paris was not present at the meeting, and knew nothing about this shilling a week being demanded. He persistently, from the beginning, declared he never would pay it, as he thought it was carried in a wrong manner, and he did not consider himself bound to pay it. He was summoned to Court by Captain Rossi for it. The case broke down, I think; but, at any rate, the result was that Captain Rossi reported it to Colonel Richardson as a breach of discipline, and Paris was dismissed for no other cause but that. I may as well remark, that it is necessary by the Act that every alteration in these rules should be sanctioned by the Governor; and since that shilling a week was carried, it has been reduced to sixpence a week, without any sanction from any one; so that the amount they are paying now is not a legal amount. With regard to the matter of the salute, that is one of the next. I know it has been the habit of Captain Rossi always to expect his men to salute him, whether

whether in uniform or not. With regard to the case of Private Robertson, I was on the ground at the time it happened. It was at a rifle match. Captain Rossi was in undress uniform, and all the competitors were in undress uniform. I was scoring. I was not in uniform. Private Robertson, after his day's work was over, walked down to see the end of the match, and as he passed Captain Rossi said—"Good evening, Captain." Captain Rossi turned round and said—"Don't you salute me?" Robertson said—"I said 'Good evening, Captain'"; Captain Rossi said—"I want the military salute"; Robertson said—"I am not in uniform, Captain"; Captain Rossi said—"No matter, I want it"; whereupon Robertson said—"I decline to give it." Captain Rossi then took him on one side, but he still declined. On that he reported him to Colonel Richardson. When the Colonel's reply came, Robertson was called to the front before the Company, some thirty-five or thirty-six being present, and publicly reprimanded by Captain Rossi, by his reading a portion of a brigade order from Colonel Richardson, but carefully forgetting to read the first part, which censured Captain Rossi for putting himself in a position to be refused.

23. That you know? That I know, because I saw a copy of the brigade order afterwards.

24. Will you attach that to your evidence? Yes. I think I can find it in one of the newspapers. (*Appendix* B 1.)

25. You know that that is what took place upon that occasion between Captain Rossi and Private Robertson? Yes, I was close by.

26. And you cannot be mistaken? I cannot be mistaken. While on the subject of this salute, there is another remark which I think goes to show Captain Rossi's puerile ideas; and I can speak from my own personal knowledge that it has been done in more cases than this. Three recruits, two of them named Curtis, brothers, and one lad named Mason Watson, came to the office, while we were in committee, to be sworn in. Captain Rossi asked me to fill in the oath of allegiance, which I did, and passed it to the boys to sign. Before signing, Captain Rossi turned to them and said—"I wish you to understand that I require all my men to salute me, whether I am in private clothes or not, whether either of us is in uniform or not; will you promise to do this?" The boys said they would, and then he took the oath from them. I do not know whether he would have refused or not if they had declined. The next case comes to the matter of the formation of the Rifle Association and its sudden collapse. Owing to little things that transpired with regard to the shooting, we thought to get off some of the restrictions which were put on the getting up of matches, by forming a Rifle Association, to consist of members and honorary members of the Volunteer Company. Captain Rossi sanctioned the formation of this Association, and I was instructed to draw out a code of rules. I did so, with the assistance of two or three others, and they were produced at a public meeting at which Captain Rossi presided. Captain Rossi distinctly declined to take any office in the Association whatever, either President or even as a member of the committee. I read the rules *seriatim*, and every one after being read was put to the meeting formally, carried, and, at my suggestion, signed by Captain Rossi, so that there could be no bother about saying the rules were not correct afterwards. This is a copy of the rules. Throughout the rules Captain Rossi is not mentioned, except perhaps in one instance, and that is this: "*Officer in command.*—At all prize meetings or meetings for practice, the senior officer of the Corps on the ground shall be the officer in command." In no other instance is any other officer named, but the sixth rule is this: "The management of the Association shall be vested in a President, Vice-President, Treasurer, and Secretary, all of whom shall be, *ex officio*, members of the committee, with a committee of eight, to be elected annually." And then the ninth rule is this: "All income, funds, and property of the Association shall be under the control of the committee, who shall also have the entire management and superintendence of all other affairs connected therewith." These are the only rules touching upon the management throughout, except with regard to the target practice. Acting upon these rules, sanctioned by Captain Rossi, a communication was made to me, I think, from the Richmond Company, to arrange a match with the Association. I, of course, did so. We arranged to shoot on a certain day. Nothing was said against it till a few days before the day appointed, when a Company order was issued by Captain Rossi, saying that the targets were not to be used on that day.

27. The targets were not wanted for any purpose? No. He would not allow any shooting that day at the targets. The order was, there should be no shooting at the targets on a certain day—the day he knew we had arranged for the match.

28. Did he assign any reason? He did not. It transpired afterwards that he did it because we had arranged this match without first asking his sanction, which sanction by these rules was not required. When this took place, John William Chisholm, Esquire, one of our oldest Magistrates, and one of the best people with regard to Volunteers in the whole district, resigned his office as President. Seeing the fix we were in, I called a meeting, as I was authorized to do by the rules, at the request of eight members, and we dissolved the Association. At this meeting, Corporal Clarke, who was Vice-President of the Association, made some remarks expressive of the pity it was that the Association was broken up—I cannot remember the exact words—and also reflecting in very mild terms upon Captain Rossi's want of tact in forcing us to do so. For this, Corporal Clarke, though a non-commissioned officer, was called to the front, in the presence of the whole Company on parade, and publicly reprimanded for what he had done as Vice-President of the Rifle Association. Captain Rossi was not present when Corporal Clarke made these remarks, and he based his censure on a newspaper report, without asking Corporal Clarke whether he had made use of the words or not.

29. Mr. J. W. Chisholm and Mr. Clarke have been a long time connected with Goulburn? Yes.

30. And have occupied positions of some distinction there? Yes.

31. Are they equal to Captain Rossi in social position? I should say above him.

32. Mr. Chisholm was a warm supporter of the Volunteer Corps? Mr. Chisholm was the best supporter we had. He gave us £40 towards our Band, and has done everything he could to further us. He has been an honorary member from the commencement.

33. Did this action of Captain Rossi lead to the winding up of the Rifle Association? Yes.

34. Was it a military meeting where Corporal Clarke made these remarks? Certainly not. It was a meeting of members of the Rifle Association, acting under their own rules, sanctioned by Captain Rossi.

35. In opening this matter with reference to the Rifle Association, you said you established it owing to the difficulty of getting up matches;—how did that difficulty arise? The difficulty arose from this—that if the secretary of any other Company wrote to me as secretary of the Goulburn Company, Captain Rossi, even though the letter stated it was written with the sanction of the Captain of the Company, would not acknowledge the letter at all. He would say that the letter must come from the Captain of the Company, and must be replied to by him as Captain of the Goulburn Company. In no other Company is that the case.

G. Martyr. 36. That is the difficulty you refer to? Yes.
37. Now with reference to your own case? This is a copy of a memorial which I sent to His Excellency
30 Dec., 1873. the Governor, at the time, and which states, as concisely as I well can, what transpired in my own case. (*Memorial read. Appendix* B 2.)
38. When you used the word "tampering," were you or Captain Rossi in uniform? We were both in uniform.
39. What reply did you receive to your memorial? After I sent this to the Governor, a Court of Inquiry was called, consisting of Major Raymond, Captain Wells, and Captain Baynes.
40. By whom was this Court appointed? By Colonel Richardson, I believe—I am not quite sure.
41. You say that Colonel Richardson recommended your dismissal on Captain Rossi's *ex parte* statement? Yes. Here is Captain Rossi's charge against me at the time. (*Letter read. Appendix* B 3.) The Court of Inquiry was held on the 12th November, but I got no notice of it from Captain Rossi till the 7th of November, though he had had it in his possession a fortnight previous. I ought to have had it a fortnight before he sent it to me.
42. There was a Court of Inquiry held? There was, at which evidence was taken on both sides. It resulted in the following. (*Letter read. Appendix* B 4.) I may mention that we had had a long and tedious inquiry, night after night, sometimes up to 2 o'clock in the morning, into charges made by the bandsmen against the bandmaster, which terminated in the committee unanimously agreeing that the bandmaster's services should be dispensed with. That resolution having been carried, I handed it over to the commanding officer, as I always did, in writing, but he refused to act upon it, and has not acted upon it up to this day. Mr. Deane remained as bandmaster up to the expiration of his engagement. There have been other disagreements in the Company with regard to promotions, which led not long ago to the resignation of four of the corporals. Corporal Clarke knows more about that.
43. What do you know of the matter—Was it in consequence of some young men or lads being promoted? It was partly in consequence of that, and partly in consequence of a regulation with regard to examinations. Not having been a non-commissioned officer, I hardly know what they were. They all resigned in a body.
44. You spoke of Private Paris? I mentioned him as having been dismissed for refusing to pay the shilling a week—having said, from the beginning, he would not pay it, in consequence of its not having been carried in a regular manner. At that very meeting, I may add that there were several recruits in the room who had joined, perhaps from a week to a month or two, and had not passed their recruit drill, but who all would have to pay this shilling a week, but were not allowed to vote.
45. This increased subscription was carried by a majority? You cannot tell; it was never put to the meeting at all.
46. Did it rest with Captain Rossi or with the meeting? With the meeting. In no committee meeting whatever is anything military gone into. It is simply a farce to say it is military; we are only empowered to assist Captain Rossi in financial matters; we cannot interfere with military matters.
47. There is a charge contained in the memorial: "Attempts, supported by threats, to get members of the Band—many of them boys—to sign a document which your memorialists are informed is an acknowledgment that they had been guilty of falsehood in their complaints against the bandmaster." Do you know anything about that? Yes, I know something about that, because my boy is one of them. In the first instance, a good many members of the Band—I believe the bulk of them—sent in a list of written charges against Mr. Deane, the bandmaster, for incompetence and not teaching them. Upon this the inquiry was held which resulted as I have already said. After I was dismissed, a document was drawn up by Messrs. Deane & Deane—of which I never saw a copy, but my boy told me the purport of it—stating that the charges made against Mr. Deane were not based in truth. This document Captain Rossi required all those who had signed the other document to sign, telling them at the time that if they did not sign it, proceedings would be taken against them. Now this was done, and boys induced to sign it, minors, who could not enter the Band without their fathers—I among them—signing a bond, in a penalty of £10, that they should obey certain rules. Captain Rossi insisted upon these boys signing this, in the first instance, without consulting their parents at all. I never was consulted at all, and should have known nothing about it, only that my boy told me of it. As a matter of course, I told him not to sign it, and he never did. These were the boys who had previously signed the charges against the bandmaster.
48. Do you know how many persons refused to pay the increased subscription? No, I could not say. I may mention this, with regard to my own case, that, knowing I had memorialized the Governor, and knowing that an inquiry was pending, Captain Rossi summoned me to Court two or three times to give up the books, putting me to expense each time. Of course I declined to give up anything till my case was decided.
49. Do you think you have been injured by your dismissal? I am sure I have. I certainly have if we are to have the land orders, having served four years out of the five necessary to entitle me to one—not only working as a private, but as secretary, and doing all the work, which I can assure you was no trifling job, owing to this man's mismanagement of the Company. The fact is, it really amounts to this, that Captain Rossi makes himself captain, secretary, and everything else.
50. Who was the first Captain of the Goulburn Volunteers? Captain Finlay.
51. How long was he Captain? Not more than two or three months. We were all sworn in in March, 1869, and Mr. Finlay accepted the office of Captain then. I think it was in August or September that Mr. Rossi was made Captain, because Captain Finlay could not attend to it.
52. What was the largest number of Volunteers you had? We had at one time 110, ten over our regulated number.
53. How many are there now? I think about ninety-six. I have not the roll book now.
54. Have you any idea how many have resigned? There are not a third of the original members left. Some have resigned owing to their being obliged to leave the district, but the greater number through dissatisfaction with Captain Rossi.
55. Have many young persons joined lately? Yes, a good many. There is a very different class of men joining now to what joined originally.
56. To what class of citizens were the original men belonging? The best men out of the stores, bankers' clerks, two bankers themselves—Mr. West and Mr. Anderson—and a schoolmaster, Mr. Welby.
57. Was there any disagreement in the Corps before Mr. Rossi became captain? I think not.
58. Did you join before the law was passed to give the Volunteers land orders? I do not know when the law was passed. I joined in November, 1868, but I unfortunately broke my leg shortly afterwards, and

and did not go to drill for some time. I was one of the originators of the movement. It was three or four elderly men like myself who went in more for the sake of inducing the younger fellows to join. G. Martyr.

59. The Goulburn Volunteers were a great success at first? The finest Company in the Colony they would have been now, if they had been properly managed. 30 Dec., 1873.

60. Was Mr. Rossi proposed as a non-commissioned officer? He was proposed as sergeant and corporal, and rejected.

61. How came he to be made captain? We could not get any one to take the office at all. We went to Mr. John Chisholm, Mr. Bloomfield, and every person about the town, but could not get any person who had the time to take it. As a last resource, we went to Mr. Rossi.

62. Then Mr. Rossi would not have been captain if you could have got any one else? No.

63. What sort of terms were you on with Captain Rossi before this disagreement? Always on good terms. I have known him well, and his father before him, for thirty years.

64. What is the general complaint against Captain Rossi as a commissioned officer? That he is a man totally unfit to command other men. He is naturally imperious in his manner, impatient of control, and unable to restrain himself one bit.

65. He has committed some assaults? Yes, on Corporal Fuller and Sergeant Mawson, for one of which he was fined.

66. Were both in uniform? Yes.

67. What is the general feeling amongst the Volunteers now? Inimical to Captain Rossi.

68. As a body? As a body. I do not hesitate to say that some of the men he has brought forward to give evidence in his favour have said more against him to me and to others than I have heard any other men in the Company say.

69. Do you think that the Goulburn Volunteers are likely to improve under the present officer? Certainly not.

70. According to your opinion, they are not so good a body of men as they were? I am certain they are not.

B 1.

EXTRACT from a letter, by Captain Rossi, in the *Goulburn Herald and Chronicle* of June 29, 1872.

* * * * * And by his (the Commandant of the Force) express authority and direction, I communicated that part of it only which had reference to Mr. Robertson. Had I been instructed to communicate the whole I should have done so, but this would have been contrary to military regulations.

The memo. in full was as follows:—"I think it a pity Captain Rossi should have placed himself in a position to be refused, as I see no remedy, the Volunteer Regulations distinctly specifying that both should be in uniform to make the salute *compulsory*. I need hardly say the action of the member referred to was in excessively bad taste, and marks him as deficient in one of the most essential attributes of a soldier."

B 2.

The humble Petition of George Martyr, late a private in the Goulburn Corps Volunteer Rifles, and also Honorary Secretary of the same,—

SHOWETH:—

That your Excellency's petitioner has recently been dismissed from the above Corps, upon an *ex parte* statement made by Captain Rossi to the Colonel Commanding Volunteer Force, relative to certain proceedings in committee, without having been allowed any explanation or defence.

Your Excellency's petitioner, therefore, in virtue of the provisions contained in clause 28 of the Volunteer Act, respectfully craves redress at your Excellency's hands, and ventures to lay the following statement before you, observing that he labours under the disadvantage of not having a copy of the charges transmitted by Captain Rossi to the Colonel Commanding, or his reply thereto.

After two or three meetings of committee, in which certain charges against the bandmaster, Mr. Deane, had been gone into, the committee met again on July 29th, of which meeting the following are the minutes:—

Present:—Captain Rossi, Sergeant Sproule, Corporal Blackshaw, Privates Woods, O'Brien, Craig, and the honorary secretary.

The secretary reported that the sub-committee, as appointed, had waited on Mr. Gannon, and that Mr. Gannon was in attendance.

The minutes of the former meeting were read and confirmed, after which Mr. Gannon, Mr. Betts, and Mr. Deane came in, upon which the secretary objected to any strangers being present. After some slight discussion, Mr. Gannon stated that he was not prepared to give his opinion on the matters submitted to him in the presence of Mr. Betts and Mr. Deane. Further discussion ensued, and Mr. Betts and Mr. Deane withdrew.

After hearing the opinion and taking the advice of Mr. Gannon,—

It was proposed and seconded "That Mr. Deane's services be dispensed with after the 1st August." This was carried unanimously, the secretary handing a copy of the resolution to Captain Rossi for transmission to Mr. Deane.

F. R. L. ROSSI,
Captain.

Before the next meeting of committee Captain Rossi sent your Excellency's petitioner a memo., ordering the entry on the minutes of certain remarks made by him at the above meeting.

It being unusual to enter remarks on the minutes, your Excellency's petitioner did not do so, not feeling empowered to comply without the sanction of the committee.

The committee met again on the 1st August, when the minutes before written were read, confirmed, and signed by Captain Rossi; after doing which he instructed your Excellency's petitioner to enter his remarks in the minute-book. Your Excellency's petitioner declined, and Captain Rossi having the book before him commenced writing in it. Your petitioner objected to Captain Rossi that he had no right to make any entry in it. He said he would do so, and take the responsibility upon himself. He continued writing, and your Excellency's petitioner then protested against the minute-book being tampered with in any way.

The following are the minutes of the meeting on August 1st:—

Present:—Captain Rossi, Ensign Dignam, and the secretary, and Private Woods; Sergeant Sproule and Private O'Brien coming later in the evening.

After the secretary had read the minutes of the previous meeting, Captain Rossi stated that he wished to have certain remarks made by him relative to a resolution dispensing with the services of the bandmaster, Mr. Deane (of which he had sent a memo. to the honorary secretary), inserted.

The secretary objected that it was unusual to insert remarks, and declined to enter them. Captain Rossi insisted, and, in spite of the opinion expressed by the secretary and Private Woods (the only member then present who was also present at the former meeting of committee), wrote his remarks at the end of the minutes of the meeting of July 29th; the secretary protesting against the minute-book being tampered with in any way.

F. R. L. ROSSI, Captain.

The

G. Martyr.

30 Dec., 1873.

The following are the remarks inserted by Captain Rossi:—

"Captain Rossi called attention to an important omission of certain remarks made by him before he put the above resolution to the committee, and which remarks the honorary secretary had been especially requested, by memo., of date July 30, to introduce, viz.:—'That Captain Rossi had said to the committee that, before putting that resolution, he begged to say that preceding any action upon it being taken by him, that he would require to be placed in a position by the committee to enable him to give effect to same.'

F. R. L. ROSSI, Captain."

Your Excellency's petitioner submits that Captain Rossi's entering these remarks without the sanction of the committee was irregular, and that his proper course would have been to have moved, "That the remarks made by him at the former meeting be now inserted in the minute-book," which would have been carried without dissent, as there was no objection to the remarks themselves, but only to the unauthorized insertion of them.

The committee met again on 12th August.

Present:—Captain Rossi, Ensign Dignam, Private Woods, and the secretary.

After reading the minutes of the former meeting (August 1), and before signing them, the captain objecting to the word "tampering," asked the secretary if he wished it to remain, stating that he thus gave him an opportunity of withdrawing it.

The secretary said it was patent to all present that the word was used, and that he did not feel in a position to alter it, being a record of what took place. The captain then stated that he should take further notice of the matter.

This, with minutes of further proceedings in committee (not having reference to the matter now in hand), was duly signed by Captain Rossi.

This, then, is the whole of the case against your Excellency's petitioner, upon a one-sided statement of which he has been publicly dismissed from his position as a Volunteer, after an active service of over four years, during upwards of three of which he acted as honorary secretary of the Company.

Your Excellency's petitioner now begs to call attention to some of the peculiarities of the case, and, in the absence of any copy of the documents sent by Captain Rossi to the Commandant or of his reply, he begs to quote from one of the local papers an account of what took place on the night of his dismissal, which report tallies in all essential particulars with those given by the other papers—"* * * * The Captain called Private Martyr to the front, and addressing him, said—'Private Martyr, at a late meeting of the committee you refused to insert on the minutes of proceedings certain remarks made by me at a former meeting, which I had ordered you by memo. to insert, and you then allowed me to insert them myself, and told me you protested against my tampering with the minutes; I then told you I should report you to the Commandant; I have done so through Major Hales to the Commandant, who says if he were in Captain Rossi's place he would dismiss the Volunteer for insubordination; I, therefore, now dismiss you from my Company.'"

Your Excellency's petitioner respectfully submits that the whole charge against him is simply that he declined, on Captain Rossi's order, to insert certain remarks which it was unusual to enter amongst minutes, and which the committee said should not be entered, and then protested against the minute-book being "tampered" with. Your Excellency's petitioner admits that at the next meeting he declined to withdraw the word "tamper," but he submits that this was because, as he then stated to Captain Rossi, the minutes were a record which he had no power to alter without the committee's direct instructions, and that therefore by altering them he should be doing the very thing that he had before protested against.

Your Excellency's petitioner declares that he had no intention of using the word "tampering" in a more offensive sense than that of meddling without right to do so.

Your Excellency's petitioner would respectfully remark that, although the matter out of which his dismissal arose occurred in a Volunteer committee, yet that the meeting had nothing to do with military matters, but had simply reference to the affairs of the Band, namely, to the question of the retention or dismissal of a servant whom the committee unanimously declared that they did not desire to retain. So far the business was purely civil and financial.

Your Excellency's petitioner respectfully submits that no chairman can order a secretary to insert remarks or anything else on the minutes without the sanction of the committee.

Your Excellency's petitioner further submits that the word "tampering" was used in no sense worse than that of "meddling," and that even if there could be military insubordination in the sittings of a finance committee, using this word would not constitute it.

With regard to any inference as to disobedience of order or insubordination, your Excellency's petitioner would respectfully urge that if it were *ultra vires* on the part of any chairman to issue such an order as that given by Captain Rossi, it would be equally out of the power of any secretary to obey it when given without the sanction of the committee, and that therefore any such charge must fall to the ground.

In concluding this statement of facts, your Excellency's petitioner would most respectfully beg to draw attention to the fact that he has been judged on an *ex parte* statement made by an interested party.

That your Excellency's petitioner has done nothing, in his position as a Volunteer, or in his capacity of secretary to the committee, to warrant the infliction of a sentence passed upon him and carried into effect on a one-sided view, which must seriously affect his standing in society; stigmatizing him as unworthy to serve as a Volunteer, and depriving him without just cause of the result of four years' service.

Your Excellency's petitioner having now given a statement of all that has taken place relative to his dismissal, would respectfully point out that Captain Rossi imported considerable feeling into the question of the bandmaster, making it a personal matter; and that notwithstanding the unanimous vote of the committee, and the objections of the members of the Band themselves, he has insisted on retaining the bandmaster.

Your Excellency's petitioner would further point out, in reference to his not having any copy of the charges made against him, that while it may be the case that the matter has been represented impartially, yet, considering that the person making the charges was himself one of the parties to the dispute, the probability is the other way, and that it is scarcely likely that any reference was made in Captain Rossi's report to the warm feeling engendered during the discussion of the question, wherein Captain Rossi and your petitioner held very opposite opinions, and where Captain Rossi persisted in a course disapproved of by not only your petitioner but by other members of committee.

Your petitioner would beg that, in the event of Captain Rossi's reply to this statement importing any new matter, he may be allowed an opportunity of rebutting it.

Your petitioner would further remark that, at all times when in committee, the demeanour of Captain Rossi to members who may differ from him is characterized by imperiousness and impatience. His usual method of stopping any discussion or disallowing any explanation being—"Hold your tongue, sir"; "I order you to hold your tongue." This, in a committee called together for the purpose of doing what they consider best for the Company, and consisting of men some of whom are older than Captain Rossi, and fully his social equals, is not calculated to engender respect, to conduce to good order, or to cause the discussions to be carried on in as kindly and temperate a tone as would otherwise be the case.

Your Excellency's petitioner therefore humbly requests that your Excellency will be pleased to take this petition into consideration, and to issue instructions that his dismissal from the Volunteer Force may be cancelled.

And your petitioner, as in duty bound, &c.

GEORGE MARTYR.

B 3.

Captain Rossi to Lieut.-Colonel Richardson.

Goulburn, 13 August, 1872.

Sir,

When the committee of my Company lately met me for the transaction of business, the honorary secretary, a private of my Company, behaved himself in a very unseemly manner while at the preceding meeting. When I was speaking, he called out "*all bosh*," and I had to require his apology.

On the occasion to which I now more especially refer, he produced the minute-book, but he had *designedly omitted* to introduce certain important remarks I had made at the previous meeting, and which I had so particularly desired to have noted that I had taken the precaution of sending a memorandum requesting this to be done, to the honorary secretary. At the

the meeting, finding however that he had not complied with my wishes, I said to him—"Have I not asked you to place my remarks on the minutes?" He replied—"*I do not care what you told me*"; whereupon I myself wrote down in the book what I wished to have inserted, and while doing so the honorary secretary said—"*I protest against the minutes being tampered with.*" G. Martyr. 30 Dec., 1873.

I have hesitated to bring before you this matter, and probably would not have done so, but last night in committee the honorary secretary reiterated, by his insertion in minute-book of the same words, his expression of my *tampering* with the minutes.

I requested him to withdraw those words, as I thought he could not be aware of their import; he refused to do so, although I remonstrated with him, whereupon I told him I should have to take notice of what he had done.

May I ask to be kindly informed what course I should adopt under these circumstances? We were both in uniform.

I have, &c.,
F. R. L. ROSSI,
Capt., G. C. V. Rifles.

Major Hales,

If I were in Captain Rossi's place I should dismiss the Volunteer referred to from the Corps, for insubordinate conduct.

J.S.R., Lt.-Col., Commandant.
20/8/72, B.C.

MEMO.—Captain Rossi will be good enough to return this to me when he has perused the Commandant's remark.

Bathurst, 23 August, 1872.

F. B. HALES, Major,
Commanding Western Battalion.

B 4.

Captain Baynes to Mr. Martyr.

Brigade Office,
Sydney, 25 November, 1872.

Sir,

I am directed to forward, for your information, the accompanying copy of the opinion of the Court of Inquiry held to investigate the causes which led to your discharge from the Goulburn Corps of Volunteer Rifles, and to acquaint you that His Excellency the Governor concurs in that opinion, and is, in consequence, unable to direct you to be reinstated in the Volunteer Force.

I have, &c.,
THOS. BAYNES, Captain,
Acting Major of Brigade.

Copy of Opinion of the Court of Inquiry assembled to investigate the causes which led to the discharge of Mr. Martyr from the Goulburn Corps of Volunteer Rifles.

OPINION.

"THAT Captain Rossi, having the power of dismissal, exercised it in the case of Private Martyr, in consequence of his impatient opposition in committee meetings, which culminated on the 1st August in an unseemly outbreak of temper; and that although he had the opportunity afforded him of withdrawing the objectionable words used to Captain Rossi on that occasion, and which were recorded in the minute-book, he declined doing so, evidently accepting the responsibility of his act.

"The Court sincerely believes that Private Martyr's action on this and on other occasions arose from the erroneous impressions that when in committee he was released from all military control. The Court does not for a moment wish to imply that the opinions of members of committee must be subservient to the will of the officer under whose command they may be, but conceive that such officer is fairly entitled to be treated with the respect due to his rank, and as chairman when in committee on Company affairs; and that no justification can be advanced for the use of offensive expressions, such as 'tampering,' even giving it the comparatively mild meaning of 'meddling,' more particularly as, in this instance, the party using it had an opportunity afforded him of retracting in his cooler moments what he must have known could not be passed over. As Private Martyr rejected this opportunity, the Court cannot but express its opinion that Captain Rossi was bound either to exercise, as he did, the power vested in him by the Act, or to bring Private Martyr's conduct under the notice of the Commandant, with a view to the holding of a Court of Inquiry on a charge of insubordination against him.

"With regard to the charge in the first paragraph of Captain Rossi's letter of the 13th August, Mr. Martyr admitting that the words complained of (all bosh) were used, the Court considers that the matter was condoned by Captain Rossi's acceptance of Mr. Martyr's apology, who also states that he did not intend his ejaculation should be overheard, and have not therefore taken it into consideration, except as an indication of a general want of respect in the demeanour of Private Martyr towards his commanding officer on the several occasions alluded to in this evidence.

(Signed) R. PEEL RAYMOND, Major, President.
THOS. BAYNES, Capt., } Members.
JNO. WELLS, Capt., }

True copy—T.B., Captn., Acting Major of Brigade.

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71. Do you wish to add anything to the evidence which has just been read? Yes, I wish to say that I was not the originator, promoter, or organizer of the Rifle Association. I joined it over a week after the Association was formed, on being asked by Lieutenant Arnheim whether I would act as secretary and draw up rules for them. I also wish to state that it was not my place to make entries in the roll-book. I was never a commissioned or a non-commissioned officer, and as secretary I had no right to make the entries.
72. Referring to your previous evidence—can you state about how many of the original members of the Company left because of their dislike of Captain Rossi? I could not.
73. Can you give any of their names? I decline to do so.
74. Do you know of your own knowledge that dislike of Captain Rossi was the cause of their leaving the Company? I believe it to be so.
75. You do not know it as a fact, of your own knowledge? I could not state as much in so many words.
76. Do you positively decline to give the names? I decline to give the names.

Witness was cross-examined by Captain Rossi, the questions being put through the Court as follows:—

77. Have you not been employed as reporter on the *Goulburn Herald?* I have. I am a reporter now. I may state at the same time that I am also a reporter for the *Argus*, which is antagonistic to the *Goulburn Herald*. I go further and say that I occasionally write for the *Penny Post*.
78. Will you look at that letter signed "A Volunteer";—did you write that letter? I decline to answer. It would be a breach of confidence if I did.

G. Martyr. 79. Have you been in the habit of writing letters or paragraphs in the newspapers against Captain Rossi? I decline to answer.

30 Dec., 1873. 80. Have you not written two letters since your dismissal, bearing your signature, against Captain Rossi? I have written two letters bearing my signature, in my own defence.

81. Have you not since your dismissal spoken in bitter terms against Captain Rossi? Certainly not.

82. To no one? Certainly not.

83. Have you since your dismissal spoken in antagonistic terms against Captain Rossi, as commanding officer? No more than I have done so in my evidence before this Court to-day, and in my examination before the Select Committee of the Legislative Assembly.

84. Are you on friendly terms with Mr. Riley, of the *Goulburn Herald*, and also with the other memorialists? I am in the employ of Mr. Riley, and I am on friendly terms with the other memorialists; and I believe I have not an enemy in Goulburn, barring Captain Rossi.

85. Is Mr. Riley, one of the memorialists, the editor of the *Goulburn Herald?* He is; and Mr. Walsh, who is another of the memorialists, is the editor of the *Argus*.

86. Is not Mr. Chisholm, who gave evidence before the Select Committee, a reputed proprietor of the *Goulburn Herald?* I believe he is.

87. Is not Mr. Chambers, who also gave evidence before the Select Committee, a compositor on that journal? I am not aware of Mr. Chambers having given any evidence.

88. Mr. Chambers to whom you have referred? He is.

89. Is not Sergeant J. J. Trenery, who gave evidence, the brother of one who was lately the reporter of that journal? I decline to answer these questions. Sergeant J. J. Trenery will be a witness here himself, and is capable of answering for himself. I cannot go into the genealogy of all these men in Goulburn.

90. Has not Mr. Russell, who was secretary to the memorialists, been employed as a reporter of that journal? Never, that I know of.

91. Are you aware whether Mr. Teece, the Chairman of the Select Committee, is nephew to Mr. Riley? He is some relation, but upon my word I do not know what.

92. How many of those four who are mentioned at question No. 164 of your evidence before the Select Committee rejoined the Company? No one at that time but myself.

93. How many have returned since to their original positions? I think, speaking from memory, only the then Corporal Cleary, who became a committee-man when he became an ensign. I am speaking from memory alone.

94. Have not Sergeant Cleary, Corporal Clarke, and yourself acted subsequently on committee? I have from the very day. I do not think Clarke has. Cleary has, but I think only when he was made ensign, when it became compulsory.

95. Will you swear that Clarke has not acted? I do not remember whether he has or not.

96. You will not swear it? No; I cannot call to my mind at this moment.

97. Has not Welby left the district? Some considerable time after this disagreement.

98. Will you state why they resigned? Because Captain Rossi would not allow them to discuss a certain matter in committee.

99. What was the matter they wanted to discuss? It had reference, as far as my memory carries me back, to some proceedings which took place in regard to the appointment of quartermaster and colour-sergeant.

100. Was not that a military matter? I presume it was.

101. Was it the business of the committee to entertain anything whatever in connection with military matters? I have already stated it was not.

102. Did you not write a letter to Captain Rossi, as commanding officer, asking to come back, and saying that you hoped things would go on in an amicable way? It is so long ago I cannot remember the purport of the letter. That letter is in existence, and I think Captain Rossi should be required to produce it.

The Court adjourned at 1 o'clock, p.m., until 2 o'clock, p.m.

The Court resumed its sitting at 2·15 p.m., when the cross-examination of the witness by Captain Rossi, through the Court, was proceeded with.

103. If Captain Rossi restrained the committee from speaking of a military matter was he not right, and were the committee not wrong for resigning on that account? I am not a judge of military matters.

104. Have you not assisted the memorialists to draw up charges against Captain Rossi since you were dismissed? I decline to answer.

105. Have you in any way assisted lately in endeavouring to obtain an indignation meeting? I decline to answer.

106. Has not the *Goulburn Herald* been continually writing against Captain Rossi, and has Captain Rossi ever answered anything? The *Goulburn Herald* will speak for itself.

107. What was the cause of your resignation from that committee? Captain Rossi's imperious conduct.

108. What do you designate as Captain Rossi's imperious conduct? Refusing free discussion in committee.

109. Did Captain Rossi impede, restrain, or in any way prohibit free discussion upon any matter, excepting it was a military matter? I am not a judge of military matters.

110. In what way did Captain Rossi ever, at any time, restrain discussion, except on military matters, before a finance committee of the Company? I say he has repeatedly.

111. You are aware of the meeting to which Captain Rossi refers? Yes.

112. What is the imperious conduct that you refer to? His refusing Sergeant Welby and Sergeant Cleary, both members of the committee, an opportunity of explaining their conduct in a matter in which they were both materially concerned.

113. In a military matter? I should say it was not altogether a military matter.

114. Would you say what the subject was? I have already stated what I believe it was at the time.

115. Will you state now what the matter was? I have already stated it in my evidence in chief.

116. Will you state it again? Some disagreements in connection with the appointment of quartermaster and colour-sergeant.

117. Was that a finance matter? No.

118. What did Captain Rossi do towards you? Nothing personally; but as a member of the committee I felt bound to resign.

119. Do you remember the words Captain Rossi used? No, I could not; it is five years ago.

120. Had you not in your possession some letters from the Brigade Office which you were ordered to hand over to Captain Rossi? At that time I had not.

121.

121. Did you not refuse to give Captain Rossi those letters, saying that you were in committee? I did not—not at that time. G. Martyr. 30 Dec., 1873.
122. To what time do you refer? The time that Sergeant Welby and Sergeant Cleary were not allowed to speak, in consequence of which we all resigned. The matter that Captain Rossi is referring to now was prior to that, and had been cleared off prior to the time spoken of.
123. How long prior? It may have been ten minutes.
124. It was on the same day? The same day.
125. Had you at that meeting letters in your possession which you were ordered to hand over to him? I had, and gave them to him.
126. Did you not refuse to give them to Captain Rossi, saying that you were in committee? I refused to give them to him, but I cannot say the reason now—it is so long ago.
127. Did not Captain Rossi go to one end of the room and say "I am now out of committee," and demand that they should be given to him? I do not remember; I would not attempt to fix all these trifling things in my mind.
128. Can you define in any way the actual conduct which led you to this resignation? The manner in which he refused to hear Sergeant Welby and Sergeant Cleary, ordering them in the most imperious manner to sit down—"I will not hear you—sit down." I do not attempt to remember the words.
129. Is that all that you remember? I could not tax my memory five years ago, for things so trifling in themselves.
130. You complained of the balance sheet being incorrect: was not the balance sheet submitted to any Volunteer—was it not left for inspection, so that they might see if there was anything wrong? I do not understand the question.
131. You have stated that the balance sheet was incorrect: was it not open for all the members of the Company to inspect the balance sheet? I am not quite sure whether it was or not.
132. Was it left in your hands? It was not left in my hands. I never saw Captain Rossi's balance sheet, except on the table.
133. Will you swear that they were not left in the hands of some member of the Company for general inspection—that they were not left before the Company for their examination—that they had access to them? I am not aware that they were. I know this, that I never saw them myself, and never had an opportunity.
134. You stated that it was not correct: in what particulars was it incorrect? The balance sheet did not agree with the balance I had made.
135. How did you ascertain that there was a balance of 1s. 8d. not charged? From Captain Rossi's own mouth.
136. Did you get Captain Rossi's bank book? Prior to making up my balance sheet.
137. Did Captain Rossi authorize you to get it? I do not think he did; I do not know.
138. What was that 1s. 8d.? I have already stated in my evidence.
139. Do you remember whether it was interest? It was something of an overdraft. I have already stated it was charge on an overdraft.
140. If the £3 5s. represents an error in figures, and the 1s. 8d. was 1s. 8d. Captain Rossi did not charge the Company for, what was the error? Captain Rossi had made a clerical error; that balance was not correct.
141. You said that you would not sit down, when Captain Rossi told you to sit down? I did.
142. Do you remember what else you said on that occasion? Nothing that I remember, on that occasion, except that "I will not sit down."
143. Did you not say "I am not going to be burked in that way"? I do not remember.
144. Will you swear that you did not say it? No, I will not. I do not remember saying it.
145. Do you know why Captain Rossi dissolved the meeting? I do not.
146. Did not Captain Rossi hear Chambers and Morris? I think not.
147. Were you present? I was.
148. Will you swear that they did not both of them speak? They both spoke a few words, but were not allowed to finish what they wanted to say. That is how the matter stood, as near as I can remember.
149. What did Captain Rossi say to them? I cannot remember.
150. What did Captain Rossi say to them which caused them to stop? I cannot remember.
151. Did Captain Rossi say anything which caused them to stop? He did.
152. Was it not at the beginning that Captain Rossi impeded their speaking? It was just after they began to speak.
153. What did Captain Rossi say to them? I have already said that I cannot remember.
154. Did not Captain Rossi say to Chambers and Morris that as they were not in uniform he could not hear them speak? I cannot say.
155. Will you swear he did not? I can neither swear one way nor the other. I cannot swear to things which I do not remember.
156. Are you aware whether a Military Court of Inquiry was held upon Chambers and Morris in this matter? I have already stated that I believe there was upon one, but I could not remember whether there was upon the other. I have a very indistinct impression. I was not present.
157. Were you not present at the Court of Inquiry? I think not. I do not remember that I was.
158. Do you not remember being at the Court of Inquiry held in what is known as the Attorney General's Room close by? I do not remember.
159. Do you not remember that on the occasion of the Court of Inquiry before Captain Baynes you rose to speak, and Captain Rossi prevented you from saying a word? I remember nothing of the sort.
160. Was not the increase of the subscription to a shilling a week authorized by the Governor and the Executive Council? I am not aware.
161. Are you aware that Captain Rossi said before the committee that the Governor and Executive Council—that the Commandant would not consent to a temporary change of the rule for three months raising the subscription? I have already said so.
162. On what grounds did you say that Paris knew nothing about the shilling a week? He was not present at the meeting, and he told me so himself.
163. Did he not know immediately afterwards? He heard it. Paris himself told me that he knew nothing of it at the time of the meeting, nor until after it was carried.
164. Was he at the meeting? He was not.

G. Martyr. 30 Dec., 1873.

165. As secretary, do you not know that Paris never paid any subscription even at the lower rate? I could not say that from memory now. I do not think he did.
166. You say that Paris was summoned by Captain Rossi: do you know that it was the wish of the committee that Paris should be summoned by Captain Rossi? I cannot say for certain, but I think not.
167. Did not the committee express a wish that proceedings should be taken against Paris? My impression is, not; but if the fact be otherwise it will be found upon the minutes. I think it only referred to Private Hunt, but I may be wrong.
168. Is this your handwriting? It is; and after reading that, I state that the committee did authorize the suing of Mr. Paris. I had forgotten it; I thought it was only Mr. Hunt.
169. How do you know that Mr. Paris was dismissed on no other grounds than non-payment? From Mr. Paris's own statement.
170. With reference to the Rifle Association, will you state what little things transpired with regard to the shooting to which you have referred? The little differences between members as to not being able to make matches without everything coming through Captain Rossi, and also the trouble and difficulty there was in making matches, from other causes.
171. Could you not particularize anything more definitely? No; there was nothing beyond that—the difficulty of getting the matches up.
172. You have stated that you had nothing to do with forming the Rifle Association, then how was it that you used the word "*we*" thought to get off some of these restrictions? It was after the Rifle Association had been formed, and I then spoke as a member of it.
173. "We thought by forming a Rifle Association,"—if you had nothing to do with forming it, how do you account for that apparent discrepancy? The Rifle Association having been formed, it was quite competent for me to adopt whatever had been done beforehand.
174. Were the restrictions you referred to, the necessity of corresponding through Captain Rossi in the first instance, as commanding officer? That was the restriction.
175. Did the Rifle Association contribute anything towards the expense of the Government targets? I am not sure, but I think not.
176. Were not those targets in Captain Rossi's charge as commanding officer? They were.
177. Before Captain Rossi made a report, did he not ask you to withdraw the offensive terms you had used towards him? He did.
178. Did you not refuse to withdraw them? I did.
179. The Court of Inquiry confirmed your dismissal? It did.
180. Before the decision was given, did you not say that you would be perfectly satisfied with the decision they might arrive at? I am not quite sure upon that point.
181. Did you not say before the decision was given that the Court had shown you every fairness? On leaving the Court I thanked the members of the Court for their courtesy to me during the proceedings. I believe those are the words I used.
182. Will you be good enough to endeavour to remember whether you did not tell some person that? I do not remember ever telling any one more than that.
183. Did you not tell Mr. Alexander, the Magistrate, that you would be satisfied with the decision of the Court? I think not.
184. Will you swear that you did not? I am on my oath, and I am giving my evidence as straightforwardly as I can. I believe it is not at all unlikely that I did tell Mr. Alexander that they had shown me great courtesy and kindness. Nothing beyond that was my intention.
185. Will you still say that Captain Rossi insisted upon the boys' signing the apology to Mr. Deane, which has been referred to? I still say so.
186. Upon whose authority do you say that? Upon the authority of my own son.
187. With reference to the resolution for the dismissal of Mr. Deane, will you state what were Captain Rossi's grounds for refusing to act upon it? Because he was afraid of having to pay his salary.
188. Did not Captain Rossi say that he would carry it out, if he had a guarantee from the committee? He did.
189. Did not the committee arrange to have the advice of a solicitor upon this point? We did.
190. Was not Captain Rossi acting upon that solicitor's advice when he refused to carry out the resolution I do not know.
191. Will you swear that he did not? I swear I do not know. I have simply heard that he did.
192. When Captain Rossi stated what the solicitor's advice was to the committee, were you present? I do not recollect that he ever stated what it was, excepting casually. I do not recollect that it was ever stated in committee.
193. What do you mean by casually? I have heard him speak of it afterwards, but certainly not in committee.
194. Did not Captain Rossi send through you, as secretary, a letter that all the committee might see, stating that he would dismiss Mr. Deane if they would give him a guarantee? Yes.
195. Which you were directed to show to all the members of the committee? Yes.
196. And which you were directed to return to Captain Rossi? Yes.
197. And which you did not return to him? Which I state I did return to him.
198. You say you did return it to him? I say now that I did return it to him.
199. With reference to Captain Rossi summoning members of the Company before the Court;—are you aware that he ever did so, excepting with the concurrence and approval of the committee? I cannot remember whom the committee did authorize him to summon. I cannot remember whether he was authorized to summon Private Hunt; I cannot speak from memory. I was in error there, and I therefore distrust my memory upon the point.
200. Have you the positive knowledge that he ever did do so? No, I have no positive knowledge.
201. Could you mention the name of any one member of the Company against whom Captain Rossi took proceedings, except with the approval of the committee? No.
202. You say that as a last resource you went to Captain Rossi to take the command;—were you not one of the deputation which waited upon him? I was.
203. What was Captain Rossi's reply? I cannot say. Something to the effect that if the Company elected him he would act.

204. Did he not say that he would not take the command of the Company, excepting it was the unanimous wish of the members that he should do so? I cannot say. It was something to the effect that if the Company elected him he would act. G. Martyr. 30 Dec., 1873.
205. Do you remember writing in the minute-book, that Captain Rossi was unanimously elected? I believe he was unanimously elected.
206. At question 205, in the examination before the Select Committee, mention is made of Mr. West and Mr. Anderson. Why did Mr. West resign? I have not the slightest idea. I think he left the district. I cannot say.
207. Did Mr. West leave the Company until after he left the district? I believe he left on leaving Goulburn.
208. Did Mr. Anderson leave out of any hostility to Captain Rossi? I do not know.
209. Mr. Welby left the district? Yes.
210. Since your dismissal has not Captain Rossi, on every occasion when he has passed you, addressed you as usual? He has, much to my disgust.
211. You have not responded the same politeness to him? I have not.

Examination by the Court:—

212. What is the present position and occupation of the memorialists? Mr. Davies is a large storekeeper in Goulburn—the largest storekeeper in Goulburn, doing a vast amount of business; Mr. Riley is the editor of the *Goulburn Herald;* Mr. Walsh is the editor of the *Argus;* and Mr. Russell, who acted as secretary, is engaged in Mr. Emanuel's store—not master of his own time.
213. Was it the wish of the Rifle Association to act independently of Captain Rossi in regard to rifle matches, and did Captain Rossi consent to the arrangement on the formation of the Association? Captain Rossi was asked, on the formation of the Association, to become one of the committee. He distinctly declined.
214. Was it the wish of the Association to act independently of Captain Rossi? Decidedly not; far from it. We wished him to be a member of the committee.
215. Did the Association wish to act independently of Captain Rossi as commander of the Company? Not in the least in the world.
216. What was the objection to asking Captain Rossi for the use of the targets on the occasion of the proposed match with Richmond? We never had an opportunity to ask him. They were refused before they had an opportunity of asking, without any notice being sent to the secretary, president, or vice-president.

Examination by Captain Rossi, through the Court:—

217. Do you know what prohibition Captain Rossi made to the firing on the occasion of that match? I do not understand the question.
218. Were they prohibited by Captain Rossi from firing at the ranges? They were.
219. Absolutely prohibited? Absolutely prohibited.
220. That was the first intimation that you had? The first intimation that I had of it as secretary was, that a Company order was issued that no firing would be allowed at the targets on that particular day.
221. Are you aware that before issuing that order Captain Rossi had addressed a letter to the President of the Rifle Association? I am not.

Private Denis Cleary was duly sworn:—

Examination by the Court:—

222. What is your name? Denis Cleary.
223. What Company are you in? The Goulburn Company. Pt. D. Cleary. 30 Dec., 1873.
224. What is your rank? I am a private.
225. Have you heard the charges read? Yes.
226. Have you been examined before in any previous case? Yes.
227. You were examined before the Court of Inquiry held at Goulburn? Yes.
228. Were you a member of the committee of the Goulburn Company in September, 1869? Yes.
229. At a meeting of the committee on the 24th of September, 1869, did you wish to speak of the appointments of colour-sergeant and quartermaster-sergeant? I do not remember the date, but I think I did.
230. Did Captain Rossi prevent you from doing so? Yes.
231. Did not you and others resign membership of the committee in consequence? Not exactly in consequence.
232. What was the cause of your resignation? The commencement of it was, I think, that Captain Rossi demanded some letters from Private Martyr.
233. Did you ascertain subsequent to that, that Captain Rossi was right in preventing you from speaking? I was not aware of it then.
234. Are you aware what the rules were with respect to discussion? I was not aware at that time.
235. Were military matters excluded from discussion at these committee meetings? I cannot remember.
236. Do you not remember Captain Rossi prohibiting any discussion on military subjects at those meetings? He prohibited me and one of the other sergeants from speaking.
237. Did he give any general order? No.
238. Were there any printed rules? Not that I am aware of.
239. Had you no rules at all for the government of the committee? I really cannot say. I did not see them.
240. Have you been on the committee of the Company since? Yes.
241. Are you now a member of the committee? No.
242. When did you last resign? When I resigned as ensign.
243. When was that? I think it was in 1871.
244. On what occasion was your resignation sent in? On my leaving Goulburn. I did not expect to come back for some time.
245. Did you resign your membership of the committee in consequence of Captain Rossi demanding a letter from Private Martyr? That, and not being allowed to be heard on the appointment of colour-sergeant and quartermaster-sergeant.
246. Did you believe that Captain Rossi had any right to demand this letter? I could not say at that time; but since I have found out that Captain Rossi had a right to demand it.
247. You believed at the time that he had no right? Yes.
248. And that was one of your reasons for resigning? Yes.
249. So that you actually resigned under a misapprehension? Yes.
250. Did you see an assault committed on Corporal Fuller in the ranks by Captain Rossi? No; I was not at drill.

Pt. D. Cleary. 30 Dec., 1873.

251. Did you see an assault committed by Captain Rossi on Sergeant Mawson? No.
252. Do you know anything further about the various charges you have heard read at the opening of the Court this morning? No.
253. One of the charges against Captain Rossi is, that the whole of the corporals, save one, resigned in consequence of his misconduct;—do you know anything about that? Yes, I remember it. I was not at drill on that night. Corporal Clarke and Corporal Fuller resigned, but I do not know the particulars.
254. Have you read the memorial which was sent in to His Excellency the Governor? Yes, I think I have read a portion of it. I do not remember it now.
255. Are you aware of any attempts, supported by threats, to get members of the Band to sign a document? I heard of it; but I do not know anything about it, excepting that I heard that such was the case.
256. But you have no personal knowledge of it? No.
257. Are you aware whether the increasing of the weekly subscription caused great dissatisfaction to members of the Company? Yes.
258. Was it done contrary to the wishes of the Company? Contrary to the wishes of a portion of the Company.
259. Was it contrary to the wishes of a majority of the Company? The Company was consulted in the Court House.
260. It was carried by a majority? I could not say.
261. You are not aware whether the increased subscription was agreeable to the majority, or otherwise? No.
262. Is it not usual at meetings of that kind to allow the majority to rule? Yes, generally.
263. Was it not so on this occasion? I do not think that there was any amendment made to the contrary.
264. I suppose that usually motions were decided on a show of hands? Yes.
265. Was there not a show of hands in favour of the increase of the subscription? No.
266. There was not? No.
267. Are you quite sure of that? I am quite sure of that.
268. Was there not a show of hands *pro* and *con?* No.
269. How was it determined? It was determined that 1s. a week should be carried. There was a show of hands for the shilling a week.
270. Do you remember the names of the persons whom Captain Rossi refused to hear at that meeting? The first meeting?
271. Yes? Sergeant Welby, Corporal Clarke, and, I think, Private Martyr.
272. I should like to know rather more definitely the mode in which that resolution as to the increase of the weekly subscription was decided—you surely must remember how it was decided? It was put to the meeting, and there was a show of hands for the shilling a week.
273. It was decided by show of hands in favour of a shilling a week? Yes, but there was no amendment.
274. All those in favour of it were asked to hold up their hands? Yes, but those against it were not.
275. Those against it were not invited to hold up their hands? No.
276. How was it decided? It was taken by the first show of hands.
277. Do you remember what Captain Rossi said when the first show of hands was taken? No.
278. You are quite clear that the meeting were simply asked to hold up their hands in favour of the resolution, but not against it? I think so, as far as I remember.
279. Did any of the Company present make any complaint as to the way in which the question was decided? Yes.
280. Immediately? Yes.
281. At the time? Not at the time.
282. I said immediately? Not immediately.
283. At the meeting? Yes; it may have been five or ten minutes afterwards.
284. Do you remember the nature of the complaint made—was there any objection made to the manner in which it was decided—did any member of the Company get up and say that the question was not properly put? No, not at the time.
285. Did the meeting understand then that the matter was properly carried? It was passed very quickly; they were all taken by surprise.
286. They were not satisfied with the way in which it was declared carried? No.
287. But they made no complaint immediately? Not for ten minutes afterwards.
288. Did they remonstrate in any way to Captain Rossi against the resolution being declared carried? I did not hear them.

Cross-examined by Captain Rossi, through the Court:—

289. Had it not been carried at a previous meeting, held on the 21st of July, 1870, without any complaint, that the subscription should be 1s. a week for three or six months? Yes. There were not so many of the Company there for that meeting.
290. Raising the subscription for a limited period? Yes; I think for three, four, or six months.
291. At the next meeting—the meeting to which you at first referred—did not Captain Rossi explain that the Governor would not sanction the alteration of the rule raising the subscription from 1s. a month to 1s. a week for a short period? Yes.
292. And did not Captain Rossi assure the members that in the event of the rule being altered, he would promise not to ask the larger subscription when the debts were cleared off? Yes.
293. Do you consider that it was only in consequence of the objection of the Commandant that it was necessary to alter what had been already determined upon? To the best of my belief, I think that Captain Rossi told me the same evening before the meeting that such was the case.
294. Did he explain it at the meeting? Yes, I think so.
295. Have you ever had any occasion to complain of Captain Rossi's imperious conduct? On the first formation of the Company there was a difference respecting the appointment of colour-sergeant and quartermaster-sergeant, but that is all.
296. Is that the time you refer to as having resigned from the committee? It was before I resigned from the committee.
297. Is that the only occasion? That is the only occasion.
298. That was from 1869 up to the present time? Yes.
299. Has not Captain Rossi at all times been courteous and considerate to you? Yes.

William Davies was duly sworn :—

Examination by the Court :—

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300. Your name is William Davies? Yes.
301. You were examined on similar charges before a Select Committee of the Legislative Assembly? I was.
302. Are you willing to allow the evidence then given by you to be taken as your evidence to-day, subject to any additions you may think proper to make? I am.
303. Was the evidence which you then gave true? Substantially true.

Captain Rossi was asked whether he had any objection to the reception of the evidence, and said that he did not object.

The evidence of the witness before the Select Committee of the Legislative Assembly on the 20th February, 1873, was then read by the Court and admitted by the witness as follows :—

304. You are a merchant in Goulburn? Yes.
305. Have you been long connected with Goulburn? For more than twenty years.
306. You took part in a public meeting in reference to the Goulburn Volunteers some time since? Yes.
307. How was that meeting convened? By the Mayor, upon requisition.
308. What induced the requisitionists to call for the meeting? It was called for the purpose of taking into consideration matters connected with the Goulburn Company of Volunteers.
309. Was the meeting largely attended? It was probably the largest meeting ever held in Goulburn.
310. Did any Volunteers attend the meeting? Yes; I think all, or nearly all of them in Goulburn.
311. There was some resolution carried? Yes. I moved the following resolution :—"That the frequent and serious disagreements occurring between the captain and the members of the Goulburn Company of Volunteers are calculated materially to impair the efficiency of that body, and eventually to lead to its disbandment. This meeting therefore resolves that a respectful application be made to His Excellency the Governor for the appointment of a Special Commission to inquire into the causes of such disagreement, and into the general management of the affairs of the Company."
312. That resolution was carried? Unanimously.
313. You were appointed one of a committee to prepare a memorial, I believe? The following resolution to that effect was carried :—"That a committee, consisting of Messrs. William Davies, John Walsh, and W. R. Riley, with Mr. W. M. Russell as secretary, be appointed to prepare the application mentioned in the foregoing resolution, and to sign the same on behalf of this meeting."
314. Did you prepare the memorial? We did, and forwarded it to His Excellency, through the Colonial Secretary.
315. How long did you continue to hold office as committee-man? About nine weeks.
316. What reply did you receive to your memorial? None.
317. You are aware that a Court of Inquiry has been appointed since the committee who prepared these resolutions resigned? Yes. After having waited nine weeks, and a deputation having waited upon the Colonial Secretary, when in Goulburn, we resigned our office into the hands of the public, by public advertisement, in which we gave a short account of the transaction.
318. Was this Court of Inquiry what your memorial applied for? No; we asked for a special Commission, and we gave reasons why it should not be an ordinary Military Court; the chief reason being that the conduct of Colonel Richardson, the Commandant, was impugned. The following is the reason given :—"Your Excellency's memorialists beg to explain that the meeting purposely refrain from asking for a Court of Inquiry, as provided in the Volunteer Regulations, because, in the matter of the disagreements complained of, the conduct of the Lieutenant-Colonel Commanding is blamed, as well as the conduct of Captain Rossi; while the Court of Inquiry is a Board of which the Officer Commanding the Volunteer Force may make use to assist him in arriving at a correct conclusion on any subject—such subject in the present instance being in part his own conduct."
319. Can you state what you believe to be the charges against Colonel Richardson? The censure passed upon Private Robertson by Colonel Richardson, for declining to give the military salute to Captain Rossi, Private Robertson being at the time in plain clothes, and that Private Robertson was not allowed opportunity to reply to the charge. That is the only case that I am personally acquainted with—the only one of the charges against Colonel Richardson that I can state.
320. You moved the first resolution at the meeting referred to, did you not? Yes.
321. Will you state what induced you to take part in the matter? From time to time, for a long period, paragraphs were continually appearing in the public prints, headed "Captain Rossi again"—"More disagreements with the Goulburn Volunteers"—and so on. These were copied into, I think, almost every newspaper in the Colony, until the citizens of Goulburn understood that the Corps had become a by-word. Public feeling was very much aroused, and it culminated in the public meeting of which I have spoken, and at which there were, I presume, 600 adults, men. In every feature of the meeting it was unanimous. I suppose there could be no subject polled in Goulburn on which the inhabitants would be more unanimous than this.
322. You are acquainted with many of the Goulburn Volunteers? Yes.
323. What do you think of them as a body of men—do you think them insubordinate? Most of those whom I know have either resigned or been dismissed. I have had, I think, as many as twelve of them in my own establishment, and I have now one.
324. Have they left Goulburn, or are they still in Goulburn? They are still in Goulburn. Some of them are men who have been submissive to me for eight or ten years; one of them I have known from childhood.
325. Do you know the cause of their resignation? I do: the imperious conduct of Captain Rossi.
326. Were you one of the Force? Never. I was an honorary member.
327. You said there were a number of your employés engaged in the Force;—how many at one time? As many as eight or nine.
328. And now you have only one? Only one.
329. What was the sentence passed upon Private Robertson? He was censured before the whole Corps of Volunteers. A part of a telegraphic reply from Colonel Richardson was read to it.
330. A part of it? A part of it.

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331. Did he see the complaint or charge made against him? I think not. That is one of the complaints,—that these men are being dealt with in this way, without having had an opportunity of defending themselves.
332. Do you know whether he was made aware of the charge against him? He was, at the time he was censured.
333. He was censured for not saluting Captain Rossi when he (Private Robertson) was in plain clothes? Yes.
334. How was Captain Rossi dressed? He was in uniform. That part of Colonel Richardson's reply which was not read stated that the Act was clear, that both must be in uniform for the salute to be insisted upon.
335. Nevertheless, Private Robertson was censured? Yes.
336. You say that eight or nine Volunteers who were in your employ have either resigned or been dismissed. Have they resigned or been dismissed in consequence of these disagreements between the captain and the members of the Corps? All who are now in my employ who were Volunteers have resigned; the one who was dismissed has since left my employ, and is living at Hill End—Private Morris.
337. What was he dismissed for? For some difference of opinion at a committee meeting. He was not in uniform at the committee meeting, and was ordered by the captain to sit down; he replied that he believed he had a right to act in an independent manner at a committee meeting.
338. What was the object of this committee meeting? Something connected with the Volunteers; I cannot remember now.
339. How did the committee come into existence? I do not know what the committee was appointed for, now. Captain Rossi, I believe, objected to any one taking part in the business of the committee unless he was in uniform. These gentlemen, Privates Morris and Chambers, insisted upon taking part in the meeting, though dressed in plain clothes, and thereupon they were dismissed.
340. Were they members of this committee? Yes.
341. You say several of them resigned—all the others with the exception of Morris. Did they tell you what was the reason they resigned? Some of them have told me they resigned because, to use about their own expression, as men they could not put up with the tyrannical conduct of Captain Rossi.
342. Being in business in Goulburn, you have a good opportunity of knowing the public feeling upon this dispute between Captain Rossi and the Volunteers? I have.
343. What is the general feeling in the city of Goulburn as to Captain Rossi's conduct and the conduct of the Volunteers? I do not know what the feeling is exactly now, but the feeling throughout has been condemnatory of Captain Rossi: people have felt very strongly upon the subject, and expressed themselves so.
344. Did it become a general subject of conversation in Goulburn? Yes; it was about as popular a topic as the share market has been of late.
345. And the feeling all through was against the imperious conduct of Captain Rossi? Yes.
346. Will you state your own opinion? From my knowledge of Captain Rossi, extending over more than twenty years—from my knowledge of several individuals who have been Volunteers and have felt themselves aggrieved—from my intimate knowledge of the inhabitants of Goulburn—from the half-hour or hour that I spent in company with Captain Rossi before the Court of Inquiry, in Goulburn, the day before yesterday—from everything, first and last—I have no hesitation in saying that the Goulburn Company of Volunteers has been ruined by the conduct of Captain Rossi, and that that is the general feeling of the people of Goulburn. You can ascertain the fact from other witnesses, but my belief is that there are not one-quarter of the men in the Force now who were in it when Captain Rossi took charge; the number, small as it is, is made up constantly of recruits who are induced to join. There are men in the Force now who would leave it were it not that they have been in it some four years, and they do not care to lose the advantage that may accrue to them in another year. One of the men who was contemplating resignation, said to me—"I like it, and would not leave at all, but for the annoyance we are subject to."
347. Was Captain Rossi appointed on the recommendation or by the votes of the Volunteers originally? Yes, I believe he was. But he lost his election to the distinguished rank of a corporal; they would not vote for him as a corporal or sergeant. There was no other person in the Force at the time who would take the office of captain.
348. And, although they would not elect him corporal or sergeant, they elected him as captain, simply because there was no other gentleman in the Force who would accept the position? That was the state of things, I believe.
349. Is it your opinion, that if Captain Rossi remains in his present position the disbandment of the Force will be the result; or do you think that after a short time these disagreements will disappear and the Corps will go on satisfactorily? I think the disbandment of the Corps is inevitable if Captain Rossi remains. I was in hopes that after this military investigation had commenced, and he saw that the public feeling was against him, he would have improved; but I was informed only the day before yesterday that he treats the men in precisely the same way as he ever did.
350. What is the general complaint against Captain Rossi? You see it is difficult to put some of it into words. For instance, he was distributing some awards a very short time ago, when a man stepped out of the ranks—which I understand is the correct method—and respectfully expressed a wish to Captain Rossi that he would communicate to Colonel Richardson that a badge was due to him but had not been sent forward; and Captain Rossi meets an affair of that kind in this way—"What does the fellow want?" Some of these men are as respectable men as he is himself. I said in my speech at the meeting that I believed I should have been the first man he would have dismissed, had I been a member of the Corps.
351. Then it is the imperious manner and insolent tone used by Captain Rossi in addressing his subordinates which has created this ill feeling against him? Yes.
352. Do you think it is possible that the men in the Corps can be reconciled to him? I think almost all the respectable men have been eliminated; a great many very young recruits have been brought in, but I do not think it will ever be a Corps worthy the name.
353. The most useful men have either resigned or been dismissed? Yes, or will go out as soon as their five years are up.
354. The persons who are joining now are young lads, according to you? Many of them very young.
355. What is their object in joining? I believe they have been under the impression that the Land Order system would hold out, but I suppose they have been disabused of that opinion lately.
356. Can you give the Committee the highest number of the Corps at any time? No, I do not know.
357. However, they are reduced in number? Yes. I have no hesitation in saying that had things gone as they should have done there might have been 200 men in the Corps.

358.

358. Have you any idea how many there are now? No.
359. Can you tell us how long Captain Rossi has been Captain of this Corps? He was appointed in July, 1869.
360. Can you tell us what was the number of the Force at that time? No.
361. I think you said the number has considerably diminished of late? I said that of the original number when Captain Rossi took charge, not more than a quarter remain. The numbers are made up by recruits.
362. You do not know whether the total number has been reduced of late? I am sure the total number is less than it was, but how many there are I do not know. I judge by the appearance of the men on parade, partly; I do not know the number on the roll.
363. The cause you attribute to the imperious conduct of the commanding officer? Yes, and another reason which I have alluded to; that is, the appointment of mere lads over the heads of men of mature years.
364. By whom are these appointments made? By Captain Rossi. One of them is the son of Dr. Hayley.
365. What is your opinion of Captain Rossi's fitness to command? I have already said that I think if he goes on commanding, the Corps must of necessity be disbanded; he will have nothing to command shortly, I believe.
366. In your memorial, you say that there have been several police-office cases between Captain Rossi and members of the Company? Yes.
367. Do you know anything about these? There was one, Rossi *v.* King, for the recovery of £10, the amount of a bond entered into by the defendant. There was another in which Captain Rossi was brought up and fined 5s. for an assault upon one of his subordinates, Sergeant Mawson. There have been several cases connected with Private Martyr.
368. Do you know anything of the "resignation of two different committees"? The committees resigned for the reason assigned by some members, as nearly as I can remember, that Captain Rossi acted in the committees in the same manner as he did to the men when on duty and parade—in the same over-bearing spirit; if they expressed an opinion adverse to his, they were ordered to sit down, and so on.
369. Do you know why these committees were appointed, and what they were appointed for? One of them was in connection with the Band, about which there has been very great dissatisfaction.
370. Do you know anything of the "resignation of all the corporals save one"? I think that was in connection with the appointment of a junior over their heads, and, I think, after they had themselves elected some one to the office.
371. The "dismissal, on apparently trivial grounds, of Privates Chambers and Morris"? That was at one of these committees when they were in plain clothes.
372. The "appointment as sergeant of Private Hayley, a mere youth, over the heads of men of mature age, which appointment was therefore most distasteful to the Company;"—do you know anything of that? I know it occurred, and led, I believe, to the resignation of some of the other members.
373. Is there anything else you would like to lay before the Committee? I should like to say that personally I have had no disagreement with Captain Rossi. My appearance here is solely on public grounds. I came down with Captain Rossi, in the same railway-carriage, and am on speaking and friendly terms with him; but I have a deeper interest in Goulburn than in Captain Rossi, and consequently I have come here to tell the truth, as far as I know it.
374. The course you have taken is merely because you think the character of Goulburn suffers by these disagreements? Yes. I am sure any one who has read the public prints for some time past must have seen these things cropping up continually.
375. You say the tone of public feeling is very decided on this matter? Yes, unmistakeably decided. I may mention that I received a request to attend a Military Court which has been sitting in Goulburn to inquire into these matters during the last two or three days, and I did so out of courtesy to the Court and respect to His Excellency, who constituted it; but I said that I did not purpose to go on with the charges, as I was summoned to give evidence here, and, as this was the higher Court, I would not answer any questions there.
376. You refused to answer any questions? They rather wished me to act as prosecutor and conduct the inquiry. Had I been summoned as a mere witness, I was not sure whether I would have answered any questions; but, under the circumstances, having been summoned here, I preferred to attend this Court.
377. Is there any marked feeling in Goulburn in reference to the Commanding Officer, Colonel Richardson, in this matter? I think so. I told the members of the Court, too, on that point, that, with all respect to them, I should not enter upon the subject, for one reason, because they would of necessity, if they went through the memorial, have to investigate charges against Colonel Richardson; and as they were his subordinate officers, I did not, with all respect, think them competent to do so.
378. Who composed this Court? Major Raymond, Captain Baynes, and Captain John Wells.
379. This Military Court has not concluded its inquiries? I am not sure. On the first day it sat no one attended, no one having been summoned. Captain Baynes waited on me and asked me to attend, and I did so at the next sitting. What I stated was taken down, and the President of the Court said they would hear Captain Rossi's reply to the memorial on the morrow, and if I wished to be present I could. Captain Rossi objected to my being present, stating that his reply might fortify me in my evidence here against him. I relieved his mind on that point, by saying that I should not be present. The next day, I am informed, they did hear Captain Rossi's reply, which was in writing, and which the President of the Court said would, with my statement, be before this Committee as papers connected with the case.
380. From what I gather from your remarks, you think the people of Goulburn have very little confidence in this Court of Inquiry? They have no confidence in it.
381. That arises because one of the officers is investigating his own conduct? Colonel Richardson is not sitting on it, but his subordinates are judging their superior officer. There is another reason, and that is, that the Court of Inquiry in the case of Captain Rossi and Private Martyr made a statement that, in their opinion, Private Martyr committed an error of judgment—that, I think, is the head and front of his offending—and for that error of judgment they confirm his dismissal from the Force. We considered that reason to be insufficient, when he had served a long time in the Force, and had been a very efficient member of it, and exceedingly useful in the committees.* 382.

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* Note (*on revision*):—I have been informed, since giving my evidence as above, that the meeting at which Privates Chambers and Morris appeared in plain clothes was a *general* meeting, and not a *committee* meeting.

By the Court :—

W. Davies. 382. You stated in your evidence before the Select Committee that in your opinion the Goulburn Company had been ruined by Captain Rossi. Is it your opinion that it is still in a ruined state, and that there is no
30 Dec., 1873. hope of recovery so long as Captain Rossi remains in command? Yes, in this way—the best members will leave it as soon as they can. I cannot disclose names, but I have it on the authority of some of the oldest members of the Corps at the present time that as soon as they can compass their land orders they will leave it. The Corps must consequently be replenished by recruits.

383. Do you think they will remain in the Company in the event of the removal of Captain Rossi from the Corps? I think they will.

384. How many do you suppose are in that position? I really do not know. Some are reticent.

385. You say that you have had some information. Judging from that information, how many should you suppose are likely to leave if Captain Rossi remains in command? That can only be an opinion, of course.

386. I ask you simply for your opinion? Very nearly all the old members, and what we call men of respectable positions in life, will leave the Corps as soon as they can.

387. What proportion of the Corps do they now represent? I should think, speaking in general terms, ten to twenty per cent.

388. From ten to twenty per cent. I think so.

Examination by Captain Rossi, through the Court :—

389. Did it ever occur to you to speak to Captain Rossi, and ask him if he could assist you to understand matters? It did not.

390. Were you not at the time the employer of one of the Company whom Captain Rossi dismissed? I was.

391. In reference to your speech at the public meeting,—from whom was the information received—was it directly or indirectly from Mr. Martyr, the late secretary—the information on which the memorial was framed? I am supposed to be a public speaker; and when I have to address the public in Goulburn upon any important topic, others who are not supposed to speak so well as myself supply me with information. In this case, I argued it upon the broad question of public influence and sentiment; and many of these charges I do not know of my own personal knowledge. The information which I received and upon which I spoke at that public meeting was supplied chiefly by several of the Volunteers themselves. I believe that Mr. Martyr, amongst others, did supply me with information.

392. Were you not one of those who applied to the Mayor to convene a meeting? I think so.

393. Are you not sure of it? No; but I believe so.

394. Have you any doubt about it? I do not think I have.

395. You will not swear that you were? I will not, without there is some information to refresh my memory.

396. Did your name not appear in the paper as such? If it did, I admit it. I have not the least doubt I did, but I have no recollection of it at the present moment.

397. You have said that all or nearly all the Volunteers attended that meeting: what proportion will you take upon yourself solemnly to say were present? I do not know that there is any solemnity in the question. I believe that there were three-fourths of the Volunteers present; and I believe, in explanation of my opinion, that there were either one or two Volunteers mustered on parade that evening, and, not being quite enough to go through the evolutions, Captain Rossi dismissed them,—the men being nearly all at the public meeting.

398. Did any of the Volunteers take part at the meeting? No; the memorial says that it was entrusted to civilians, for a sufficient reason.

399. Upon what did you found your idea expressed in the resolution, that the frequent and serious disagreements occurring between the captain and members of the Goulburn Volunteers were calculated to impair the efficiency of the Company, and eventually to lead to the disbandment of that body? I found my opinion upon the charges contained in the memorial—charges referring to evidence which had transpired.

400. Is it merely a vague notion, or have you any information for it? The foundation of it is the charges contained in the memorial—charges relating to evidence which had transpired.

401. Upon what did you found this idea;—was it merely a vague opinion, or have you any foundation for it? The reasons I had were the serious and frequent disagreements subsequently, as I have said, embodied in the memorial.

402. Captain Rossi wishes to fix you as to the foundation for your opinion at the time? The serious disagreements which the memorial summarised.

403. Do you know, as a fact, that the efficiency of the Corps had then been impaired at the time when you spoke at that meeting? It had not been impaired, I think, to any serious degree, because, as I have already stated, these men, many of them, remain in the Corps. I am not aware that it had been affected in any considerable degree at that time.

404. Have you inquired into the facts so as to make yourself thoroughly acquainted with them? I think I have; most of them, if not all.

405. Did you ever ask the other side—did you ever hear anything from Captain Rossi in this matter—have you ever had any conversation with him with the view of gaining information? No.

406. Is it not a fact that the efficiency of the Corps was at the date of the meeting, and is now constantly advancing? I do not know.

407. Can you state in support of your charges how many efficients there were in 1869, in 1870, in 1871, in 1872, and how many there are at the present time? Captain Rossi knows that I cannot possibly answer that—I could not know it. I believe that Colonel Richardson has found fault with the Corps since, and refused to give any certificate of efficiency until he returned again in a fortnight—until errors might be rectified, and he should see them in better circumstances. I believe that Colonel Richardson has found fault with the Corps during the past year, and he made a second visit to Goulburn in order that some things might be rectified.

408. Where did you get your information? From the newspaper.

409. Will you produce it? I have not got it.

410. Which newspaper—the *Goulburn Herald?* I do not know.

411. Can you produce the paper? I cannot now.

412. How long is it since you saw it? I think it was in 1873—during the current year.

413. Do you remember exactly what you read on the subject? I read that Colonel Richardson found fault with something in connection with the Corps, but the particulars of it I do not remember; and that, as a concession to the commanding officer, he agreed to come up from Sydney again in a short time—in a few days; and during that period I believe these errors were rectified and things were made right. That is the substance of what I read.

414.

414. Did Colonel Richardson ever come again? I do not know.
415. Colonel Richardson refused to give certificates because he was not satisfied with the Corps? He refused to do something which was necessary. I do not know what he refused, but it was something that it was needful for them to get; and said that he would give them another trial in a fortnight or so. Whether it was dirty arms, accoutrements, or not, I cannot say.
416. Can you say whether there are more efficients now or less than there were when Captain Rossi took command? I do not know.
417. Are you aware that there are more efficients in 1873 than there were in 1872? I do not know.
418. Are you aware that there are nearly double the number than there were when Captain Rossi first took command? I do not know.
419. Will you say that there are not? I will not.
420. You have said in your evidence that there ought to be 200 men in the Company if Captain Rossi had managed it rightly;—are you aware how many there should have been in the Company? Yes, there might have been two Corps instead of one.
421. Can you say how many there were in the Corps at the time when you complained that the Company was going down? I cannot.
422. Can you say how many there are now? I do not know.
423. Are you aware that there are twenty-seven recruits waiting admission when there are vacancies in the Company for them—twenty-seven above the 100 which Captain Rossi produced in the last quarterly return? I am not aware.
424. If you do not know the facts, upon what information do you make the assertions? An Army may be demoralized and yet have the same number of men in it. I have already said that those men who must be the most efficient men in the Corps will leave. I have not said that they have left. I say that the Corps is in the course of ruin, because these men will be thrust out of it. As long as these men stop in it, it will be efficient. An Army consists of the men who are in it; and so the Corps will be kept up whether Captain Rossi is captain or not. I do not say that it is ruined now.
425. Referring to the case of Private Robertson, are you aware that Private Robertson has been assured more than once that it was neither censure nor reprimand? Assured by whom?
426. By Captain Rossi? I am not aware.
427. Will you name the twelve who were in your establishment, and who resigned? No, I cannot; they have come and gone.
428. Can you name any of them? Morris, who was dismissed, was in my employ. There was Hadfield, and Brentnall, and Whiting. I really cannot remember the names of others at present.
429. Is that all you can remember? All I remember at present.
430. Has Whiting left the district? He has left the town.
431. Can you say that Brentnall resigned on Captain Rossi's account? I believe he did.
432. Do you know that handwriting? Yes; it is Brentnall's handwriting.

[*Brentnall's letter read by the Court.*]

433. Wherein was the tyrannical conduct of Captain Rossi manifested to the men in your establishment? Chiefly in the dismissal of Private Morris. They, as comrades in the Corps and fellow-assistants in my store, took his side. They believed that an act of injustice had been done to him, and were not quite sure when a similar act might be done to them, and some of them resigned.
434. Are you not aware that the Military Court of Inquiry considered Morris's case before his dismissal? I believe it did.
435. Before his dismissal? I believe it did. I do not like on oath to say that I know it; but to the best of my belief it did.
436. Are you aware that the dismissal resulted from that Court of Inquiry? I am not aware.
437. Of the different persons you have named—Fuller, Mawson, the two committees who resigned, all the corporals save one, Robertson, Clarke, King—has any one of them left the Company in spite of these disagreements? I do not know.
438. Can you say that any one of them has left the Company? I do not think they have.
439. What evidence can you give in support of the statement that the Company has been ruined by Captain Rossi's conduct? Which statement is that? Will you refer me to it?
440. Question 33. In your evidence given before the Select Committee, you state in your answer, "I have no hesitation in saying that the Goulburn Company of Volunteers has been ruined by the conduct of Captain Rossi, and that that is the general feeling of the people of Goulburn"? That is still my opinion. I think that there might have been two hundred members instead of one, and it is ruined to that extent.
441. What are the grounds of your opinion? I ground my opinion, as I have stated all through my evidence, on the conduct of Captain Rossi from the commencement.
442. Can you not particularize any conduct on his part—some acts of his which would lead you to believe that? They are all enumerated in the memorial; but, in addition to that, I state in one part of my evidence that there are some things difficult to put into words,—that is, general tone and manner, which gentlemen like myself will not put up with; and I maintain that there might have been 200 Volunteers in Goulburn now, all, or nearly all, the most respectable part of Goulburn. I do not say that the present Corps is not respectable at all, but I say that it might have been doubled and trebled. Because it has been kept up to bare efficiency does not at all contravene my statement that it may have been much better. It is a failure compared to what it might have been.
443. You are aware that under the regulations a Company cannot be more than 100 strong? Yes; but there might have been several Companies in the town.
444. But if another Company were applied for, parties joining the second Company would not be under Captain Rossi's control? Yes. Well, it has not been applied for.
445. What is there in the Corps now to show that it is ruined? The contemplated recommendation of the members—of the older members—so far as I have information.
446. Will you give the information? No.
447. Will you mention the names of any of them? Certainly not.
448. Do you mean to say that there are still useful men in the Company? I do.
449. Then what did you mean by saying that the most useful men had resigned? Where is that?
450. Question 50,—"The most useful men have either resigned or been dismissed"? Those are not my words.
451. Your answer to that was—"Yes, or will go out as soon as their five years are up"? Those are my words.

W. Davies. 30 Dec., 1873.

452. Will you name the most useful men who had resigned at that time? I consider that all those men who were in my employ were useful men. They were all young, active, and intelligent men.
453. How many of them are still in your store? Three or four of them; Brentnall and Hadfield. I do not remember whether Mansfield was one. I cannot remember the names of those who were in, and who have left from time to time; but Captain Rossi knows the names of them all. They are all across the way. He can have them as witnesses. Instead of my opinion, he can have their oath.
454. Can you bring the rest of the twelve men here to say that they left upon Captain Rossi's account? I stated that I had had as many as twelve men in the Corps in my employ, and that I had now one. I did not say that all those twelve men had resigned.
455. Are there any in the Corps except one? One?
456. Yes? I think not.
457. Have they all resigned or been dismissed? Not necessarily. Some of them have left the town, and resigned on that account.
458. How much of all that you have stated is based upon your own knowledge? Of the whole of this evidence?
459. Yes? You take the whole of the evidence before the Select Committee?
460. Everything that you have said? I have already stated that a great deal of the information was supplied to me by the aggrieved parties.
461. Will you point out what is of your own knowledge in the evidence you gave before that Committee? I did not see the assault on Sergeant Mawson, but I know by the newspaper reports that Captain Rossi was fined 5s.
462. Can you point out the portions of your own evidence which you know of your own knowledge—not what you do not know of your own knowledge? I cannot say. How is it possible?
463. Will you state anything that you know against Captain Rossi, of your own knowledge, as commanding officer—anything which leads you to believe that he is not fit to command the Company? I think you will see that I do not know how to get at that.
464. You have known Captain Rossi for a long time? For twenty-five or twenty-six years.
465. You have had a great deal of intercourse with him? It is from my knowledge of Captain Rossi that I believe his style of dealing with and speaking to his fellow-men is objectionable.
466. What do you know of Captain Rossi's style of speaking to the men, of your own knowledge? It is my belief.
467. The question confines you to what you have seen or heard from Captain Rossi—not what you have heard others say of him? He never did anything to me, if that is what is meant, but surely I know when a number of gentlemen with whom I am intimately acquainted come to me and insist on these things. Some of these gentlemen will be examined here, and on their oaths testify to these things. When 600 men in a bit of a village like Goulburn assemble together and state unanimously, without a single hand being held up to the contrary, that they believe these things will ruin the Corps, surely I am justified in regarding that as knowledge.
468. You really do not know of any facts in Captain Rossi's conduct which led you to form this opinion? Yes, I do. The case at the Police Court for one; I know this.
469. Did you see the assault? That is rubbish. There is a great deal of Captain Rossi's knowledge which he has to get second-hand.
470. From whom did you receive your information upon which you grounded this charge with respect to Private Hurley? Which charge?
471. The charge of speaking in that way to Private Hurley—"What does the fellow want?" You will find it in your answer given to question No. 47. Who gave you the information that Captain Rossi spoke in that way? I know, but I cannot disclose his name. He is a Volunteer.
472. You decline to answer that question? I decline to answer.
473. Was it the person referred to himself? [*Question disallowed.*]
474. Was that information given to you subsequent to the meeting and to the memorial? It was imparted to me subsequently to the meeting. I should have spoken of it at the meeting if it had not. The information was given to me after the meeting. I do not know about the memorial.
475. Did not the occurrence take place subsequent to the presentation of the memorial? I do not know when it took place.
476. Did you not tell the Parliamentary Committee that it was only a short time ago? I do not know how short.
477. Did you ever ask the person yourself any particulars about it? I did not.
478. Question 48,—"Then it is the imperious manner and insolent tone used by Captain Rossi in addressing his subordinates which has created this ill feeling against him? Yes." Will you name what Captain Rossi has done to induce you to have that opinion, or to answer that question in that way? What I have already stated about the men stepping out of the ranks.
479. Is it not the case that gentlemen who are Captain Rossi's subordinates in the Corps have expressed themselves in the highest possible terms of his treatment and demeanour towards them? I do not know.
480. You have spoken of the appointment of Corporal Hayley as sergeant;—have you been careful to ascertain fully the circumstances? No; I know no more about it than is in my evidence.
481. Then you cannot state what grounds Captain Rossi had for appointing Corporal Hayley sergeant? I have not the least means of knowing.
482. Did you ever inquire? I did not.
483. You say that several members resigned in consequence of Corporal Hayley's appointment;—can you name any? I do not name any.
484. Do you refuse to name any? I decline to name any.
485. Captain Rossi does not ask you to name them, but can you name them? I decline to say if I can name any of them.
486. Could you give your reasons for declining to name any? One is that they may at the present time be members of the Corps, and the other is that the information may be got much better out of the present members of the Corps, who may be summoned as witnesses.
487. Have some returned to the Corps again who resigned? Will you refer me to the question in the evidence?
488. Question 69. Do you know of your own knowledge of members who resigned on account of Hayley's promotion and who have returned? No, I do not.

489.

W. Davies. 30 Dec., 1873.

489. Will you undertake to say of your own knowledge that any did resign in consequence of Hayley's appointment? Yes.
490. Can you bring any here? I decline to give the names, and therefore I cannot bring them here.
491. Could you bring any of the parties here who have resigned in consequence of this appointment? I believe I could if they would come.
492. Are they members of the Corps now? I decline to say. I would give up none of my authorities without their sanction. Some of them are poor men.
493. You spoke of the resignation of some corporals;—do you know anything about it of your own knowledge? I think not.
494. Who gave you the information? I decline to say.
495. Are you aware that the proceedings against King were taken in consequence of the wish to that effect on the part of the committee? I am aware of it from having heard the evidence given by Mr. Martyr this morning.
496. That referred to Paris, and not to King at all? I do not know.
497. Are you aware that in the assault case of Mawson, two solemn affirmations were made by two witnesses, which caused the Police Magistrate, upon receiving it, to write a minute stating that had such evidence been adduced on the hearing of the case he would have dismissed it? I am not aware of it; but if I were aware, I could only have it second-hand. I have never seen the minute.
498. Are you aware that Mawson resigned his position as sergeant, and applied to be reinstated as sergeant? I am not aware of it.
499. Are you aware that the resignation of the first committee in 1869 arose from a misapprehension on their part that they could discuss military matters? If Captain Rossi will accept my hearsay when it goes in his favour, he will not accept my hearsay when it goes against him.
500. Do you know that those who resigned as members of the committee have since worked upon committees? I heard in this Court that Mr. Martyr had.
501. You are not aware of it of your own knowledge? No, excepting from the evidence given here to-day by Mr. Martyr.
502. Was the resignation of the second committee brought about by Captain Rossi's imperious conduct? I do not know.
503. Are you aware who wrote the resolutions at the public meeting? Yes.
504. Who? I decline to say.
505. Who asked you to attend the meeting? A number of Volunteers.
506. Do you recollect Mr. Riley, one of the memorialists, being appointed to the Commission of the Peace? I am aware of it; that is, as I am aware of all these other things,—by the public prints.
507. Are you aware that thirteen other Magistrates, Captain Rossi among the number, resigned on that very day, in consequence? [*Question disallowed.*]

The Court adjourned at eighteen minutes before Six o'clock, p.m., until Ten o'clock, a.m. of the following day.

WEDNESDAY, 31 *DECEMBER*, 1873.

The Court met at Ten o'clock a.m.

Present:—

MAJOR P. L. C. SHEPHERD, VOLUNTEER ARTILLERY, President.
MAJOR J. H. GOODLET, SUBURBAN BATTALION, VOLUNTEER RIFLES.
MAJOR THOS. RICHARDS, SYDNEY BATTALION, VOLUNTEER RIFLES.

J. H. Paris was called, but did not appear.
A. M. Hunt was called, but did not appear.

W. R. Riley handed in a protest, and requested that it might be entered upon the Minutes of the Proceedings.

Private H. S. Clarke was duly sworn:—

Examination by the Court:—

Pt. H. S. Clarke. 31 Dec., 1873.

508. What is your name? Hugh Savage Clarke.
509. Did you give evidence before the Select Committee of the Legislative Assembly? I did.
510. Was that evidence true? It was.
511. Are you willing that that evidence should be taken as your evidence to-day? I am.

Captain Rossi said that he did not object. The evidence given by the witness before the Select Committee, on the 21st February, 1873, was read by the Court and admitted by the witness as follows:—

512. *Chairman.*] Are you connected with the Goulburn Volunteer Corps? I am.
513. What position do you hold in it? That of private.
514. Have you always been a private? No, I was a corporal.
515. How did you lose you grade—were you disrated? No, I resigned it.
516. For what reason? In consequence of a boy having been taken out of the ranks, and promoted to a position over the senior-elected corporal—a man who had been a long time in the Company.
517. Who was this man? His name is Fuller.
518. And who was the boy who was promoted? A young lad named Haley.
519. Have you been personally acquainted with the particulars of any of these charges that have been made against Captain Rossi? With some of them I have been. With regard to the resignation on the committees, I sent in my resignation on two different committees; or rather, I resigned on the one and refused to be elected on the other.
520. Did all the committee resign? Not all; some of them—most of them—did.
521. What induced you to resign? In the first instance, it was owing to Captain Rossi having ordered one of the sergeants to sit down, when that officer got up at one of the meetings to make a statement. Captain Rossi would not allow him to make the statement, but ordered him in the most peremptory manner to sit down.

522.

Pt. H. S. Clarke.

31 Dec., 1873.

522. What do you know about the resignation of all the corporals? That was in consequence of the promotion of young Haley, which I mentioned just now.
523. You were vice-president of the Rifle Association? I was.
524. Will you state what you know of the causes which led to the breaking up of that Association? Mr. John Chisholm was the president, and he sent in his resignation, owing to some difference he had with Captain Rossi. As vice-chairman I had to preside at a meeting which was called to decide upon breaking up the club altogether. In consequence of the resignation of a gentleman who was not only one of the principal men in the district but was also interested in shooting, and was remarkably liberal to the Corps in every way, I thought, and in fact the whole of us thought, that the club could not go on successfully without him as our chairman. We decided that the club should be broken up, but in doing so expressed our regret that it should have been necessary, as its stopping would greatly tend to discourage shooting, but saw no other course open to us, as we could never be sure that the targets would not be refused to us for practice. I spoke on the occasion, and in the course of my remarks, as near as I can remember them, I said that Captain Rossi had been guilty of a great want of judgment in acting as he had done. For saying that, I was ordered out to the front at the next parade, and was publicly censured before the Company by Captain Rossi.
525. You had rules to guide you in that Association? Yes.
526. Adopted at a public meeting? Yes, at a meeting presided over by Captain Rossi.
527. And you are sure that the action taken by Captain Rossi led to the dissolution of the Association? I have no doubt of it.
528. Are there any other of these charges that you know anything about? Yes, I know something of the circumstances in regard to the disputes arising between the members of the Band and the bandmaster. I have a boy of my own in the Band, and that is how I come to know about it. The members of the Band drew up a petition requesting that the bandmaster should be removed, as they were not satisfied with the manner in which they were taught. This petition was sent in, in the regular way, to the captain, through Mr. Deane, the bandmaster; but a copy of the petition was also sent by the bandmaster to Mr. Deane, the solicitor, in Sydney, and a lawyer's letter was sent up to Goulburn, threatening that, if the boys did not retract the statements made in the petition, and publicly apologize, legal proceedings would be instituted against them. When I read the petition, and the letter which had been drawn up to send in answer to the lawyer, I said that I could not possibly allow my boy to sign to a lie, and I refused to allow him to do so.
529. You mean by that, that the retractation of the charges made in the petition would be a falsehood? Yes; and I refused to let him do so. However, we heard no more of the matter from that time to this.
530. Do you know anything about the increase of the weekly subscription? Yes, I was present at the meeting when it was determined to increase the weekly subscription. The objection was, not that the subscription had been increased, but the way in which it was done. The dissatisfaction originated afterwards, because the motion for the increase was put in the affirmative and then was not put in the negative.
531. How many persons were present at the meeting? About forty.
532. How many voted in the affirmative? I do not think the half of them.
533. You think not the half, but you are not certain? I am not.
534. Did that increase of the subscription lead any of the members to resign? It did. I know positively of one, Mr. Hunt, who resigned in consequence. The dismissal of Private Paris I believe to have been an illegal act. He resisted the payment of any more than the previous subscription; he asked at the meeting if the recruits were to be allowed to vote in a matter which of course concerned them as well as the others, but he was told that, being a recruit, he would not be allowed to vote.
535. Had he to pay the money? Yes, he had. He was taken before the Police Court, and ordered to pay.
536. Are you acquainted with any of these Police Office cases which caused so much excitement? Yes. I was present in the Court when the case of Mawson against Rossi was heard, and Captain Rossi was fined 5s. for an assault.
537. Do you know anything of the particulars of that case? I do not—not of my own knowledge.
538. You had nothing to do with any of these cases? Nothing at all.
539. In the memorial it is stated that, in addition to the charges made against Captain Rossi, the memorialists rely upon many minor cases of disagreement not contained in the memorial. Do you know anything of these? I do; but I do not wish to enter upon them. I would prefer, if the Committee would allow me, not to say anything about them.
540. But if the Committee specially desire to hear what these cases are? In that case, of course, if the Committee insist upon it, I must say all I know; but I think there is so great a catalogue against the captain that I do not wish on my part to rake up other matters, and I should feel much obliged if the Committee would excuse me.
541. Is there anything else that you would desire to state? No, nothing beyond what I have already said.
542. I suppose you know most of these charges? I do—the greater part of them.
543. And you believe them to be true? I do.
544. How long have you been a member of the Company? Since its formation—I was one of the first who joined.
545. Has the Company made the same progress under Captain Rossi's command as it did before? I would rather not answer that question, or express any opinion at all on the matter of the management of the Company. I do not wish on my part to give any opinion on this subject, as I am still a Volunteer, and of course under discipline.
546. Then you are still in the Corps? Yes.
547. Mr. Finlay was your first captain? He was.
548. Was it by the vote of the Company that Captain Rossi was elected to his post? It was.
549. Have you and Captain Rossi been on good terms since he has had the command of the Company? Yes; privately we have been on very good terms.
550. What position do you occupy in Goulburn? I am a jeweller and watchmaker.
551. How long have you lived there? About seventeen years.
552. Do you think that the present Corps is likely to increase or prosper under its present commanding officer? I would rather not give an opinion upon that point.

553. There are many privates in that Corps who occupy good positions in Goulburn? There are—very good positions, some of them. Pt. H. S. Clarke.
554. There was one man who stepped out of the ranks upon one occasion—do you recollect that? Yes, I recollect that; I was present. 31 Dec., 1873.
555. What is the man's name? Hurley: he is a very respectable and intelligent man, who was teacher in the Roman Catholic Church School.
556. Will you tell us what took place on that occasion? In the first instance, no doubt, he was wrong; he ought not to have stepped out of the ranks, but should have applied to the captain through his sergeant; but then the captain was in fault for saying what he did. What Captain Rossi said was this: "What does the fellow want?" Then, speaking to Hurley, he said: "If you want to address me, you must do it in a proper manner, through your sergeant."
557. You have no doubt about the word "fellow" having been used? None whatever.
558. Did Hurley make any remark? None; but I could see that he felt hurt at being spoken of in such a way.
559. Is this Captain Rossi's usual tone and manner when addressing his subordinates in the Company? Yes, I must admit that it is rather too much his manner to those in the ranks.
560. He is rather imperious? Yes, I think he is.
561. Is this one reason why he is unpopular amongst his Company? Yes, that is the principal reason—that and his want of judgment.
562. Are there as many Volunteers in the Company now as when Captain Rossi first took command? Yes, there is nearly the same number, but the quality is not so good.
563. Then the Corps has not such a standing as it had when he took command? No, certainly not; and simply because of his unpopularity.
564. What do you think of the future prospects of the Corps? I would rather decline answering that question.

By the Court:—

565. Do you wish to give any fresh evidence in reference to these charges? Yes, if it is necessary—if the captain desires to cross-examine me. I have no desire to volunteer any evidence.
566. Charge 2—assault by Captain Rossi on Sergeant Mawson. Were you present when that assault took place? I was present on the occasion. I was in the ranks at the time; or rather it was after we were dismissed that the assault took place, but I was not a witness to it.
567. You were present yesterday when these charges were read over? Yes, in the first instance.
568. Do you know anything regarding the dismissal of Privates Chambers and Morris? Yes; I was present when the offence was committed which has been complained of by Captain Rossi. At one of the meetings, one of the annual meetings I believe it was.
569. Do you remember the ground upon which they were dismissed? As far as my recollection serves me, it was on the ground of their not complying with an order of Captain Rossi to appear in uniform, and the apparent disrespectful terms. The captain seemed to be under the impression that he was addressed in disrespectful terms, and they were not in uniform.
570. Do you remember the terms? It was more with regard to their not being in uniform. Chambers, I remember, borrowed a cap for the purpose of appearing in uniform, and then demanded to be heard.
571. What are the words which he used,—the words which were considered disrespectful? I do not think that it was the words so much as the disobedience on the part of Chambers to comply with the captain's request that they should appear in uniform. He had not the uniform, but he borrowed a cap on the occasion in order that he might be able to speak.
572. Do you remember any reply which either of them made in reference to Captain Rossi addressing them on not appearing in uniform? I do not recollect the exact words; but it amounted to disobedience on the part of Morris to comply with the request or command of Captain Rossi.
573. You do not remember their making use of any disrespectful language? No.
574. You consider that it was simply their appearing there contrary to the order? Quite so.
575. Were you present when private Robertson refused to give the military salute to Captain Rossi? I was not.
576. Do you know anything of charge 17—that is, the imperfect and unsatisfactory manner of keeping the Company's accounts: are you aware of anything in connection with that matter? I have heard of it; but I am not aware from personal knowledge. I have been a member of committee when I have heard.
577. What has been Captain Rossi's manner of addressing his men on occasions when off duty, and on duty? While off duty, particularly courteous and gentlemanly; but as captain, overbearing and tyrannical, in my opinion.
578. That is on duty? That is on duty.
579. Could you give any instances? Yes, I can give you one. It is fresh matter altogether,—this salute business. I have a boy who was a member of the Band, who joined on the first formation of the Band. On one occasion when I had to attend parade, I left an official document with the boy that he was to deliver to the captain on parade in the evening. It was an application to Captain Rossi for something or other—I do not remember now what it was. The boy was not a Volunteer, but merely a member of the Band, and had never been taught to salute Captain Rossi in the proper form. He handed the document to Captain Rossi in the way that a private individual would hand a document of the kind, without giving the salute. Captain Rossi took the document out of his hand, stamped his foot upon it on the ground, and demanded that the document should be given to him in a proper manner. He again demanded, and the boy complied at last. I was in the ranks, and I was sorry that he did comply. I could scarcely resist exclaiming that the boy should go away. The captain never told the boy how he could hand it to him. I think the conduct of Captain Rossi on that occasion was insulting, offensive, and overbearing.
580. Are the members of the Band not sworn in? Not as Volunteers.
581. Do they take the oath of allegiance on joining the Band? I am not aware of that.
582. Are they drilled? No; they are in marching, but merely in marching.
583. How old was this boy at the time you speak of? He was about sixteen years of age at that time.
584. Was the boy insulting in his manner—did he use any insulting language towards Captain Rossi? Not a word; it was merely the manner of handing the document without the salute that gave the captain offence.

585.

Pt. H. S. Clarke. 31 Dec., 1873.

585. Was the boy in uniform at this time? I think he was in the Band uniform at the time; I am not quite positive, but I believe he was.
586. What is the general state of the Company now as regards efficiency? I believe it is good; the Company is in a very fair state of efficiency.
587. Are you aware whether the Company, as a whole, object to Captain Rossi as commanding officer at the present time? I should say yes; but latterly Captain Rossi has very much improved—I must do him justice in that respect—within the last twelve months, since these inquiries have been going on.
588. From your general knowledge, do you consider that it would be advantageous to retain his services as Captain of the Company, or otherwise? If he would behave all along as he has behaved during the last twelve months, I think it would be.
589. We want your opinion now as to whether it would be advantageous to continue Captain Rossi in the Service—advantageous, of course, to the Company as a Company? It would entirely depend, in my opinion, on his conduct. I think he is in very many respects a good officer, but in others he is quite the reverse.
590. We would like you, if you feel justified in answering that question, to give your opinion? I cannot give it absolutely. It is a divided opinion which I have with respect to Captain Rossi. He has very many good points, and very many bad ones. If I were to say that he was totally unfit, I should say what is not the fact.
591. I ask you if it would be to the advantage of the Corps to retain Captain Rossi as commanding officer? I think that the general feeling of the Corps at present is that it would not be so. I speak from my impression of what the general feeling of the Corps would be.
592. Some witnesses have said that if Captain Rossi remained in command the Corps would be ruined? Yes.
593. Are you of that opinion? I do not think so. I do not believe that it ever will be of the same quality as it has been, because Captain Rossi has given so much offence to the best members that the Corps had at one time. They have got rather disgusted and left. I do not think it will ever rise to the same standard again.
594. Are you aware whether there are any members of the Company who have expressed an intention to leave when they have acquired their land orders? Yes, there are several.
595. Have you any idea of the reasons they have assigned for taking that step;—are they simply waiting until they get their land orders? That has kept a great number of them together up to the present time. I do not think that after January they will remain in the Corps if Captain Rossi continues in command.
596. It is in consequence of Captain Rossi being there? Yes.
597. What number are there? To my personal knowledge, about ten.
598. Do you think that the vacancy caused by their resignation is likely to be filled up by others? There are recruits joining now, and it is just possible the number may be made up by fresh recruits.
599. Is there a disposition on the part of the people here generally to join the Corps, do you think? No; quite the reverse.
600. What is the present strength of the Company? I am not exactly acquainted with the number. I cannot state positively.
601. Can you give an approximation as to the numbers? I think it has the full complement.
602. Are you aware of any unusual efforts being made to obtain recruits just now? None whatever that I know of.
603. They come forward in the ordinary way? Yes.
604. Voluntarily? Yes.
605. What stamp of men are they who have recently joined? Very inferior to what they were formerly.
606. Are they adults? No; a number of youths. Of course there are exceptions.
607. Charge 13—Attempts supported by threats to get members of the Band, many of them boys, to sign a document said to be an acknowledgment that they had been guilty of falsehood in their complaints against the bandmaster. Are you aware of any of the boys signing the document? I am not aware of any signing it. I refused to let my boy sign it.
608. Were you present when the threats mentioned here were used by Captain Rossi? They were used, I think, privately; used to them as individuals—not altogether.
609. You did not hear them yourself? I had an interview with the captain on that very point.
610. Are you aware what the nature of the threat was? A lawyer's letter from Messrs. Deane and Deane, in Sydney, the brothers, I believe, of our bandmaster.
611. What was the purport of the letter, do you remember? The effect of the letter was that if the boys did not comply with the apology that I read,—if they did not comply with that and sign it, the consequence would be that legal proceedings would be commenced against them.
612. For what? For defamation of character, I suppose, and making the statements previously made.
613. It was on Mr. Deane's behalf that this letter was written? Yes.
614. Are you aware how the bandmaster was engaged—who engaged him? Captain Rossi; but with the authority of the committee in the first instance.
615. How was he paid? So much a year.
616. From what fund? From the Volunteer Fund.
617. The Company Fund? Yes; subscribed by the Company.
618. In whose hands was the retention or dismissal of the bandmaster supposed to be? In Captain Rossi's hands.

Examination by Mr. Davies, through the Court:—

619. In your evidence you say that Privates Morris and Chambers were censured for not complying with an order about uniform—what order? An order from the chairman. Captain Rossi was chairman on that occasion.
620. Was the order issued at that meeting or prior to that meeting? I think prior to that meeting. That is my impression. It is usual.
621. You are not asked to speak of what is usual? I cannot state whether it was issued on that occasion or not. My impression is that it was. I am doubtful about the matter.
622. Do you state that you are not aware that any order was issued? No, I am not.
623. How long have you been in the Force? Since its formation. I was one of the first who joined.

624.

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624. Are you entitled to your land order? Yes.
625. How long is it your intention to remain in the Force? Not an hour beyond the time I get my land order, if Captain Rossi is retained in command.

Mr. W. R. Riley said that he appeared here under protest, as one of the memorialists, because he understood that Captain Rossi wished to examine him; and, as one of the memorialists, he desired to examine the witnesses.

The Court deliberated.

Permission was given to Mr. Riley to examine the witness.

Examination by Mr. W. R. Riley, through the Court:—

626. Is it the fact that the dismissal of the bandmaster was in the hands of the captain, or was it in the hands of the committee? The captain.
627. Had the committee power to dismiss the bandmaster? They had, with the consent of the captain.
628. And had they power to refuse to vote his salary? They had, if the captain would consent to it.
629. The letter from Messrs. Deane and Deane, written on behalf of the bandmaster—was that read by Captain Rossi to the boys or by the bandmaster? I believe it was read to some of the boys; it was not read to my boy; I read it myself.
630. But it was read by the captain? I believe it was.

By Captain Rossi:—

631. Were you present? I was not.

By Mr. Riley:—

632. You saw it in the hands of the captain? Yes.
633. Are you aware how many drills have taken place during the last two months? There has not been a full muster—not one.
634. You say that there has not been a full muster for two months? It may not be quite that length of time.
635. About that time? About that time.
636. What do you designate a full muster? Twenty, I think; you do not get a mark under twenty.
637. Do you know anything about a set of colours having been subscribed for by the public? I do.
638. How long ago is it since? I should think about two or three years—two years certainly.
639. Are those colours in Goulburn? They are in the captain's possession I believe.
640. Have they ever been presented to the Company? No.
641. Have they ever been seen in public? No; I have never seen them.
642. Do you recollect anything about the Band instruments being taken out of the charge of the Company and delivered to the police by Captain Rossi? I do.
643. Was that so? Yes.
644. Was the policeman, into whose custody they were delivered, a member of the Company? He was not.
645. Do you recollect anything of the case in which one of the bandsmen named King was summoned to the Police Court? Yes, I remember the circumstance of his being summoned.
646. Do you know what he was summoned for? I cannot exactly recollect; but if my memory were refreshed on the point I might remember. I know that he was summoned, but I fail to remember what it was for.
647. You do not remember the circumstances? I do not remember the reason.
648. Was it for the alleged forfeiture of the bond into which the bandsmen were required to enter? Yes.
649. Did this alleged forfeiture consist in King not serving the time he had agreed to? I believe so.
650. How was it that he failed to complete the time? I cannot say. I am not clear on the point.
651. Was it because he left the district? He did leave the district.
652. Are you aware whether he had to pay the bond or not? Yes, I believe that was the case. I think, if I am not mistaken, it was to enforce the penalty attaching to the agreement;—either £5 or £10.
653. Are you quite sure? I am not quite sure.
654. Are you quite sure that King lost the case? No.
655. You do not know whether he lost it or gained it? No, I do not remember.
656. Do you know the nature of his defence? No.

Examination by the Court:—

657. Can you inform the Court why these colours have not been shown in public? I believe it is in consequence of their not having been paid for. There has been only a portion of the cost subscribed for by the public—£25 I think was the amount—and the colours cost £40. I do not know whether they have been paid for now; in fact, Captain Rossi would not present them until they were paid for.
658. You think that is the reason? That is the only reason that I know of.
659. Is the Company indebted to anybody for these colours? I believe so.
660. To whom? To Reading, in Sydney.
661. Does the Company consider it a grievance that they are not presented? Rather a disappointment that the colours should have been in the custody of the captain so long without having been presented.
662. Do you know how it is that the money is not forthcoming? I cannot say whose fault it is, with regard to the balance not being paid.
663. You are not aware whether the Company is now in a position to pay the balance? I am not; in fact, the Company's funds could not be applied for any such purpose.
664. Is the captain personally liable for this amount, or are the Company liable? The captain is personally liable I believe.
665. Are you aware of any effort having been made to wipe off the balance? I am not aware of any.
666. Do you think that the Company would be willing to raise the money, if it were solicited to do so? If there were an active canvass I believe they would subscribe the balance.
667. What is the general feeling in the Company with regard to the colours not having been made use of? Disappointment, as I have said before, that they should remain as they are.
668. To whom do they attribute blame in the matter? To the captain I suppose, for not setting somebody to work in the matter to get subscriptions or otherwise. The blame is attributed to him.

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669. Are you aware of any effort being made on the part of the members of the Company to clear off the debt? I cannot remember of any.
670. Are you sure that the captain himself has made no effort? He has made an effort. He left a copy of the colours in my place, and requested me to solicit subscriptions for the purpose, which I did, but I never could succeed in getting any.
671. What reasons have persons given for not subscribing? Generally "Captain Rossi," "Captain Rossi." Captain Rossi is unpopular.

Examination by Mr. Davies, through the Court:—

672. Are you aware who collected the money for these colours? I am.
673. Who? The then Lady Mayoress, Mrs. Horn.
674. How much was collected? £25, or about that, as nearly as I can remember.
675. Have you ever heard any other reason given why the colours were not presented to the Company than that they were not paid for? No, I cannot remember.

Examination by Captain Rossi, through the Court:—

676. At question 236 in your evidence before the Select Committee you state that you resigned in consequence of a boy having been taken out of the ranks and promoted to a position over the senior elected corporal—is that true? ———
[*Question disallowed.*]
677. In what manner was Corporal Hayley placed over the senior corporal? On the ground that he had passed an examination that the others were invited to undergo, and I believed they declined.
678. How was he placed over the senior corporal? Simply because, in my opinion, he gave evidence of his ability to the captain, by passing an examination to qualify himself.
679. In what way was he placed over? He was appointed corporal.
680. Was he placed senior to yourself as corporal, or to which of them? The senior corporal was Fuller.
681. Was this boy made senior to him? He was appointed corporal—not senior to him.
682. Was Hayley appointed corporal—not sergeant? Corporal in the first instance.
683. Then how could he be made senior to the other? That is not exactly what I meant. Fuller was the senior corporal—Hayley was made sergeant after that.
684. That is your explanation? Yes.
685. If so, how could he have been made sergeant from the ranks: you say he was made sergeant from the ranks; how could he be made sergeant over the senior corporal from the ranks? I believe that Fuller was entitled to the promotion as being the senior corporal. The captain can best explain how it is that he placed him over Fuller.
686. In taking him from the ranks and making him sergeant, it would be but the one step? But that was not so; he was made corporal in the first instance.
687. Made corporal and then sergeant? Yes.
688. Before Hayley's promotion, did you not receive as well as the other corporals a notice that, if any desired promotion, they were to submit their names in order to undergo an examination? I did.
689. Did you not sign a memorandum to show that you had seen it? I did.
690. What was the effect of that notice? That it was competent for me and other corporals to undergo an examination.
691. This was while Hayley was corporal? Yes.
692. After Hayley's appointment? Yes.
693. As corporal? Yes.
694. You all had the same opportunity of obtaining this promotion as Hayley had? Yes; but there were reasons which I should like to give why the other corporals did not choose to undergo examination. We had no confidence in Captain Rossi as a judge in the case. He was so partially inclined to Hayley that he was determined to promote him at all cost, quite irrespective of his merit. Hayley was a favourite with Captain Rossi.
695. Is that why you would not undergo examination? Yes.
696. Did you, being a corporal, then resign under these circumstances? Yes, at that time.
697. Did not something else precede your resigning? Not that I remember.
698. Did you not complain to Captain Rossi that examinations for promotion should be required, subsequently to this? I had a conversation with Captain Rossi about the matter.
699. Did you complain? I do not know that it was a complaint.
700. Did you make any objection to Captain Rossi for instituting these examinations? No.
701. Did you say anything to him in reference to these examinations? Yes.
702. What was that conversation? I cannot remember the substance of it. I had a conversation with him, and I said that these examinations had been instituted entirely through Hayley, and had never been adopted before. That is all that I had a conversation with the captain about.
703. Did you and the other corporals beg that your objections should be submitted to the Colonel? I am not aware that they did. I believe the captain volunteered to do it himself.
704. Was it not at the wish of yourself and others? I do not believe so.
705. Did not Captain Rossi show you the letter he wrote upon the subject, and ask you if that conveyed what you wished? He showed me a letter, or I saw it.
706. Did not Captain Rossi ask if it conveyed what you wished? That I cannot say. I do not remember now, it is so long since.
707. Did Captain Rossi say anything in the letter that you did not wish? No.
708. What was the Commandant's reply? That he approved of Captain Rossi's method of having an examination in all future cases, but that seniority was not to be overlooked. That, I remember, was the substance of the reply.
709. You remember that the Commandant approved that examinations had been instituted? Yes.
710. Is that the letter which has just been spoken of? This is the same letter.
711. This letter Captain Rossi showed to you prior to sending it to the Commandant? Yes.
712. And the Commandant's reply is the reply in the margin? Yes. (*The documents were received in evidence and read by the Court. Vide Exhibit* A.)
713. Do you remember the Company order of the 12th May, 1872? Yes.

714. That is the order to which you refer? Yes. (*The document was received in evidence and read by the Court. Vide Exhibit* B.)
715. Do you know of a letter of the same nature having been sent to the Commandant from the Company, through the captain, inquiring whether promotions should be made by examinations or not? I do not.
716. Did you sign any such letter? I do not remember having done so.
717. Did you sign that letter? Yes, I see my signature here. (*The document was received in evidence and read by the Court. Vide Exhibit* C.)
718. Are you aware if that is the reply from the Brigade Office? Yes. (*The document was received in evidence and read by the Court. Vide Exhibit* D.)
719. Was it not shortly after that reply that you resigned? I think immediately after.
720. After you had resigned as corporal, did not Captain Rossi show you a letter which he had written to the Commandant, wherein he inquired if he might accept the withdrawal of the resignation if they desired so themselves? Yes, he did that voluntarily. No one asked him to do it. I did not.
721. Is that the letter? Yes.
722. Do you see the answer at the back? Yes. (*The documents were received in evidence and read by the Court. Vide Exhibit* E.)
723. Did Corporal Blackshaw withdraw his resignation? He did.
724. Did not Captain Rossi leave it open for a long time for you to withdraw your resignation? He did.
725. Did he not urge it upon you, explaining that you were not obliged to undergo any examination, but might continue as long as you liked as a corporal? Yes.
726. Did you not say in reply that you would do whatever Fuller, the senior corporal, did, and did you not tell Captain Rossi that you had made Fuller that promise? Not exactly. I stated to Captain Rossi that, as Fuller was the aggrieved party, I would do so at the same time, but I made no promise to Fuller that I would do anything of the kind.
727. You had no understanding whatever with him on that subject? No.
728. At question 239 of your evidence before the Select Committee you say "With regard to the resignation on the committees, I sent in my resignation on two different committees; or rather I resigned on the one and refused to be elected on the other."—Is it not true that you resigned on one and acted on another? Yes.
729. Was your so acting on a committee subsequent to your resignation? I cannot remember.
730. Have you ever acted on a committee since the time when you resigned? As private?
731. As a member of the committee? I cannot say.
732. Did you not take part in committee meetings, as a member of the committee, since your resignation as a committee-man? I cannot remember that I have. I had no right.
733. Subsequent to your resignation as a member of the committee, did you ever accept of re-election and act as a member of the committee? Yes.
734. What did Captain Rossi do to you personally, on the first committee, to cause you to withdraw? Nothing whatever.
735. Was it not because Captain Rossi refused to allow a military matter to be discussed before a finance committee? I am not sure as to whether it was a military matter or not, but he refused to hear them.
736. On some subject? Yes.
737. On what subject? I cannot remember. I believe it was a military matter, but he refused to give them a hearing.
738. Will you swear that the corporals resigned immediately upon Hayley's promotion? No, I cannot be positive on the point; it may have been some short time after.
739. Was it not immediately upon learning the Commandant's approval of refusing promotion without examination? It may have occurred about the same time.
740. How long after? I cannot say.
741. Can you fix the time? No.
742. Was there a month elapsed? There may have been a month elapsed, and there may have been less.
743. Did not the resignation of the corporals follow immediately upon hearing the Colonel's opinion about examination? I believe so.
744. And not immediately upon Hayley's appointment? I believe so.
745. What was the difference to which you can speak of your own knowledge between Mr. Chisholm and Captain Rossi, which led to the breaking up of the Association? Refusing the use of the targets, I believe.
746. Do you know this of your own knowledge? I have never been present when they have had any difference between them. All I know is from newspaper correspondence which took place between them at the time. As I was never present when they had any personal difference between themselves, I cannot answer the question as Captain Rossi puts it.
747. Then you absolutely know nothing whatever of your own knowledge beyond what you have seen in the newspaper, in reference to the Rifle Association? Except this, that I received a letter from Mr. Chisholm, as president, resigning his position, and leaving me then to conduct the management as vice-president. That I know of my own personal knowledge.
748. Will you produce that letter? I cannot. It was published in the newspapers at the time.
749. With reference to what you have said of Captain Rossi censuring you on parade, is that the letter he used on the occasion? No; I do not remember.
750. Do you remember seeing it in Captain Rossi's hand? I do not remember.
751. Is this statement in the newspaper correct? I was never asked so before the censure was passed upon me.
752. Are you aware if that report is correct? It is the fact—it is true. (*Document received in evidence. Vide Exhibit* F.)
753. Are you aware that Captain Rossi reported the circumstance to Colonel Richardson? I am not.
754. Did not Captain Rossi tell you that he had, and inform you of the reply? At the time of the censure.
755. Will you look at this? I never saw that before. (*Capt. Rossi's letter to Col. Richardson, dated Oct. 6th, 1871, and Col. Richardson's reply, dated Oct. 9th, 1871, were read, and received in evidence as portion of Exhibit* F.)

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756. Did you ever object to the weekly subscriptions to Captain Rossi? Never; in fact, I proposed in committee the advance of the weekly subscription.
757. Did you at the time express any dissatisfaction at the way in which it was carried? No.
758. Did any one express any dissatisfaction? They were not afforded an opportunity.
759. Is it not a fact that Hunt remained in the Corps twelve months after the passing of that rule? I am not aware.
760. Will you swear that he did not? I will not.
761. Will you swear that Hunt did not pay his subscription for three months at the increased rate? I cannot say.
762. Will you swear he did not? No.
763. Is it not a fact that Hunt did not resign until he was sued? I am not aware of that; I remember that he was sued.
764. Was it not after he was sued that he resigned? I cannot say.
765. Will you swear that it was not? I cannot swear it.
766. At question 254 of your evidence before the Select Committee you say that Paris resisted the payment of more than the previous subscription. Do you not know that Paris never paid anything of the previous subscription, the subscription at the lower rate,—that, in fact, he never paid any subscription at all? Not of my own personal knowledge. I know that the man himself told me that he had paid, and that only yesterday. He told me that he had tendered money frequently at the lower rate, and that it would not be accepted.
767. Was Paris present at the meeting? When the high rate was proposed?
768. Yes? I do not believe he was.
769. Was there more than one meeting in reference to it? Not that I am aware of. We had several committee meetings I believe; but I do not think we had more than one public meeting of the Corps on the subject.
770. In your answer to question 254 before the Select Committee you say that "he asked at the meeting if the recruits were to be allowed to vote." To whom did you refer? Those who were present in the body of the meeting.
771. Who asked? I asked. I believe so.
772. How could it be you—you not being a recruit? I do not see that I said that.
773. Who is the recruit referred to in question 254? He asked, that is, Paris asked. He must have been present.
774. Then you say that Paris was present? I believe so; but I do not swear to that positively.
775. As a matter of fact, was he present? I cannot say. I must have believed so at the time of making this statement here.
776. If Paris was present, was he a recruit? He was not a recruit.
777. How could it refer to Paris? Paris, on behalf of the recruits, asked the question.
778. Is Captain Rossi to infer from your evidence that Captain Rossi was present? I believe that he was present; I will not positively assert it.
779. Are you sure that all your evidence is correct? I have sworn to it.
780. Do you still swear that Paris was ordered to pay at the Police Court? I know there was a Police Office proceeding.
781. Your evidence is that Paris was ordered to pay: you have sworn that your evidence is correct. Captain Rossi asks you if you will still swear to that? My impression is that the case was dismissed.
782. Do you still say that Paris was ordered to pay? He was ordered by the captain to pay.
783. You say here that he was taken before the Police Court and ordered to pay? I believe the case was dismissed. I am not positive on the point. I believe that the case was dismissed by the Bench—that they could not entertain it—that it was beyond their province.
784. What do you mean then by the term "was ordered to pay"? That must have been my impression at the time I gave that evidence. I am doubtful as to what verdict the Bench gave; but my impression is that they dismissed the case.
785. Have you stated that you were present when the assault was committed on Mawson? I stated that I was not.
786. Do you know where the alleged assault on Mawson took place? Yes. I was present in the Court when the Bench decided that the assault had been committed, and a fine of 5s. was imposed.
787. Are you aware where the assault took place? In an adjoining room.
788. Was it at that period? I cannot say what time. I was not present when the assault was committed.
789. Did you not state that it was at that period? That was Fuller's case.
790. You have stated that you were present when the assault on Mawson took place—that you were on parade? I confounded the two names—I meant my answer to apply to the case of Fuller.
791. At the general meeting of the Company, when Chambers and Morris attended, did they not admit having been made acquainted with the order to appear in uniform at the meeting? I cannot remember.
792. Do you remember their saying that they were not aware of it? No, I do not remember anything. I remember one of them putting a cap on his head and stating that he was then in uniform. That was Chambers, and he claimed the right to speak then.
793. Are you aware that prior to the dismissal of Chambers, a Court of Inquiry was held upon his conduct? I am.
794. As to the Volunteers who shortly expect their land orders, are you positive that they will remain in the Company after they get their land orders, if Captain Rossi were removed? I answer for myself; I would.
795. Are you aware with respect to others? I can answer for several others.
796. Who would remain if Captain Rossi were removed? They would.
797. Can you name them? I decline to do so.
798. Could you get them to appear here and make a similar statement? No.
799. Will you describe—mechanically, if necessary—the manner in which your son went to Captain Rossi to deliver the paper? Will the Court allow the captain to do it—he can do it to perfection?
800. Will you swear positively that your son did not go up in an unbecoming manner to Captain Rossi? He did not approach Captain Rossi in a military manner.

801. Did he do so in an unbecoming manner? He did not. I positively assert it. He had no reason to do otherwise. Pt. H. S. Clarke.
802. Did you see him? I did. I was in the ranks.
803. Were you watching him? I was; and Captain Rossi too. 31 Dec., 1873.
804. Did he not come up and turn upon his heel as he presented the paper? After placing the document in the captain's hands he turned away.
805. Do you think he intended to show any disrespect to Captain Rossi? No; he had no reason then to treat him but with respect.
806. Did not Captain Rossi instantly receive the paper when the boy presented it a second time? Yes; and what I objected to was the captain's manner.
807. Do you think that your son felt hurt? I am sure he did.
808. Has he joined the Company since? He has.
809. Was it with your consent that your son joined? Yes.
810. Was it subsequent to your giving evidence before the Parliamentary Committee. I cannot remember. I cannot positively say. I am doubtful about it.
811. Will you swear that there have not been any drills for the last two months—are you clear upon the point? I do not swear positively to that point. I believe that there have been no full drills for something under two months. I did not say quite two months.
812. Can you define any time positively? I have not been present myself. I only go by what I have been told.
813. Will you name any person whatever who refused to subscribe on account of the colours in consequence of Captain Rossi's unpopularity? I could not do that; it is now so long ago. I know I was refused. It is now two years since I solicited.
814. If it is two years ago, are you aware that the subject has been frequently before the committee as to what should be done? Not being a member of the committee I do not know.
815. Have you heard that it has been brought before the committee? No, I have not.
816. From whom is the intended presentation of colours supposed to emanate? From the public.
817. Are you sure that the cost of the colours was £40? I am not.
818. £50? No.
819. £55? No; it was more than the amount subscribed, otherwise I presume the colours would have been presented.
820. You are quite unaware what Captain Rossi has done and what the committee has done in reference to the matter? Quite so.
821. You know nothing of the intention as to when they are to be presented? No.
822. You have spoken about the Band instruments being placed in the hands of the police: will you explain? I cannot possibly explain that. How can I know why the captain did that?
823. You do not know the object? No. I know that he ordered them to be taken out of the custody of the Quartermaster-sergeant and to be handed over to Sergeant Fenton.
824. Do you know nothing which led to that step—the reason of Captain Rossi for doing so? There was a cause, but I cannot exactly remember now what it was. I think it was to prevent the use of the instruments in some way or other.
825. Did not a general meeting of the Company request the captain to get them into his custody? Into the custody of the Quartermaster-sergeant, but not into the custody of the police.
826. But into Captain Rossi's custody? Yes.
827. And they were in his custody, were they not? Yes.
828. Do you know anybody who resisted their being in the custody of Captain Rossi? I do.
829. Who were they? The honorary members,—two or three of them.
830. Will you name them? I can positively name one.
831. Was Mr. Riley one? Yes.
832. Was Mr. John Chisholm another? I cannot assert whether he was or not.
833. Will you say positively that he was not? No.
834. Do you remember any other? Mr. Chisholm, I heard.
835. You are not sure? No.
836. Do you remember any other besides those two? No, I cannot remember any other.
837. Was Mr. Martyr one? I do not think so. I do not remember him.
838. Are you sure he was not? No.
839. Is the Corps in a more efficient state, as far as numbers go, than at any former time since its formation? I do not know about its being higher. It is as high.
840. Do you know that there are twenty-seven recruits waiting to come in if there were a vacancy? No, I am not aware.
841. Are you not aware that Captain Rossi has sacrificed a very large part of his time in the interests of the Corps? An immense amount of time. There is no doubt about it.
842. With the exception of the occasions to which you have referred, has Captain Rossi at any time during the period you have been associated together, been imperious and insolent in his tone towards you? Quite the reverse. As a private gentleman, he has been most courteous and gentlemanly.
843. Has he as a Volunteer? Latterly he has been very good. I have no fault to find.

Examination by the Court:—

844. Are you an efficient for the current year? Yes.
845. Was the resistance on the part of these parties, the honorary members of the Company, to handing the Band instruments to the police, and not into the custody of Captain Rossi? I believe that was it.
846. The objection was to their being handed to the police and not to Captain Rossi? Yes.
847. How do you know that that was the reason? It was currently spoken of at the time.

The Court adjourned at six minutes after 1 *o'clock, p.m. The Court resumed its sitting at thirty minutes after* 2 *o'clock, p.m.*

Private

Private Benjamin Mawson was duly sworn :—

Examination by the Court :—

Pt. B. Mawson. 31 Dec., 1873.

848. Your name, if you please? Benjamin Mawson.
849. You are a private in the Goulburn Company of Volunteer Rifles? At present.
850. You have heard the charges read over? No, I have not.

The charges contained in the Memorial supposed to be dated 3rd October, 1873, were read by the Court.

851. You were examined before the Select Committee of the Legislative Assembly? Yes.
852. Are you willing that the evidence which you then gave should be taken as your evidence on this occasion, reserving to yourself the right to correct and add to it on hearing it read over? I have no objection.

Captain Rossi said that he did not object to the reception of the evidence.
The evidence given by the witness on the 26th February, 1873, before the Select Committee of the Legislative Assembly, was read by the Court and admitted as follows :—

853. You are a sergeant in the Goulburn Volunteers? I was.
854. You are not one now? No; I resigned.
855. You have had some assault case between you and Captain Rossi before the Court? Yes, I had occasion to bring him up for assault.
856. Did you summon him? Yes.
857. Will you briefly state the circumstances under which this assault was committed? I do not recollect the dates, but the matter was this :—In the first instance Captain Rossi came to me at the railway station, and spoke to me about a boy of mine who was in the Band. The boy followed almost immediately after, giving his version of the affair, so I thought it better to take him to the captain and have the matter explained. I went to the captain's room and knocked at the door; he called out to come in, but no sooner did I open the door and he saw who it was than he ordered me out. He jumped up and shut the door upon me before I could get out, and jammed me between the door and the post. When he found he could not get the door shut he shoved me out; he took his two hands and shoved me out.
858. Did any words take place between you before this? No. I only said that I had come to have the matter investigated; and he said he would not listen to me, and ordered me out.
859. What was it the boy told you? It was something that had occurred between him and Mr. Deane the bandmaster.
860. What was it? I spoke to the captain about my boy becoming a bugler. Captain Rossi seemed to be satisfied that he should be, and when the boy spoke to Mr. Deane, that gentleman said he supposed he would want the first bugle. The boy said that he certainly would not take the second, and that his father had spoken about it to the captain. Mr. Deane said that his father should not interfere with him, and then the boy made him some reply. For this Captain Rossi made the boy sign an apology, threatening that if he did not do so he would bring him up and fine him £10. The boy did so, and the fault I committed was, going to the captain to have this matter explained.
861. You summoned Captain Rossi? Yes.
862. Was the case heard? Yes, and he was fined 5s. and costs.
863. Do you know the case of Fuller? I do.
864. Do you know it of your own knowledge? Yes; I was present at the time and saw all that transpired.
865. Will you tell us what it was? He was orderly corporal for the month, and had of course to attend the drills; the drills were on Monday, Wednesday, and Friday. On the Wednesday night he was absent; on the Friday he was present, and after drill Captain Rossi asked him why it was that he was absent. Fuller said that his business kept him away. Captain Rossi said that he must attend when he was orderly corporal, business or no business. Fuller answered—"Well, if you order me to do that I shall have to resign." With that the captain just took him by the shoulders and shook him like this. I thought something else was going to take place, so I turned on my heels and began singing, so as not to give any attention to what was doing. I made sure, in fact, that Fuller would have knocked him down.
866. Did Corporal Fuller take any proceedings against the captain? None.
867. Is he now in the Force? Yes; but he resigned his office as corporal.
868. You have had some experience in military matters? Yes; I served Her Majesty for fourteen years; for seven years as a sergeant, four years a corporal, and the remainder as a private.
869. From your experience as a non-commissioned officer, what is your impression of the Goulburn Volunteers? My experience of the Corps is that it would be very different if it were differently handled. Captain Rossi has a manner with him that is very offensive. In addressing the men he is always insulting their feelings, and speaks to them in the most insolent manner, such as—"How dare you, sir?" The word "sir" is continually in his mouth, and nothing can be more insulting to a soldier than to be "sir"ed by his superior officer.
870. His manner is offensive, then? Yes, and almost contemptuous.
871. Were you drill sergeant of the Company? No, I was not drill sergeant; but I used to drill their recruits for them and dismiss them.
872. Do you drill them now? No.
873. Who does it now? Sergeant Blackshaw. I lost a deal of time when I drilled them, often giving my time to the drill whilst I paid a man to do my work.
874. What regiment were you in? In the 90th Light Infantry first, and then I volunteered to the 42nd Royal Highlanders, and went to the Crimea under Sir Colin Campbell.
875. In your opinion, is the Company progressing at present? The men actually try to do as well as they can, and they are well enough as regards discipline, but the ill feeling between the men and the captain keeps the Corps back.
876. Is there ill feeling between the men and the captain? There is no doubt of that, and I can speak with certainty on the subject, because I have been in a position to know everything. I was in the Company when the captain first took command, and had to show him everything, even to giving him the word of command on parade. He has said more to me than perhaps he has to any one in the Company, and I

have

have advised him times after times to adopt a different tone and manner with the men. We had a good Company at one time,—acknowledged by Colonel Richardson to be the best in the Colony, but these constant misunderstandings have done it a great deal of harm. Pt. B. Mawson. 31 Dec., 1873.

877. Has the Company fallen off in numbers? Yes; we have lost forty or fifty men through nothing but these disturbances.

878. Through the intemperate conduct and manner of Captain Rossi? Yes, I am certain of it. I will give you one instance:—I was just about to dismiss a squad of recruits—eighteen or twenty men. They had just got through their drill, and were fit to enter the Company. Captain Rossi came up to where they were, on the railway platform. This was just about the time when they were increasing the subscription to 1s. per week. They asked the captain if they were to be allowed to have a voice in the matter of raising the subscription, and he said certainly not, as they were only recruits. The subscription had been raised some time before the captain came to see the recruits; but the recruits were not allowed a voice in the matter, and what they wanted to know was, if they would have to pay the shilling when they were not allowed to vote. The men said that if they were not to have a voice in settling the amount, they could not be expected to pay. He said that they should, or if they did not they should not belong to the Company. He got very much out of temper, and actually went so far as to put one man under arrest. The consequence of this was that every one of these recruits resigned at once.

879. The whole twenty of them? Yes.

880. Were you one of those who forgot to pay for your coffee when coming down by the railway on Queen's Birthday? I was amongst them.

881. How did that happen? I was pretty well acquainted with Draper, the man who keeps the refreshment room at Mittagong, and on my return from Sydney I asked him, before we left the station, whether any of the men owed him anything? He said he did not know, for there was a great rush of passengers by the train, and he did not know whether it was the Volunteers or the other passengers who had failed to pay him. I told him to make out what was deficient, and that I would make it good to him myself. He was perfectly satisfied with this, and we left. When we came to Sydney, and the Company was falling in at Hyde Park, among all the rest of the Volunteers, Captain Rossi called out loudly and openly—"Men, when you go back, pay for your coffee." He did not mince the matter at all, but drew attention by calling out in the first instance "Goulburn Volunteers," and then singing out the other at the top of his voice. When we got back to Mittagong, I asked Draper how much would compensate him for what he had lost, and he said he had lost nothing,—that a great many of the men had paid him since then, and that he had never thought of making a bother over it, knowing that he would be paid. I had left half-a-crown with him going up to Sydney, and I told him he might keep the change to make matters correct, but he would not do anything of the kind, and told me not to mind it as he had been paid.

882. Is there anything else you would like to say? There are many little matters that I might go into, but I hardly think it necessary. I could say a good many things, but I think that perhaps it would be better to confine myself to what concerns myself.

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883. The evidence you then gave is true? Yes.

884. Do you wish to add to the evidence you then gave? There is some little I could add to it. That is in connection with the salute when in plain clothes. I had occasion to go to the captain in his own room here, and the captain wanted to know why I did not give him the salute when he met me on the railway platform and I was out of uniform. We came to rather high words about it; and I told Captain Rossi that I did not give salutes as an act of courtesy, but as an act of duty. I asked him if I did not always salute him when I was in uniform, and he admitted that I always did. He threatened then to report me to the Commissioner for Railways and also to Colonel Richardson, for not giving him the salute when I met him, although I was in plain-clothes and not on duty at the time that I failed to give the salute.

885. What is your private occupation? I am what they call watchman at the station.

886. The railway station? The railway station.

887. You are under the Commissioner for Railways? Yes.

888. Under the Minister for Works? Yes.

889. Is there anything further you wish to add? No.

890. For what alleged offence was it that Captain Rossi made your boy sign an apology, and threatened to have him fined £10? I really could not tell what the offence was. I would not take the boy's word, and that is the reason why I wished to take him to the bandmaster. I know what the boy said it was, but I did not like to take his word any more than I would take the word of the other side.

891. What induced you to take your boy to Captain Rossi? Captain Rossi came down to me to the station, and accused the boy of being insolent to the bandmaster. I am not sure as to the word the captain used. I told him that I could not believe the bandmaster any more than anybody else; and I thought that it was best that the boy and the bandmaster should be brought together, and the matter investigated. The captain then left me. He went away in a passion, so much so that Mr. Crawfurd, who is now at the Sydney station, said that if Captain Rossi had waited a little longer he should certainly have had him removed from the station.

892. You stated that Captain Rossi threatened to have him fined? Yes.

893. Why? If he would not sign the apology.

894. Where? In the Band-room here.

895. In whose possession is this written apology now? I cannot say. I do not know what became of it.

896. What was the purport of the apology? That they were to sign a document stating ——

897. Are you speaking now of your own boy? Yes; he was one amongst the rest. The apology was sent to him first, and he was to sign it immediately. I cannot tell you the words of it. It is impossible to do so, because it is so long ago, and I never took any note of it.

898. We do not want you to give the words of the apology *verbatim*. Do you remember the general terms—the purport of it? The captain was perfectly satisfied, if the boy would make an apology, to let the matter pass. He would not take any more notice of it if the boy would make an apology.

899. What was the reason for asking for the apology—give the Court some idea of the whole matter—what necessitated the apology, and then what was the nature of the apology asked for? I believe the apology would not have been asked for, only for the dispute which took place between the captain and me. I was not there, and I did not hear what took place, except from what I heard the boy say and the captain say. I have no personal knowledge of the circumstances.

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900. Was the reason for this apology being asked for that the boy had refused to take the second bugle? I believe it was that, but I only know it from hearsay.
901. Was it for this that Captain Rossi demanded an apology, and threatened to bring him up and have him fined £5? Yes, I believe so.
902. You are not aware of the boy doing anything else but simply declining to take the second bugle? That is all that the captain complained of to me, and that he had been insolent to the bandmaster.
903. And that was for what Captain Rossi required an apology? Apology for refusal.
904. It was given to him in writing? In writing.
905. And the boy signed the apology? He did. I think he was compelled to do so, if the truth were known.
906. Are there any other instances than those mentioned by you in your evidence in which Captain Rossi has acted in a manner calculated to impair his influence as commander, and consequently to injure the Goulburn Company of Volunteers? There may be other matters, but they are not of my personal knowledge. Many things have transpired that I do not know anything personally about, and of which I do not wish to say anything.
907. You cannot specify anything else? No.
908. Are you aware that there is a strong feeling in the Company antagonistic to Captain Rossi being continued in command? Yes, there was.
909. Are you aware whether it exists now? Well, I believe from what I can hear, there is; but I have not mixed much with the Company during the last three or four months.
910. Is it your opinion that the retention of Captain Rossi as commanding officer would impair the efficiency of the Corps? I believe so. I hear that the principal part of the men who are entitled to their land orders will resign. I speak from hearsay. I can say nothing further.
911. Have you had any personal communication with any of them? Not upon that particular point.
912. Have you heard any men express their intention to resign if Captain Rossi were continued in command of the Corps? I do not like to mention names.
913. You are asked if you have ever heard personally from members of the Corps that it is their intention to resign if Captain Rossi's services are retained? I have.
914. How many? I could not say how many. I have heard it from more than one, two or three.
915. Are they efficient members of the Corps? They are.
916. Have they expressed their intention to resign as soon as they obtain their land orders, if Captain Rossi were retained in command of the Corps? Yes; that is under present circumstances.
917. Are you an efficient for this year? Yes.
918. Is it your belief that the persons you speak of would remain if Captain Rossi were not in command, and that they will leave if Captain Rossi continues in command? I believe so; myself for one. I am not afraid to mention my own name.
919. Do you think that the place of these men would be likely to be filled up with recruits if they do resign? It may be so. We have a good many recruits at present.
920. And there is a disposition to join the Corps? I cannot say. There are a good many recruits at present—such as they are. I never saw a squad like them.
921. Are unusual efforts being made to obtain recruits? There must be, or men would not be taken of 5 feet 3 inches.
922. Are you aware of any such efforts personally? No.
923. Does Captain Rossi attend drill punctually? He has always attended regularly.
924. Is he looked upon as an efficient officer? Yes, as far as military discipline goes. I do not think they could wish for a better officer than he has been lately.
925. You say you have been in the regular Army? Yes.
926. Is it usual in the regular Army—is it considered derogatory to a soldier to address him as "sir"? Yes, it is the most contemptuous expression that can be made use of. It is strictly prohibited as such.
927. By whom? By the command of the officer, as a rule.
928. Is there any regulation? I do not know that there is, but it is an understood thing. I know it was strictly prohibited by the commander of our Corps.
929. In what way do officers usually address their men in the regular Service? If they have anything to say to a man in the way of complaint, they tell a non-commissioned officer to take him from the ranks.
930. As to addressing the individual personally,—in what way do they usually directly address a man? They speak to him, "yes" or "no."
931. What do they substitute in place of the word "sir," that you complain of so much? I cannot say exactly. They address a man in a different way from "sir-ing" him.
932. Supposing an officer detected a private in any irregularity in the ranks and had occasion to speak to him personally, in what way would he address him? As a rule in the military Service he would ask him why such and such a thing was the case.
933. What term would he use in place of "sir"? He would say "Why do you do that?"
934. That must apply to some individual? He would call the person by his name—private so and so, or corporal so and so.
935. You mean to say that the term "sir," is not usually used, and is looked upon as an insult? Yes, I do.
936. Are you aware of the present strength of the Company? I believe the Company is very near to its full strength, that is, as far as names go; but I believe there were a good many names on the roll of the Company a few weeks ago of persons who do not belong to it at all.
937. When did you last attend parade? About three months ago. I attended regularly up to that time.
938. Have you not been summoned to a parade for three months? I attended the Colonel's inspection. I asked for leave.
939. How long is it since your leave expired? I think between two and three months.
940. And you have not since been summoned to parade? No.
941. Are you aware of any parade that has taken place since? Yes, I have seen every one.
942. How many during the last two months? For the last three weeks in succession, there was not the number to constitute a parade.
943. What is the number? Twenty men and the commissioned and non-commissioned officers.
944. For three weeks that number has not been in attendance? No.

945.

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945. You think that four weeks ago twenty were assembled? Four weeks last month, I think, they had the attendance. There have been three occasions when the attendance has not amounted to a parade.
946. How long prior to that was it that you failed to form a parade? We have never mustered for a parade above three or four times before that.
947. The first charge upon the list is the assault by Captain Rossi on Corporal Fuller in the ranks. Were you present? I was.
948. Did you see the assault? I did.
949. Will you describe the way in which it took place? The captain came up to the corporal immediately he was dismissed from parade, and asked him how it was that he had been absent for a certain time. The corporal told him, and the captain then laid his hand upon his shoulder and shook him. As soon as he did so I saw the corporal order his arms. I was afraid that something else might take place, and I did not wish to see any more.
950. Was Corporal Fuller standing in the ranks at the time? No; it was after the parade had been dismissed. He had spoken to him in the ranks previous to that.
951. You say that Captain Rossi had spoken to Corporal Fuller before the parade was broken off? Yes.
952. What did Fuller do upon Captain Rossi addressing him? He said something about not being able to attend; but I had been paying attention to the movement of the Company.
953. Did he leave his position in the ranks? No, he did not.
954. You are quite clear upon that point? No, he did not leave his position at all until the Company was dismissed.
955. Did you look upon the interference of Captain Rossi at that time as an assault? I did not look upon it much as an assault at that time. It was equivalent to an assault. It did not look well to do as he did.
956. In what light would it have been looked upon in the regular Army? Very likely he would have been put under arrest.
957. An officer? Yes; I have seen an instance of an officer being put under arrest for a less occurrence than that. I saw Lord Beresford ordered into his room for a deal less than that.
958. Do you remember any occasion when any member of the Company stepped out of the ranks in order to address Captain Rossi, in reference to some badge? Yes; I have a recollection of a person doing that. I think it was Private Hurley.
959. Would you explain to the Court the particulars of that case? I could not. I did not pay much attention.
960. Did you hear Captain Rossi make use of any expression to Private Hurley on that occasion? I believe the word "fellow" was made use of, but in what sense or way I could not say exactly.
961. In what light would the conduct of a man be regarded who stepped out of the ranks to speak to his superior officer in the regular Service? As insubordination.
962. How would it be treated? He would be made a prisoner immediately.
963. Do you think such conduct would be regarded in the light of a very serious offence, or of a minor offence? A very serious offence—one of the most serious; in fact, if I had been commanding officer I would have put him under arrest there and then.
964. Are you aware of any dissatisfaction existing in the Company as to the manner in which the accounts have been kept? I have heard a good deal of it.
965. Of your own personal knowledge you are not aware? No, I am not; not having been a member of the committee, I cannot speak of that.

Examination by Mr. Davies, through the Court:—

966. Will you state if you are aware whether there are retained on the roll many names of men who have left the district? Yes.
967. How many do you think? I could not tell exactly now; the roll may have been altered, but three months ago I and the quartermaster-sergeant were looking over the roll and we pointed out thirty-one men who were away from the Company—men who had really resigned, some of them. If the roll-book were produced, I could show the names of many of them now.
968. Will the disagreements in the Corps tend to the resignation of the older or the younger members? The older decidedly.
969. Is it your opinion that these would remain under a different command, that is, the older members who are about to resign? Yes, I have every reason to believe so.
970. Would you remain in under a different command? Decidedly I would, and be proud to remain. I have been a Volunteer since Volunteers were first started in the Colony.
971. How long is it since Captain Rossi's conduct has improved? Seven or eight months ago. Since the inquiry commenced.
972. Have you ever asked to be reinstated as a sergeant? Yes; on certain conditions, or rather under certain circumstances.
973. Will you explain the circumstances? They would be best explained if the captain would read the paper I sent him. I kept no copy of it.
974. Your reasons are in writing? My reasons are in writing, sent to the captain.
975. Do you remember the purport of it? We were at parade, during the time I was lame; and there were several remarks passed about the lame soldier taking command at parade. I sent to the captain to the effect that if it caused such ill feeling, I had no objection to drill the recruits for the Company as I had done. It arose from what was said in the paper; but I said that I had no objection, if it were beneficial to the Company, to still drill the recruits.
976. Do you remember the date of the paper? It was in the *Argus*, the time of the inspection before last.
977. Did you merely offer to return in order that you might resume the drilling of the recruits, and not simply to take up the ordinary duties of sergeant? Yes; it was an understood thing between the captain and the recruits that I might attend parade now and then, and that I should drill the recruits. I was going to take up a position under the same head as I did before.
978. Your chief duty was to drill the recruits? Yes.

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979. You did not cherish any ill feeling towards Captain Rossi, and were willing to go back to the Company? Not the slightest.
980. And your determination to leave the Corps whenever you can get your land order does not arise out of any personal ill feeling towards Captain Rossi? No.
981. Do you intend to leave the Corps because of Captain Rossi's general conduct? That is my intention.
982. Do you know of any proceedings relating to the assault case between you and Captain Rossi—any subsequent proceedings arising out of that case? Not of anything in particular.
983. How many Magistrates adjudicated in that case? Three.
984. The Police Magistrate being one? Yes.
985. Were you represented on that occasion by an attorney? Yes.
986. And Captain Rossi also? Yes.
987. Do you know of any declarations which have been handed in to the Police Magistrate since? I have heard of them.
988. Have you seen them? I have not.
989. Have you had any opportunity of rebutting them? I have not. I came here to-day thinking I might.
990. What words did Captain Rossi use to you at the railway station? After he had done speaking with me about the boy, I wished to reason with him about bringing the boy to him, previously to going to the Court House at all.
991. Mr. Davies means what angry words were used? The captain said that he would not listen to another word I had to say. He would do as he thought proper himself—he would take his own course. He spoke in very high tones that way.
992. What words were used to you by Captain Rossi at the railway station at the time when the station-master said that if he had remained there much longer he would have had him removed? I can hardly think of them now. It is so long ago.
993. You say that the station-master said that he would have him removed? He did so; and the captain went to the station-master afterwards about it.
994. What you have said would hardly be sufficient to induce the station-master to interfere? I was on duty at the railway station; and that was the reason why the station-master said he would interfere.
995. Were you on duty as a Volunteer or as a servant of the Minister for Works? I was on duty as a railway servant.
996. You were under the direction of the station-master? I was.
997. What sort of recruits have joined of late? I have only seen them once or twice together. Some are very good, and some I would be very sorry to take as recruits for Volunteers if I had anything to do with it.
998. What is the objection to them? I do not know anything about their characters. I only look to their appearance and size.
999. Do you mean that they are under size? They are under size.
1000. Are they objectionable on the score of age? I cannot say that age is any objection to a soldier at any time. If he is young, he is likely to grow; but some of them are so old that they are not likely to grow any more.
1001. Do you consider some of these recruits too young to be admitted into the Corps? They are too young in one way—not in another. We never consider any person too young, having regard to the position they are taken for. If they join the Corps as privates they are too young decidedly.

Mr. Davies asked that the roll-book of the Corps might be produced, and it was handed in by Captain Rossi. Vide Exhibit G.

1002. Will you indicate the names of some of those who you said have been left upon the roll, and who you aver have left the district? (*Roll-book handed to witness.*) There is J. A. Macdonald for one, and Cooper for another. Macdonald has left the district for two years.
1003. Is his name on the roll-book now? It was when I saw it last. This may have been altered to-day for anything that I know.
1004. Can you name any others—there were the two M'Governs? I do not think that we have had two attendances from any of them for two or three years.
1005. Was there a man of the name of Egü on the list? He was recently on the list.
1006. What was Cooper? A private.
1007. What trade? I cannot tell you what he was.
1008. Was Waugh's name on the list? Yes; it was kept on the list for a long time.
1009. Was Fineran's name on? It has been off the roll for some time, but it was on for a long time.
1010. Was it on for a long time after he left the district? Yes.
1011. Was Hayley's name on the list at the time to which you refer? Yes.
1012. Any length of time after he left the district? I cannot say exactly.
1013. Was Hayley's name on the list at the time you saw the roll last, when to your knowledge Hayley had left the district? Hayley had returned when I saw the book last.
1014. Are you aware that after leaving here, Hayley joined another Corps in Sydney? Yes; I saw him here in the uniform of that Corps.
1015. Was his name upon the roll then? To the best of my knowledge his name was on the roll then.

The Court asked if any of the other memorialists desired to examine the witness; and Mr. Davies stated that the memorialists had arranged that all questions should be asked through him.

Examination by the Court:—

1016. What is Hayley's christian name? I cannot tell you.
1017. Is this the only Hayley in the Company? There is only one that I know of—Frederick is the person.
1018. What opportunities have you had afforded you of inspecting the roll-book? None lately.
1019. At the time you speak of? I used to have the roll-book in my hand regularly. I had a roll of every man in the Company, and have now a private roll-book.
1020. Have you ever had this roll-book in your possession? No.
1021. Do you speak now from information which you have derived from your private roll? No; there is a small Company roll-book.

1022.

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1022. This is the official roll? This is the official roll.
1023. You did not examine this book? I did not.
1024. Do you not think that it is quite likely that the names might be erased in this book? It is possible, but I do not think it likely, for I have seen the names on the quarterly returns.
1025. Do you know of your own knowledge that this book should be signed by the recruits joining the Corps? I am aware that one book should be signed—the book which contains the oath of allegiance.
1026. That book which has been placed in your hand? I did not look to see whether that is the book.
1027. You had to sign some book? Yes.
1028. See if that is the book you had to sign? Yes, that is the book.
1029. Did you sign that book upon joining? I believe I did.
1030. This is the book that you signed? This is the book I signed on joining.
1031. It is usual for all recruits to sign it? It is.
1032. Do you see that there are pages there that are not signed by recruits? Yes.

Examination by Captain Rossi, through the Court:—

1033. Under what circumstances did Captain Rossi go to the railway station at the time of which you speak? I believe for the special purpose of making a complaint of my boy. Nothing else, that I am aware of.
1034. Did he not go there to attend a parade? I believe it was parade night. He did not stay there for parade.
1035. Did not Captain Rossi say that he thought that no one would come there for parade that night, and that it was no use his waiting? I believe he did.
1036. Did not Captain Rossi say to you, "I want to say a word about your boy"? He said something to that effect.
1037. Did Captain Rossi proceed to tell you what it was? Yes, I believe he did.
1038. Did Captain Rossi not tell you that the bandmaster had complained of your boy? To the best of my belief he did say that.
1039. Did you not ask Captain Rossi who told him so? I certainly did ask him who told him so.
1040. Did not Captain Rossi reply—"Mr. Deane"? To the best of my knowledge I think he did.
1041. Can you remember what was said? I think Captain Rossi at once said to me—"Do you doubt my word?" I said—"No, Captain Rossi, I do not doubt your word, but I doubt the bandmaster's word."
1042. Did not Captain Rossi say then, that as you had used these words he should now take the matter into his own hands? Yes, you did say so.
1043. It was after that that you went to Captain Rossi's office? Yes.
1044. What did you say to Captain Rossi when you went to his office? To the best of my knowledge I said—"Captain Rossi, I have come to bring the boy, and I wish to have this matter investigated."
1045. Did not Captain Rossi say to you that he had already told you that he would take the matter into his own hands, and that he would not hear you? He did; he told me that he would not hear another word from me.
1046. Did you not persist in speaking after that? I think not. There was very little time. I was out of the room within two minutes of going into it, so that there could not have been much said.
1047. What were you doing during the two minutes you were in the room? Certainly I may have spoken; I cannot say that it is impossible.
1048. Did Captain Rossi tell you to leave the room? He did.
1049. Did you not remain after that? Not longer than I could get out.
1050. Was not the table between you and Captain Rossi when he told you to go out? I cannot say exactly. The length of the table might be. I think I was at the side of the table.
1051. The length of the table might be between you? Yes.
1052. Was not Captain Rossi sitting down at the first? Yes, but he did not remain so.
1053. Were you not standing by the door, it being open? No; the door was not exactly shut, but it was within three or four inches of being shut.
1054. Would you say that it was ajar? Yes, it was ajar; but as nearly shut as it could be.
1055. How far were you inside the door? I suppose about a couple of yards. I cannot say for certain, but I must have been about that distance inside. At first I went to the end of the table.
1056. Did you ever state that you were only one yard from the door? I might have been only one yard from the door.
1057. Did Captain Rossi tell you a second time to leave the room? I am not certain. I think not.
1058. Will you swear he did not? No, I cannot swear it now. It is too long ago, and I have never paid any particular attention to it.
1059. Did you call any witnesses in support of your charge? I subpœnaed one; but he had gone out of town, and did not attend.
1060. What was his name? It was young Horn. I do not know his christian name. Mr. Horn's son, who was in the Band at the time. He came to me voluntarily, and made a statement to me that he had seen the occurrence.
1061. Was not the case decided in the Police Court on your evidence only? Yes, it was.
1062. Did you not afterwards ascertain that there were other persons in the adjoining room? I know there was—not in the adjoining room, but in the room next to the adjoining room.
1063. Within hearing? Not within hearing of what took place in the captain's room, I should imagine.
1064. This was not when the case was being tried, but when the alleged assault took place? When the assault took place.
1065. Do you say of your own knowledge that Captain Rossi threatened that your boy should be fined £10 if he did not sign an apology to Mr. Deane? The apology that he signed was a special apology. It distinctly stated that such would be the case if he did not sign it. I am sorry I did not keep a copy of it. I showed it to Mr. Gannon who is now in the Court.
1066. Did Captain Rossi threaten in that apology to fine the boy £10 if he did not sign it? He did in the apology. I do not know of my own knowledge that he did in any other way, for I was not there.

Mr. Davies objected to the examination, on the ground that it had reference to a written document in Captain Rossi's possession.

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1067. Was his refusal to play the second bugle the only ground upon which the apology was asked? I know nothing except from hearsay.
1068. Did you not swear to-day that it was the only ground? Not to the best of my knowledge.
1069. Is that the apology? I do not remember seeing this before. It was never in my possession.
1070. That is not your signature? I believe it is my boy's. It was never in my possession. (*Document received in evidence, and read by the Court. Vide Exhibit* H.) In connection with this apology, the boy said that he was compelled to sign it, and that if he did not he would have been fined £10. That is all I knew about it.
1071. Do you know of any regulation which gives Captain Rossi power to fine one of the bandsmen £10? I think so. The bandsmen were compelled to sign a bond for £10 on some condition, I believe. At any rate, my boy told me that he was compelled to sign a bond for £10 when he joined. I was never asked to sign it.
1072. You were never in the Band? But the boy was a junior, and I should have signed for him. To the best of my recollection I was never asked to sign it.
1073. Did not Corporal Fuller resign as corporal on account of the examination being instituted? I cannot say.
1074. Are you aware that Corporal Fuller resigned immediately upon the Commandant's opinion being given upon that point, he having desired to learn that opinion? No, I am not aware of it. I heard as much; that is all.
1075. You do not know it of your own knowledge? I do not.
1076. Was the alleged assault upon Fuller before or after the examinations instituted for corporals? Before; to the best of my knowledge, a good while before.
1077. How many months do you suppose before? I cannot say.
1078. Was it not many months? I did not take the dates. To the best of my knowledge it was before, but I could not swear positively even that it was before.
1079. Do you believe that Captain Rossi has any ill feeling to the Corps or to any member of it. No, I do not think so for a moment.
1080. Have you ever heard Captain Rossi say that he esteemed the 100 men in his Company as surpassing any 100 men out of it? I have heard him make use of expressions something similar to that, but I could not be positive as to the words. I know he was very proud of his Company.
1081. Will you mention the name of any member of the Company whom Captain Rossi offended by saying "sir" to? I did not take particular notice. I have heard the expression made use of, but I did not take particular notice to whom it was used, except in connection with Corporal Fuller. I know Captain Rossi offended him.
1082. If you do not remember the name of a person to whom Captain Rossi said "sir," could you remember any occasion on which he said it? I can remember it being used on more than one or two occasions to myself.
1083. What occasion was that? The occasion in connection with my not saluting the captain on the platform.
1084. Did Captain Rossi speak to you in his office about that? He did indeed.
1085. Are you perfectly clear upon that point? I am perfectly clear upon it.
1086. Was it not at the railway station itself that you were so addressed? Certainly not.
1087. Was it not on an occasion when Captain Rossi was going to Sydney at night-time? No.
1088. Is that one of the grievances—that Captain Rossi called you "sir"? I did not say it was a grievance—I did not make use of it as such.
1089. Is it one of the grievances of the Corps? The Corps did not know anything about it until this moment.
1090. Is it one of the grievances of the Corps that Captain Rossi addresses members of it in that way? Yes. I have heard them talk about it as well as myself.
1091. Can you bring forward any man to say so? [*Question objected to and disallowed.*]
1092. Will you name any one who has expressed himself dissatisfied at being so addressed? I cannot for certain. I should cause disagreement with other people if I did.
1093. How has Captain Rossi been offensive and contemptuous in his manner to the Company generally? In his manner of addressing them at times. If a man did wrong—or if anything went wrong in particular, he would speak to a man in a very harsh way—in a way not fit, in speaking to any man under his charge.
1094. Will you describe the words used, and Captain Rossi's manner on the occasions to which you refer? He would say, "How dare you do this?" that, or the other; and after asking a man to speak to him in one instance, he said, "How dare you speak to me?"
1095. Was that when they made mistakes in the drill? It might be when they made mistakes in their drill.
1096. Was it when they were doing right? I do not suppose it was when they were doing right.
1097. Have you not spoken very sharply to the recruits whom you have drilled from time to time? I have done so, decidedly, but not in a manner like that. I am quite satisfied that the recruits I have drilled should be allowed to answer for themselves.
1098. In your answer to question 426 of the evidence given by you before the Select Committee, you say that "We have lost forty or fifty men through these disturbances." Within what time did the forty or fifty men you then spoke of leave? As one instance, there were twenty recruits whom I was drilling, and they resigned to a man. There was a great many more left the committee. I do not know how or why they left. They went away from the Company.
1099. At about what time? It is two and a half or three years ago.
1100. Within the period from 1870 to 1872? It was about that time; I cannot say for certain; but it was immediately after the meeting when the resolution was passed to pay at the rate of a shilling a week.
1101. What time elapsed? Forty or fifty resigned within six months.
1102. Within six months? To the best of my knowledge.
1103. In what year? I think it must have been 1870 or 1871.
1104. Leaving the twenty recruits out of the question for a moment, will you name twenty who left the Company through these disturbances? No, I cannot name them individually.
1105. Can you name one? No, I cannot name any individual.

1106. Eighteen or twenty are represented as going away on one occasion. Did any of these recruits come back? Yes, afterwards.
1107. How many do you suppose came back? To the best of my knowledge, I believe there were ten or eleven who came back.
1108. Were there twelve? I cannot say.
1109. Thirteen? I cannot say.
1110. Eighteen? I cannot say.
1111. Will you swear that there were not eighteen? I will not swear.
1112. Did they not return almost immediately after having resigned? Some time afterwards.
1113. What do you call some time? I cannot say exactly. It might be a week, or a fortnight, or a month.
1114. Shortly after? Yes; and I believe I was the means of bringing them back again.
1115. Did they ask to be allowed to withdraw their resignation? They did, and through my persuasion.
1116. Have gentlemen complained of your manner of speaking to them? I do not know that I have a right to answer that question unless it is in connection with the Corps.
1117. Was it not for omitting to salute him that Captain Rossi threatened to report you to the head of your department? Yes, for not saluting him when I was on duty as the Commissioner's servant at the railway station.
1118. In that capacity have you not been very unpleasant to others? [*Question disallowed.*]

Examination by Mr. Davies, through the Court:—

1119. Did you consider that Captain Rossi threatened to report you on the occasion alluded to for not giving him the military salute? The military salute.
1120. Not as a railway servant? Not as a railway servant.
1121. When you were asked to name some of those forty or fifty who resigned, your answer was, "I cannot name one." What did you really mean by saying "I cannot"? I meant that the persons would not like their names to be made use of.
1122. You did not mean that you are not actually able to name them, but that you have an objection to do so? Yes, I could name them—I could do so from the rolls.

Examination by Captain Rossi, through the Court:—

1123. Do you not know that many of the Volunteers have joined only for the purpose of obtaining land orders? I do not. I have never known any of them to come and tell me that they have done so. It would be a very bad spirit to join under.
1124. Will you give your reasons for not having attended drill for the last three months? Principally from the press of business. We have been too busy for me to get away from the station to attend.
1125. Do you not know that others have not attended because they are qualified for their efficiency? Not from any certain information I do not.
1126. Do you not know that the attendance during 1873 has been higher than during any other year whatever, as shown by the efficiency? As shown by the efficiency it really has; but I could prove that it had not in other instances, and it could be proved by the quarterly returns of the Company. There are more efficients decidedly.
1127. Why were you not reinstated as sergeant? Because the Colonel considered it inexpedient after what had taken place between me and the captain.
1128. Was that letter shown to you by Ensign Dignam? Yes. (*Document received in evidence and read by the Court. Vide Exhibit* I.)
1129. And this one also? I do not remember ever seeing this letter.
1130. Is it not the regulation that no member shall be received who is under sixteen years of age? It was the regulation at first when the Volunteer Force was formed. I do not know whether it is so now.
1131. Will you say that any of the recruits are under sixteen years of age? I do not know. It is only from the appearance of the men that I speak.
1132. Can you say how many are under size? No, I cannot; I did not count them particularly. I only saw them at a distance.
1133. Can you mention their names? I do not know their names.
1134. Are there two? I should say there are more than three or four under 5 feet 6 inches. There is Mungall for one.
1135. Is Mungall in the Company? I do not know.
1136. Do you not know that he is not in the Company? I do not, indeed.
1137. Do you believe that there are more than two in the Company under size? I do, under 5 feet 6 inches.
1138. Will you swear that there are more than two under size? No, I will not.
1139. As to those two, do you know under what circumstances those two came into the Company? No.
1140. Are you aware that there was a special permission given by the Commandant for those two? No.
1141. Did you ever see that roll-book before to-day? I have seen it, for I signed my name in it.
1142. Did you ever look through it? Yes; but it is a long while ago, when there was a lot of names deficient in the Company that are there now—when we hunted the men up to get them to sign.
1143. In whose possession was the book then? It was in Sergeant Trenery's possession.
1144. Do you know the handwriting of Mr. Martyr? No, I do not.
1145. You swear that you do not know Martyr's handwriting? I have never taken any particular notice of it.
1146. You would not know it if you saw it? No, I would not.
1147. How long is it since the occasion when you looked at the book? This book?
1148. You referred to some other book? A book that the names are entered into at parade, and then from that entered into this.
1149. How long is it since you saw that book? About four months. It may be less, or it may be more.
1150. Do you state that Hayley's name was on the book that you saw, when he was not a member of the Company? I do not say any such thing. I said that Hayley had returned to the Company.
1151. When he left the Company was he immediately transferred to the Artillery in Sydney? I do not know.

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1152. When he returned to Goulburn three months ago, was he retransferred to the Goulburn Corps? I cannot say for certain. I believe he was. He has been on parade with the Company. I know nothing more about it.
1153. Do you know of any regulation by which it is imperative that a Volunteer recruit should sign the roll-book? I could not positively swear there is; but to the best of my knowledge I believe there is. I think you will find one.
1154. Where is it to be found? I cannot say; but it strikes me that I have seen one. I know it was compulsory with us when we joined at first. We had to sign it to a man.
1155. It might be a Company regulation? It might.
1156. Do you know by the regulations in whose charge the roll-book should be? I believe it should be in charge of the secretary of the Company.
1157. Do you know it? Not for certain.
1158. Do you know whose duty it is to get the roll-book signed? I do not.

Examination by the Court :—

1159. What persuasion did you use to induce these recruits to rejoin? I told them that I thought it was very foolish of them to resign about such a simple matter as that was. It was a little display of passion that caused them to resign; and I told them that I thought it was better for them to join again. It was only the night before that the captain said to me—"I am very proud of my squad of recruits."

By Captain Rossi, through the Court :—

1160. In reference to question and answer 427 of your evidence before the Select Committee, did not the member whom Captain Rossi put under arrest, one of the twenty you referred to, persist in speaking to Captain Rossi after he had told him not,—all being on duty at the time? I cannot remember.

The Court desired to ascertain whether it would be convenient for the witnesses and other parties interested in the case to attend to-morrow; and, finding that it would not, the President intimated their intention to adjourn the Court at its rising, until Ten o'clock, a.m., on Friday.

Quartermaster-sergeant A. Sproule was duly sworn.

Examination by the Court :—

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1161. Your name is Andrew Sproule? Yes.
1162. You are a quartermaster-sergeant in the Goulburn Corps of Volunteer Rifles? I am.
1163. You gave evidence before the Select Committee of the Legislative Assembly some time ago? Yes.
1164. Was that evidence true? Yes.
1165. Are you willing that the evidence which you then gave should be received now as your evidence in this case? I am.
1166. The evidence will be read over to you, and as it is read you will have an opportunity of correcting any inaccuracy you may possibly have fallen into in giving your evidence on that occasion? Yes.

Captain Rossi said that he did not object to the reception of the evidence.

The evidence given by the witness before the Select Committee of the Legislative Assembly on the 26th of February, 1873, was then read by the Court, and admitted, as follows :—

1167. You are connected with the Goulburn Volunteers? I am.
1168. In what capacity? As quartermaster-sergeant.
1169. You have had some connection with the Band? Yes, all through, from the very first formation of a Band. I was connected with the fife Band, and afterwards with the brass Band.
1170. You have had some disagreements in the Band? We have had nothing else but disagreements.
1171. Do you know anything of a misunderstanding between the bandmaster and the Band? Yes. The members of the Band did not consider him able to teach them, so they sent a memorial to the committee asking them to dispense with his services. Committee meetings were held night after night for a long time, and nothing was done; but at last, one night a resolution was brought in that the services of the bandmaster should be dispensed with. They all agreed with this resolution but the captain, and when it was carried, he said that he would not give the resolution to the bandmaster—that he would not forward it. The next meeting of the committee, however, he said that if the committee would sign a legal document removing all responsibility from him, that he would then send the resolution in.
1172. Was there any responsibility? That I do not know.
1173. How was the bandmaster engaged? I imagine by the captain, if by anybody; but the curious thing was, that nobody seemed to know how he was engaged.
1174. Would he be engaged by the captain under the Regulations? No, the Regulations had nothing to do with it. The engaging of the Band and the bandmaster is a non-military matter that the Regulations have nothing to do with. The Government do not recognize the Band in any way; it belongs to the Company, and as much to one as to another, because all subscribe to it.
1175. How many are there in the Band? There must have been eighteen, I should say.
1176. And how many of these voted against the bandmaster? The members of the Band had nothing to do with it; it was the committee.
1177. How many of the committee were there? Six.
1178. And how many voted against the bandmaster? They were all against him except the captain, and he did not make any opposition to the resolution, because he saw it was no use.
1179. And he would not carry out the resolution of the committee? He would not, and in consequence the committee all resigned.
1180. What induced them to take that course? From the fact of the unfitness of the bandmaster, and his being retained in spite of them.
1181. In what way was he unfit? He was unfit to teach the Band.
1182. Did they make no progress under his teaching? None.
1183. So that though the resolution was passed nothing was done? Nothing at all.
1184. And the bandmaster still continues to hold his office? He does.

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1185. Are the committee likely to rescind the resolution? No, they certainly are not, and what is more, I do not think that at the annual meeting of the Company they will pass the balance sheet containing the payments to the bandmaster since the date of the resolution. His pay has been going on ever since, at the rate of £2 per week.
1186. This salary is paid by the Company? Yes, from the subscriptions; all these non-military payments are made out of the Company's funds.
1187. What occasion then had you to consult the captain in the matter? Because from his position he is a member of the committee. He is always chairman of the meeting at any time he may be present; the senior officer of the Company present is always the chairman.
1188. The resolution was put to the meeting? Yes.
1189. And was carried? Yes.
1190. But was not acted upon? It was not.
1191. But if the resolution was passed, what had Captain Rossi to do with it? That is exactly what we cannot understand ourselves. The resolution was agreed to, and then the captain coolly tells the committee that he will take his own time to carry it out. He brought some document which he wanted us to sign, and I said I would do nothing of the kind. The document was denying the correctness of all that had been previously stated, and the captain wanted the members of the Band to sign it.
1192. Have you had any particular disagreement with Captain Rossi? Yes, I have had one disagreement in particular, relative to my position as sergeant.
1193. I am not clear as to that other complaint of yours against Captain Rossi. You pass a resolution—that is the committee do—the captain puts it to the committee, and it is carried: now, is it part of his duty to see the resolution carried into effect? In my opinion it is. He is always there; and, having command of the Company, it is for him to carry out the resolutions.
1194. The resolution affirmed that the bandmaster should be dismissed: now, was it the duty of the captain to carry out the resolution and dismiss him, or is there any other officer in the Company to whom that duty would fall? I understand now what you mean. The secretary, Mr. Martyr, said that he would convey the resolution to Mr. Deane; but the captain interfered, and said that he would do it himself; and then afterwards he told the committee that he would take his own time about giving it to the bandmaster.
1195. However, he was not dismissed? He was not.
1196. Seeing that the captain had failed to carry out the resolution, could not anybody else dismiss the bandmaster? Captain Rossi said that he, as chairman of the committee, took the duties into his own hands.
1197. Who put the committee in motion in the first instance? The members of the Band.
1198. They were asked to sign some document after this resolution was carried? Yes; that was a document procured by the bandmaster, from Deane & Deane the solicitors, in Sydney, running something like this,—That the previous letter to the committee was all false, and making out that the members of the Band were all wrong, and the bandmaster all right. The captain told the members of the Band that there would be an action in the Supreme Court against them if they did not sign. One or two of them got frightened and signed it, but the rest would not.
1199. Were the committee asked to sign this? No: only the Band.
1200. Who is it made the agreement with the present bandmaster? I do not know who made the agreement, for I was not on the committee when he was engaged; but I can tell you something that can help you, and that is,—that after Mr. Deane was engaged and the other had been dismissed, Captain Rossi said that, if Mr. Deane did not give satisfaction to the committee, he should go to the right-about the same as Wilcox had done. And yet after saying this, when the resolution was carried to dismiss him, he would not give it effect.
1201. Was there a similar resolution in regard to another bandmaster? Yes; with regard to Wilcox. I told the captain one evening—"You had no compunction about sending Wilcox off, and why do you not do the same thing now with Deane?" But his reply was that this was a different case.
1202. You spoke to the captain about it? Yes, I did; and he would not do anything, although he said that Deane should go to the right-about if he did not give satisfaction to the committee.
1203. You stated that you had one particular disagreement with him—what was it? I asked him when we were in a committee whether, if he gave me an order on a non-military matter, I was bound to obey him. He said, certainly I was. I said if that was the case, his answer ought to be inserted in the committee book amongst the proceedings. Mr. Martyr, the secretary, said that, as a brother committee-man had asked him to do it, he would do so. Captain Rossi said—"You will do it whether you like it or not." In a case of this kind I have only to give the command.
1204. What is your idea of Captain Rossi as a person to be entrusted with the command of a number of men? He is not fit, from his great want of tact, to command any body of men. Look at the difference in the Company now to what it was.
1205. What difference is there? Why, formerly the Company was composed of men that you were not ashamed to be seen with anywhere; but now it is composed to a great extent of new members, not equal to those they have succeeded. He solicits men to join, and is only too glad to get a man, without any reference to his respectability.
1206. Do you know of any cases of insubordination in the ranks? No, I do not.

1207. Have you heard the charges read? No.

The charges contained in the first memorial were read to the witness.

1208. Can you give any further evidence with reference to these charges? I would rather that Captain Rossi would cross-examine me.
1209. You do not wish to give any further evidence? No.
1210. What is Captain Rossi's usual mode of addressing members of the Corps when on duty? He has so many different ways that it is hard to say.
1211. In general terms, is his manner respectful or not? I do not think so.
1212. Are the men as a rule satisfied with the manner in which he addresses them? They are not.
1213. In what way are they dissatisfied? He is too abrupt—too bouncible. He bounces the men too much, and does not treat them as men at all, in my opinion.
1214. What do you term bounce; what words does he make use of; what is his manner? He calls them "fellows," and names like that.

1215.

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1215. But you are satisfied with the way in which he addresses you? He addresses me right enough.
1216. Are you satisfied with the way in which he addresses the Company generally? No, I am not.
1217. When did you last attend the drill of the Company? I think it was the first drill this month.
1218. That will be about a month ago? On the 8th I think it was.
1219. Do you know how many were present? I do not.
1220. Do you know if there were twenty present? I would know if I were at home. I could tell from a return I drew up.
1221. Had you a drill on that occasion? We had.
1222. You do not drill unless you have a certain number present? No.
1223. Then there must have been the required number? Yes.
1224. Twenty is the required number? One-third of the Company, I believe.
1225. You are clear you had a drill about the 8th of this month? To the best of my belief we had. I will not swear positively without I look at the book. I do not remember the numbers that were there.
1226. What state do you consider the Company in generally now—is it as efficient as it has been usually, as regards drill and discipline? I do not exactly understand that. They have attended until lately; and I suppose they have done as well at drill as they usually do. They have, as far as my own judgment goes.
1227. Do you consider the Company as efficient now as it has been hitherto? No; not that I am aware of.
1228. Are you aware of any number of members who are impatient of Captain Rossi's command? If I may take what they say themselves, I should say that there are two-thirds of the members of the Company who are impatient of the captain's command. I am only speaking from what they say themselves.
1229. Being quartermaster-sergeant, you are in a position to know a good deal about the Company and the feeling of the members of it. From your knowledge of the Company, do you think that by retaining Captain Rossi as commanding officer of the Company it would be injurious to the Company? I believe so; and for one good reason. From what the members have told me themselves, there will be at least forty clear out at the end of the year. I know I will go out myself. One man who has been in the Company for four years told me the other night that he would not stay in the Company under Captain Rossi, so that by leaving he will throw away four years' service.
1230. Can you define any particular manner on the part of Captain Rossi which induces this strong feeling against him—can you describe any particular instances which have led to this feeling? What I have principally seen has been on the committee.
1231. His action in committee? Yes; and at one inspection here, there was one man who went out to speak to him about his badge; and he came up to him and said, "What does that fellow want there?" That is not the way to treat a man. I was standing by at the time, and was going to receive my own badge.
1232. Was the parade called for the purpose of receiving the badges? It was an inspection, and the badges were distributed afterwards.
1233. Had he received any order to leave the ranks? No; he came out. He was a transfer from Maitland.
1234. Did he address Captain Rossi at all? He came to the shoulder and spoke to him. That is the only time, I believe.
1235. You think that it is Captain Rossi's conduct on the committee which has rendered him unpopular? No; the Company do not know how the committee are treated at all unless members of the committee tell them.
1236. When the Court asked you to particularize conduct on the part of Captain Rossi calculated to render him unpopular, you referred to the committee. We want to ascertain from you some particulars as to Captain Rossi's mode of addressing you and the Company generally which has rendered him so unpopular? When anything took place in the Company I was not on drill at the time, and I could not therefore speak of what I did not see. But I saw him serve young Clarke a very nasty trick, but he was not a member of the Company. If I may speak from hearsay, if a vote of the Company were taken you would not have the captain. I was on drill the night that Corporal Clarke was reprimanded, but I suppose you have already got that in evidence.
1237. You say that Captain Rossi behaved in a very dirty way to young Clarke,—whom do you mean? The son of then Corporal Clarke.
1238. Do you say he did not belong to the Company? He belonged to the Band.
1239. Would you explain in what way Captain Rossi behaved to him? The boy came up to the captain in a hurry, and handed a note to him.
1240. Were you present? Yes. Young Clarke handed the note to him quickly, and turned away. The captain called the boy back, and threw the note at him, saying that was not the way to hand a note to him. He called him back to him a second time, and told him to salute him.
1241. Did the boy exhibit any insulting manner towards Captain Rossi in the way in which he handed this paper to him? Not that I could see. It was night-time. I was at one end of the Company and he was at the other. We were standing in line at the time.
1242. You say that he threw it down a second time. I walked away round to the back of the Band.
1243. You did not see anything further? No.
1244. Do you remember the words used by Captain Rossi on the occasion? I could not recollect—it is a long time now.
1245. There is one charge here—imperfect and unsatisfactory manner of keeping the accounts. Do you know anything about that;—are you aware that the manner in which the accounts were kept was unsatisfactory to the Company? Yes, in many instances. A man might get a bill for £1 to-day, and next month when it was made out the account might show that 30s. was due, or perhaps the amount might be stated at less. I have had several times to see about accounts which members of the Company had paid to me.
1246. Who had charge of keeping the accounts? As far as I know, I believe it was the secretary's duty to make the accounts out. There were cases where the money was paid to the captain, and the captain, I suppose, had forgotten to give the secretary notice of it. I know that in two or three instances the captain found entries in his own diary where I had paid him the money.
1247. You say you had the accounts to collect as a sergeant? The sergeants were the only members of the Company that had accounts to collect.
1248. Who handed you the accounts to collect? I do not recollect now. I think I got some from Mr. Martyr one time. I do not believe I ever got any from the captain.

1249.

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1249. To whom did you hand the money? At the time I am speaking of, to the captain. Now the Company is divided into right and left, and according to the division of the Company a man belongs to he must pay the ensign or the lieutenant. I have not received any bills to collect since the captain divided the Company. I have received money since and paid it to the ensign.
1250. You say you have been a good deal connected with the Band? Yes, from the first four months.
1251. Are you aware of a document being sent to the boys of the Band to sign? Yes, I saw it first in the captain's office, and the captain told me that it was a very serious thing, that if they did not do it there would be an action entered against them in the Supreme Court in Sydney.
1252. Was that the threat that Captain Rossi is charged with having used to make the boys sign it? I believe so.
1253. Did you hear him make use of it? I did not—only from the boys themselves.
1254. Was it offered in the form of a threat, or merely as a warning? Unless I saw the way in which the captain put it to them I could not answer the question properly.
1255. Were you on the committee of the Company? I was. It was my resolution which carried the dismissal of Mr. Deane.
1256. Were you on the committee when the committee resigned? There have been two or three committees resigned. I resigned from one.
1257. On the first occasion when the committee resigned? It was in 1869 when the first committee resigned.
1258. What occasioned the resignation of the committee at that time? I do not properly understand all about that. I only know about it from what members of the committee have said to me.
1259. Were you not on that committee? I was not.
1260. On what occasion was it that you did resign? I resigned in 1872, last year.
1261. What occasioned your resignation? It had reference to Mr. Deane and the Band.
1262. What reference to the Band induced you to resign? We were elected by the Company as a committee, and I thought that the captain did not carry out the wishes of the committee. I thought that it was useless to be there wasting time for nothing.
1263. You have not said that the captain did not carry out the wishes of the committee? He did not carry them out, and his not doing so affected the Company more than anything could do. It was their money that was being wasted upon Mr. Deane. If the captain did not carry out that resolution it was useless for us to be there. We could not touch upon any military matter only financial matters; and that was the greatest matter we had—it was the sum total of all our expenses.
1264. From the way in which Captain Rossi declined or failed to carry out the resolution of the committee, did you gather that it was a feeling of antagonism to the committee which induced him to decline to carry out their decision, or what do you suppose was the reason which actuated him? That is rather a difficult question. I thought so at one time, and then when he asked me to sign a document to relieve him from all legal responsibility the matter appeared in a different light. I thought he was bound to pay Mr. Deane a certain sum of money if he went. That made me doubt.
1265. Are you aware that Captain Rossi was bound to pay the bandmaster? I was not. I did not, and do not even now know on what conditions Mr. Deane was engaged. I only knew what the captain had said,—that if he did not give satisfaction he could go to the right-about the same as Mr. Wilcox. From that I inferred that the committee had power to dismiss.
1266. Who did engage Mr. Deane? I do not know.
1267. Had you no rules determining who should engage the bandmaster or who should dismiss him? I understood, and do even now, that the committee had the power to do that. It is not a military matter that. I think that the committee have power to do as they like in a case of that kind, provided they have got a majority.
1268. Were the cases of Mr. Deane and Mr. Wilcox precisely similar? I believe so. I believe Wilcox did not give satisfaction to the committee, and they dismissed him.
1269. Was he dismissed on the recommendation or decision of the committee? I believe so.
1270. Immediately upon their expressing dissatisfaction? Yes, he was dismissed at once; and, instead of notice, he got £1 and was sent off at once.
1271. Do you not know how Mr. Deane was appointed? I do not.
1272. Was it solely on account of Captain Rossi's refusal to dismiss Mr. Deane that the committee resigned? That and other matters in connection with it. On one occasion the captain ordered the secretary out of the room. I was going out and the captain called me back. If one of the committee were ordered out of the room we might as well cease; he might as well order the whole lot out and act himself.
1273. Do you remember the appointment of Sergeant Hayley? Yes.
1274. Do you know how old he was when he was appointed? I should take him to be about eighteen. I am a bad judge of ages.
1275. Was his appointment satisfactory to the Company? Not at all. I think there was as much row and bother in the Company over that as anything else.
1276. It gave dissatisfaction? Yes. The first thing that set it going was when he was Corporal Hayley, he went under examination as corporal, and the members of the Company in speaking of it afterwards, said they had not a chance by undergoing examination.
1277. Did you ever hear of an order sent round by Captain Rossi to invite all the corporals to compete for the promotion to sergeant? Yes. For a long time we had not a corporal.
1278. How do you account for that? I do not know. A great many who would have gone in for it would not undergo an examination. The captain read the order that an examination would have to be passed.
1279. There was a disinclination on their part to submit to examination? There was.
1280. Were you a member of the Rifle Association which was formed up here? I was one of the committee.
1281. Are you aware that Captain Rossi refused to allow a match to be shot with the Richmond Company? Yes; he sent a Company order to be posted up closing the targets for that day. It was to be a simultaneous match.
1282. Did he assign any reason for doing that? If he did I did not hear it, and through that we broke it up.

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up. That was when he reprimanded Mr. Clarke afterwards. We went there as private citizens to break it up, to dissolve it altogether. We did not go as Volunteers.

1283. Do you know what led to the formation of this Association? I believe that Lieutenant Arnheim was the prime mover in it, and I heard him say himself that he had told Captain Rossi that he had better have nothing at all to do with it, although the captain agreed with the rules and everything else in connection with it.

1284. Were you one of the persons who assisted in forming this Association? Yes.

1285. You took an active part in it? Yes.

1286. Are you aware of any intention on the part of the promoters of that Association to supervene Captain Rossi's authority? I do not believe it; I do not believe that a single member would have objected to what the captain would have done, if the captain had acted properly. I believe if captain Rossi had given them time to understand what they were doing, there would not have been any bother at all about it.

1287. Do you know the rule which generally guides matters of that kind between the Association and the military authorities in reference to the use of the targets? We had rules made for the guidance of the Association, but there was nothing in them that would lead us to suppose that we had to ask the captain's permission at all, even if we were inclined to do so. I do not know of any rule at all in connection with it.

1288. We do not refer to your own rules, but to the rules applicable to Volunteers generally. Are you aware that it is usual, in fact that it is necessary, to get the authority of the captain of the Company before the butts can be used? I am now, but I was not at that time.

1289. Were you and the Association generally of opinion that you could use the butts and the arms of the Company without reference to Captain Rossi? Decidedly. I thought all we had to do was to make the match and shoot it.

1290. There was no slight intended to be put on Captain Rossi? I do not believe there was.

1291. Are you aware now that it was necessary to consult Captain Rossi? I am, from what I have heard since, but I was not aware of it at the time.

1292. Knowing that, you think that the Association was wrong in attempting to arrange a match without Captain Rossi? I did not know it at the time.

1293. If you were attempting to make up a match now, would you do so without reference to Captain Rossi? I would not act in the same way now; but I did not know that I was wrong at that time, and did not think so.

1294. But you are aware now that you did not adopt the proper course then? I am.

1295. Would you adopt a different course now? I would; but at that time I did not know the difference.

1296. You say that some time ago the Company consisted of men whom you would not be ashamed to be seen with, but that now it is composed of men who are not equal to those whom they have superseded? There is a different class of men in the Company now altogether. There are men, or at least boys, now that I think would not be passed by the Colonel.

1297. Do you mean that a large proportion, or any proportion of the new members, are undesirable as associates in the Volunteer Corps? I would rather not answer that question.

1298. You were very strong on the other. You said that they were men that you would not be ashamed to be seen with, and the inference from that is that the Corps is now composed of men with whom you would be ashamed to be seen? If I answer the question, am I bound to give the names?

1299. It is optional with yourself? There are men in the Corps that I would not care to be seen with.

1300. Are there many in the Corps of that stamp—men that you would be ashamed to be seen with? There are many now away from it. There must be twenty or twenty-five that we have not seen for a long time.

1301. What really is your objection to them—does it rest on the ground of social status? Yes.

1302. Do they exhibit any impropriety on parade, or as citizens? Not on parade.

1303. It is their social status that you object to? Yes.

1304. And general conduct? Yes; outside the Company. What I have seen of them at drill is right enough, as far as I know.

Examination by Mr. Davies, through the Court:—

1305. How long did Hunt continue to pay 1s. a week, the increased subscription? A short time. I could not say how long.

1306. A week, a month, or three months? I could not say how long, but it was for only a very short time.

1307. Do you think it was three months? I do not think so.

1308. Did he give you any reason for discontinuing the payments? He gave me no reason only this,—that he objected to pay 1s. a week; no other reason than that.

1309. Did Private Paris ever offer to pay you a shilling a week? He offered to pay me a shilling a month, which he said was legal; but he would not pay a shilling a week, because he said it was illegal to charge it. I presented him with the bill, and he offered to pay. I was on the committee, and one who voted to have Paris summoned. I did not give the reason for it at the time, but it was to try the legality of the rate. The case was dismissed.

1310. Did Private Paris tell you that one reason why he would not pay was that he required a receipt? Yes. I told him I could not give him a receipt because the bill was for a shilling a week, and he would only pay a shilling a month.

1311. Did he tender you a shilling a month? Yes; or at least he told me he would pay it if I would give him a receipt.

1312. Did he not say that the reason why he wanted a receipt was that he had paid money and it was not placed to his credit? I think so; it was a trifling amount.

1313. He paid some money? Yes.

1314. How long is it since the Band played? The inspection before last. It was the 21st or 23rd of July, I think.

1315. How long is it since it played regularly? Since March, I believe.

1316. How long have you been connected with the Corps? Since its first formation.

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1317. Are you due for your land order? Yes.
1318. Do you know how long Private Hayley was in the Corps before he was made corporal? I believe he was in from 1869.
1319. When was he made corporal? Some time in 1873.
1320. That is about three years, then? Yes, I suppose about that time.
1321. And how long was it between the time when he was made corporal and the time when he was made sergeant? I think a very short time, but, unless I had the returns before me, I could not speak positively.
1322. Was it six months? I do not think so.
1323. Will you undertake to say that it was three months? I think that it would be less than three months, but I would not like to swear to it.
1324. Have you ever known promotion so rapid in the Company? No.
1325. Can you say that the secretary had command of the books, by which he could make out the accounts? Not the whole of them.
1326. In whose charge were they? The colour-sergeant had one, and I believe the captain had one, or ought to have had. The secretary had the minute-book, and if he had any others I am not aware of it.
1327. Do you think that the secretary would not be able to make out the accounts correctly owing to his not having the books? It would be impossible for him to make them out correctly.
1328. Having regard to the rules of the Rifle Association, assented to by Captain Rossi, do you think they acted wrongly in the course they took? I do not admit that we acted wrongly then, because we did not know that it was wrong. If I only knew as much now as I did then, I would act precisely in the same way at the present moment.
1329. Are you aware that Colonel Richardson does not think the Rifle Association acted wrongly or illegally? No, I am not. I recollect that the captain read something to the Company. I believe he said that it came from the Brigade Office, and that all matches made after that were to be made through him as captain.
1330. Can you, from the roll-book which is before the Court, give any information with respect to any names which are there—the names of men who have left the district or have resigned from the Company? Yes, I think I can point out a good many of them.
1331. Do you remember the name of Bourke—is his name written on the roll after he has long left? I believe he has left the district. I have not seen him for some time.
1332. Do you remember a man named Nicholson? Yes; he has been away since the breaking out of Tambaroora.
1333. How long is it since the name was erased? It is on the roll still.
1334. Do you remember a man of the name of M'Neil? He is in the town, but has not attended for two years, I think.
1335. Is there a man of the name of Smith? He is on the roll, but has not attended drill for nearly two years, as far as my memory serves me.
1336. Do you know, as a fact, that Smith has actually resigned? No, I do not. If he had, I should get a notice from the captain, and should have to strike his name out.
1337. Do you know if M'Neill has returned his accoutrements? He has returned his accoutrements, but not his clothing—he said he would keep that.
1338. Do you know a man of the name of Gale? Gale's name is on the roll, but he has not attended drill for a long time.
1339. How long do you suppose it is since he attended drill? Since I have been quartermaster-sergeant he has not had a mark at all.
1340. How long is that? Since last year.
1341. Do you know if Lindsay Waugh's name was retained on the roll long after he left the district? It is on the roll still.
1342. And how long is it since he left the district? About a couple of years.
1343. Was his name ever erased from the roll? No, it is on the roll still.
1344. Are you aware that this gentleman, Lindsay Waugh, is about as far away from here as he can get,—that he is now the manager of a bank at Balranald? Yes.
1345. Do you know a man of the name of Bishop who is in a similar position? Bishop went away about the same time that Nicholson did to Tambaroora.
1346. That is about two years ago? Yes.
1347. Do you know persons of the name of M'Govern? Yes; there were three. One resigned; one has been attending on and off, and the other has not attended for nearly three years I should think.
1348. Do you know a man of the name of J. M. Macdonald? Yes; he went away over twelve months ago.
1349. Is his name still on the roll? It is.
1350. Do you know if Lieutenant Chisholm has resigned? Only from reports I have heard, and what I saw in the newspapers.
1351. Did the reports with respect to his resignation emanate from himself—that is, have you heard it from Lieutenant Chisholm himself? No, he never told me that he had resigned; but he told me, some time before these reports were circulated, that if there was not a different state of affairs he would clear out of the Company.
1352. You have heard reports and seen it in the newspapers that he has resigned? Yes.
1353. Can you say how long ago it is since you have seen these reports in the newspapers? I suppose it would be six weeks or two months.
1354. Is his name still on the roll? Yes.
1355. Do you know a man of the name of Booth? Yes.
1356. Can you tell us any circumstances respecting his going away? Booth went away, I heard, to Homebush, and I believe he also took his uniform with him. I know his wife was hawking his trousers about to sell them. I know that as a positive fact.
1357. How long ago is it since Booth went with his clothing? It must be over two years, at least I believe so.
1358. Is his name still on the roll? No.
1359. How long did it remain on after he left? I could not tell you, because I was not quartermaster-sergeant at the time.

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1360. It was prior to your becoming quartermaster-sergeant? Yes.
1361. Are you aware that Captain Rossi has been made acquainted with the fact that Booth went away with his clothing? I do not know whether it has been reported officially or not.
1362. Has it been reported at all? I believe Captain Rossi was spoken to about it.
1363. The clothing has not been returned? No.
1364. Can you think of any other names than those that I have thought of which are on the roll, or were on the roll a long time after the persons had left? I suppose there are from twenty to twenty-five on the roll that we have not seen for a long time past. If I had my own roll I could soon show them.
1365. Does the fact of keeping these names on the roll make it appear that the Company is efficient in point of numbers? I believe not, because the Act distinctly states that you must have sixty efficients to keep the strength of the Company up.
1366. Does the retention of these names on the roll prevent those twenty-seven recruits who are said to be waiting to come in from joining? Yes. I spoke to the captain myself about it, telling him that I had no room to put recruits in—I could not put them into the returns.
1367. The state of affairs then, as you say, is that according to the roll-book the numbers are 100, the full number allowed, and that there are twenty-seven yet to come in, and that these 127 do not represent the actual state of the Corps? If there are twenty-seven recruits—and I cannot say how many there are—but whatever there are I cannot put them in. They cannot come on the roll until they pass an inspection. They are put on the blank sheet.
1368. Are they only waiting for inspection: is there room to put them on the roll? There is no room.
1369. If all the names of those who are not entitled to be on the roll were expunged, would there be room for the recruits? Yes.

The Court adjourned at thirty minutes after Six o'clock p.m., until Ten o'clock a.m., on Friday.

FRIDAY, 2 JANUARY, 1874.

Present:—

MAJOR P. L. C. SHEPHERD, VOLUNTEER ARTILLERY, President.
MAJOR J. H. GOODLET, SUBURBAN BATTALION, VOLUNTEER RIFLES.
MAJOR THOS. RICHARDS, SYDNEY BATTALION, VOLUNTEER RIFLES.

The Court met at Ten o'clock, a.m. Quartermaster-sergeant A. Sproule was called.

The President said that now that the memorialists had arranged to be represented by one of themselves, the Court would permit re-examination by Mr. Davies on new matter.
Mr. Davies desired to know whether he might apply for certain witnesses to be called.
The President intimated that the Court did not wish to restrict examination in any way which was compatible with the proper investigation of the matters submitted, and they would summon any witnesses whose names might be handed in by the parties on either side.
Mr. Davies applied to have summoned Ensign W. Dignam, Private Clegg, Private Fuller, Mr. Hadfield, and Mr. Walker, Gaoler of Goulburn.
Captain Rossi asked if papers had been sent up in reference to a previous Court of Inquiry.
The President said that papers had been received, and were available to the parties on either side.

Examination of Andrew Sproule, by Captain Rossi, through the Court:—

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1370. How are matters in the Corps now? The members are greatly discontented. I think I answered that before.
1371. Is the Corps in a more efficient condition now, in your opinion, than ever it was, as regards the number of efficients? I believe there are more efficients this last year than we have previously had.
1372. Have there been any disagreements in the Corps since Mr. Martyr was dismissed? Not that I am aware of.
1373. With reference to the alleged disagreements named by the memorialists, have you ever sought to obtain redress through the memorialists or through Mr. Martyr? Through the memorialists.
1374. Have you taken steps to request the memorialists to take action against Captain Rossi? I took part in the matter.
1375. Captain Rossi would like you to answer "yes" or "no"? Yes.
1376. Is Mr. Martyr included amongst those from whom you sought redress? I really do not know.
1377. Will you say positively that he is not one of those whom you applied to? I did not apply to him.
1378. Did you name any grievance to him? Yes.
1379. Did not Captain Rossi himself suggest a Court of Inquiry before the memorialists ever moved? I do not recollect it.
1380. Did you not receive a circular from Captain Rossi to that effect? Not that I am aware of. I may have received one. I have seen a circular, but I do not recollect what was in it.
1381. Have you seen this circular? Yes, I have seen a circular something like that, but I do not recollect a word that is in it.
1382. Do you recognize that circular as having been seen by you before? Something similar to it. There might have been one sent to me, but I do not recollect anything about it. (*Document received in evidence. Vide Exhibit J.*)
1383. Was not a copy sent to each member? I heard that there was.
1384. Can you say why Captain Rossi's suggestion was not adopted? I cannot.
1385. Had you any grievance at that time? In connection with the Company?
1386. Any kind of grievance relating to Captain Rossi in connection with the Company? I had. I did not like the way in which the captain treated the members of the Company.
1387. Did the public meeting of the 600 take place shortly after Mr. Martyr's dismissal? Yes, I think so. I do not recollect the dates. It was after.
1388. Was it not shortly after? I really cannot recollect.
1389. Was not Mr. Martyr dismissed about the 2nd or 3rd of September? I do not recollect what month or date it was.

1390.

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1390. Do you remember the date of the public meeting? No.
1391. Was there a drill that night? I was just trying to recollect if there was.
1392. Can you recollect? I cannot.
1393. Did you take part at that meeting? Only by being present.
1394. Did you tender any information to any one who took part at that meeting? I may have done so.

Mr. Davies objected to the line of cross-examination being pursued.
The President stated that no witness need give evidence to criminate or prejudice himself.

1395. Did not Mr. Martyr take an active part in getting up that meeting? I do not know.
1396. Did you seek to be examined before the Select Committee? I did not.
1397. Do you know at whose instance you were sent for? No.
1398. Has Captain Rossi ever treated you in an imperious and insolent tone? Yes.
1399. Will you state the occasion? On more than one occasion he has told me to sit down and not to talk. "Just let me speak now,"—he will talk to me like that when I am speaking. Even when I am at the surgery he will ride up and call out to me—"Quartermaster-sergeant Sproule," and will want me to run about the town on Volunteer business when I am attending to my employer's business.
1400. Have you ever thanked Captain Rossi for his kindness, consideration, and forbearance towards you? Have I ever thanked him?
1401. Yes? I do not know that I have; I do not know that I have anything to thank him for.
1402. Captain Rossi would like you to answer "yes" or "no." Have you ever thanked Captain Rossi for his kindness, consideration, and forbearance towards you? I thanked him once in connection with my certificate.
1403. Captain Rossi says kindness, consideration, and forbearance. Have you ever thanked him? I may have done so; but if I have, I have forgotten it.
1404. Had you any great difficulty in obtaining your certificate for 1869? Yes.
1405. Extending over a very long time? Yes.
1406. Did not Captain Rossi repeatedly write to head quarters on your behalf? Yes.
1407. Did you not at last say that you would have nothing more to do with it, you had been so long at it? I said I was getting tired of it—continually writing backwards and forwards.
1408. And that you would have nothing more to do with it? I did not say that I would have nothing more to do with it.
1409. Did not Captain Rossi say,—"You do not know what it is to lead a forlorn hope. I will do it for you"? I do not recollect.
1410. Will you swear he did not use those very words? I do not recollect. He may have said so.
1411. Did not Captain Rossi at last obtain it for you? Captain Rossi got the returns. The returns had left my name out in some way; but I got the duplicate from the late quartermaster, showing that I had had fifty-two drills in, whereas the other return left my name out altogether. Then I got my certificate.
1412. After Captain Rossi told you that he would lead that forlorn hope for you and get it, did you not go and thank him for it? I recollect that Captain Rossi was getting it for me.
1413. Did you not get it immediately after Captain Rossi said that he would lead the forlorn hope for you? I do not recollect his saying that; he may have done so.
1414. Did you not say that only for Captain Rossi you never would have got it—did you not say so to Captain Rossi? I might have said so. I cannot recollect conversations of that kind.
1415. Can you recollect on another occasion going to Captain Rossi and saying,—"Captain Rossi, I have to thank you so warmly for your kindness and consideration to me yesterday"? Yes, I can recollect that. The occasion was on the Saturday, and I think I thanked him on the Monday following.
1416. Did you not say on that occasion, had Captain Rossi been severe with you he could have dismissed you from the Company and you could never have said a word? I do not remember it. I remember having some conversation about the affair.
1417. Do you remember the words? I do not.
1418. Do you not remember having said to Captain Rossi that if he had been severe to you he could have dismissed you from the Company, or words to that effect? I might have said words to that effect but I do not recollect the exact words.
1419. Do you not now believe that had Captain Rossi been severe with you he could have dismissed you? I believe that if Captain Rossi had reported the matter, I would have perhaps been disrated or dismissed; but Captain Rossi could not have dismissed me, so I could not have made use of the words.
1420. Did Captain Rossi ever wound you by calling you "sir"? The way in which he has made use of the word on several occasions is most disagreeable to the men.
1421. Did Captain Rossi ever wound your feelings by making use of the word "sir"? In committee.
1422. Name the committee, and say what took place? I cannot recollect what took place at the time. It is impossible to recollect occasions of that kind.
1423. In reference to question 436 of your evidence before the Select Committee, did you not say that Mr. Deane's was a yearly engagement? I was not, as I said on Wednesday, on the committee at the time that Mr. Deane was engaged.
1424. Did you or did you not know that his engagement was by the year? I understood that Mr. Deane was engaged for a certain time, and that if he did not give satisfaction to the committee he was to go. Being a member of the committee afterwards, I understood that he was engaged for a year.
1425. By whom was he engaged? I do not know.
1426. Did you not receive a copy of that letter? Yes. (*Document in Minute Book received in evidence and read by the Court. Vide Exhibit* K.)
1427. Did any of the committee ever give the indemnity asked for? No.
1428. Was not that the reason why the resolution was not carried out? That is the reason the captain gave the committee.
1429. Do you not know that in the course which the captain pursued he was guided by the solicitor whom the committee themselves named? I heard so.
1430. Was it not a fact that the committee did elect a solicitor? Yes.
1431. Did the solicitor not attend a meeting of the committee to advise? Yes.
1432. And subsequently this letter (*Exhibit* K) was sent to the committee? The letter was sent after the decision of the committee.

1433.

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1433. And subsequent to the solicitor being consulted? I do not recollect.
1434. Had the committee—Captain Rossi is referring now to the resignation of the second committee—any other reason for resigning than the fact that Captain Rossi would not carry out the resolution, wanting that indemnity? If they had, I do not know. Of course I do not know their reasons.
1435. Were you not one of the committee? Yes.
1436. Was not that the reason alleged? That was the reason why I resigned from the committee.
1437. You have sworn that all the committee resigned: do you adhere to that still? Yes.
1438. How many formed the committee? Six.
1439. Six elected, that is? Six elected.
1440. How many of the six elected resigned? The whole of them. When I say that the whole of them resigned, I did not see their resignations, but they told me that they had resigned.
1441. Will you say that Mr. Deane was unfit to teach? I decline to answer that question.
1442. At question 457 of your examination before the Select Committee, you say that you had a particular disagreement with Captain Rossi—what was that disagreement? It had reference to my position as sergeant.
1443. Will you explain what that disagreement was? The captain told me that I was only sergeant of the Band, and not sergeant of the Company. The disagreement arose out of that, and I sent a memorial to the Colonel about it.
1444. Did not Captain Rossi tell you that your position as sergeant of the Band and not sergeant of the Company at that time was in accordance with what Colonel Richardson told him ought to be the arrangement when he first appointed you? Captain Rossi told me so.
1445. Did not Captain Rossi send your memorial down? Yes.
1446. Is this it? Yes, this is the letter.
1447. Did not Captain Rossi say that you had very greatly misunderstood the matter? Yes.
1448. Did he not tell you of, or show you a copy of the letter which he sent having reference to you to the Commandant? Yes.
1449. Your memorial was referred to Captain Rossi, was it not? Yes, it was referred back.
1450. Did not Captain Rossi send another letter on your behalf, of which he informed you of the character and contents? I suppose the captain has the Colonel's minute there, which will explain the thing much better than I can. He did explain the contents of a letter to me. (*Document handed in by Captain Rossi, received in evidence, and read by the Court. Vide Exhibit* L.)
1451. Were you not immediately promoted, in accordance with the Colonel's wish? Yes.
1452. Is that still a grievance with you? No. If the captain had told me what was explained in these letters before I wrote that, I should not have written it.
1453. Will you explain your grievance in connection with the matter? I explained my grievance in the letter, but when I wrote that letter I was not aware of what had taken place before.
1454. Captain Rossi asks you to explain what you mean by your examination at questions 457 and 468 before the Select Committee of the Legislative Assembly? The question was asked me by a Member of the Select Committee—had I any grievance with Captain Rossi in reference to my position as sergeant, and I then went on to explain that that grievance had been set aside, and that is how that question follows on afterwards.
1455. Do you mean that you had two disagreements, or do you confine yourself to the one which we have done with? I had two; but the first one, in reference to my position, that of course was set aside, as I have explained, and now it is reduced to one.
1456. What was the grievance towards yourself on the other occasion,—what is the grievance which exists now? In fact I would not serve under Captain Rossi as captain again.
1457. That is the result of this grievance: we want to know why? He will not let the members in the committee have their own way. If they wish to carry a resolution, they may carry it as long as they like, but the captain will take his own time about carrying it out.
1458. Would you try and explain the particular points in which you consider yourself aggrieved in reference to Captain Rossi—any personal matter that you have to complain of? As I complained this morning, a very short time ago he ordered me to get in the uniform for the members of the Band. I explained that I could not neglect my business to attend to that, and he said that he did not care—he had given the order, and I must do it.
1459. Can you fix anything else? I have stated others.
1460. You say you object to serve under Captain Rossi. What are your reasons for objecting to him personal to yourself? From his manner to members of the Company in the ranks, and out of it even.
1461. Do you persist in saying that the corporals had no opportunity of being examined? I did not say corporals—I said Corporal Hayley.
1462. Corporal Hayley had no chance of being examined? I understood from members of the Company that Corporal Hayley underwent an examination, and no other member of the Company. I think it was not fair.
1463. You mean that he only was invited, and that others were not invited? I understood so from members of the Company.
1464. Do you know how corporals were appointed by Captain Rossi prior to Hayley's appointment? Corporal Clarke was appointed without any examination—he was taken out of the ranks.
1465. Will you answer the question generally—prior to Hayley's appointment? By taking them out of the ranks.
1466. You have stated that Hayley was appointed on examination—the question is, how the corporals were appointed previous to Hayley's appointment—the mode of appointment? The captain called them out of the ranks, and appointed them before the Company.
1467. Of his own will? I believe so. He has the power.
1468. Did he not appoint Private Dignam of his own will, without examination? Yes.
1469. Was it not of his own act that he appointed others without examination, and was it not by his own act that he appointed Hayley with an examination? Yes.
1470. Were any exceptions taken to his appointments without examination? I think not.
1471. Was Hayley's appointment the first one that was taken exception to? No. When I said yes before, I was speaking with reference to the corporals.

Qm.-sergt. A. Sproule.

2 Jan., 1874.

1472. Was Hayley's appointment as corporal the first appointment as corporal that was objected to? I believe so; as far as I know myself.
1473. Are you aware that Captain Rossi would not appoint Hayley unless he underwent an examination? It is impossible for me to say.
1474. Are you aware that Captain Rossi would never appoint any one since without an examination? They have not been appointed since without examination.
1475. You say that the Corps is not so respectable now as it was. Can you say what proportion of the Corps as to numbers are not respectable? My evidence does not show that I said they were not respectable. I said that those who had joined in the place of the men who had left were not equal to them in any sense at all—in education or position, or in any way.
1476. What is the number of those whom you consider so objectionable? I could not tell the number unless I went over the names. I would rather not answer as to the number, because it might lead me into difficulties afterwards.
1477. In what way is their social status objectionable? I think social status is just as near an answer as I can give to it.
1478. Do you consider that there are members following such an avocation in life as is incompatible with Captain Rossi's acceptance of them as Volunteers? The captain has to accept them—not me; but there are men in it with whom I would not associate.
1479. Is it on account of their action? No.
1480. Is it on account of their private character? Yes.
1481. Were you ever present when Captain Rossi ever accepted the services of any Volunteer recruits? Yes.
1482. Can you say the first thing he does;—can you explain the usual manner in which he accepts recruits? No, I cannot.
1483. Do you not know that Captain Rossi does make inquiries into the character of recruits before accepting them? He may do so. I am not aware of it.
1484. Did you ever know Captain Rossi to accept any without inquiry, unless they were personally known to him? I do not recollect his doing anything of the sort.
1485. Do you know the interval there was upon Corporal Trenery's first examination and his second examination upon which his promotion followed? No, I do not.
1486. Do you know the interval of time which elapsed between the examination of Hayley as corporal and his examination as sergeant? I anwered that on Wednesday. I thought it was a very short time.
1487. Can you give a more definite idea? I think I said about a couple of months. I could not recollect.
1488. Did you not say on Wednesday that you never knew such quick promotion? No.
1489. Was not Trenery's promotion more rapid than that of Hayley's? I do not recollect the time between either of them.
1490. Which of the two was quicker? To the best of my belief Hayley's might be, but I am not positive. I have not got the dates.
1491. Could not the secretary get all the books for the purpose of making out the accounts? I cannot answer that question, because the colour-sergeant has a book; but that book might not be filled in properly. The captain has a Letts' diary, in which he enters any payments received by him at the time.
1492. Do you know anything to prevent the secretary from getting the books? No, I do not.
1493. Will you say that all the names which you mentioned on the last sitting are on the roll still? I do not recollect all I named. If I had the names before me I could give an answer to the question.
1494. Booth's name, you said, was on the roll? No; I said Booth's name was not.
1495. Is that your handwriting? Yes, that is my handwriting. *(Document received in evidence. Vide Exhibit* M.)
1496. Is not that a list which, during this last quarter, that is, since the 30th of September, you furnished, at the desire of Captain Rossi, to give him the names of every man in the Company who was away, or was doing nothing whatever in the Company? I gave him that list last month, I believe.
1497. Did you give it for that purpose? I did.
1498. Did not Captain Rossi tell you that he wanted it, so that he might strike them all off in the last quarter's return? I do not recollect Captain Rossi telling me that it was for the purpose of striking them off. He told me he would send parties.
1499. Did he do it for the purpose asked? I believe that was the purpose for which he was doing it.
1500. Are you aware that Captain Rossi asked Colonel Richardson what he should do in such cases, at the last inspection? I do not recollect the last occasion. I recollect some time ago the captain calling me that the Colonel said he would have a grand field day with them,—meaning, as I understood, that he would dismiss them.
1501. These names represented those who were absent from the Company, but had not resigned? Yes.
1502. Do you know that there is a difficulty in striking a man's name off unless he has resigned? I do not.
1503. Have not several of those who have left the district paid their subscriptions, from time to time, since they left? I do not know of several. I know of one who paid myself.
1504. Will you name him? Cooper.
1505. What about Egu—has he paid? I do not recollect. He may have paid.
1506. And Waugh? I do not know.
1507. And Smith? I do not know.
1508. Bourke? I do not know whether Bourke has paid since he left.
1509. Do you know of any other? No.
1510. It is not your particular business to know it? It is not now. It was when I was on the committee.
1511. Can you say that several have not paid? I believe they have not—I do not know for certain; but I think I should have heard about it if they had paid. There is hardly a thing which takes place in the Company that is not talked over a dozen times a week. If they have paid, they have paid within a very short time.
1512. Where did Waugh go to first when he left Goulburn? I do not know.
1513. Did he not go to Braidwood? I think he did.
1514. Did he not return on and off? I was not quartermaster-sergeant at the time, and I do not recollect.

1515.

Qm.-sergt. A. Sproule. 2 Jan., 1874.

1515. Do you remember the Band playing on the Prince of Wales's Birthday? I can recollect on one occasion.
1516. You do remember his having come? Yes.
1517. Your only knowledge of Mr. Chisholm having resigned is gathered from what you saw in the newspapers? Yes.
1518. Has it ever been officially notified to the Corps? No.
1519. With reference to Booth's trousers, of which you have spoken, were they the original trousers of 1869 or the new trousers? The trousers that were hawked about by his wife were the gray trousers such as I have on now.
1520. Were they a new pair when issued to Booth? I do not know.
1521. Do you believe they were? I cannot say.
1522. Do you know whether any steps have been taken to recover those trousers? I do not recollect of any.
1523. Did you see Booth on Queen's Birthday when we were out, walking beside me and speaking to me? No, I do not recollect seeing him at all.
1524. Do you say that the names of the persons to whom reference has been made, remaining on the roll, has prevented recruits from coming into the Corps? It has prevented me from putting the recruits in the returns.
1525. Suppose there were only fifty in the Company, could you put the recruits in the returns? I said on Wednesday that they could not go into the Company until they had passed an official inspection.
1526. When will be the next inspection? It all depends upon the Colonel, I suppose.
1527. Will it be this half-year or the next? According to the Act, I believe, there is to be one in each half-year.
1528. Up to the present time there has been nothing to the prejudice of the recruits—Nothing to keep them out of the Company? No.
1529. In point of fact, you are aware that the return which will be forwarded this day, the return for the 31st of December, will have to appear without those names in it, according to Captain Rossi's original intention expressed to you more than a month ago? I was not aware that they were not going down.
1530. Is that a copy of the last roll, as far as the names go, made by yourself? This is what I made out for the information of the Company, to let them know how many drills they had to do before the end of the year, to make themselves efficient.
1531. Was it not made for Captain Rossi's information? Yes. (*Document received in evidence. Vide Exhibit N.*)
1532. Would you not be wanting in your duty if you had left names out? I think not; because all I was expected to do was to make up a list of those who were doubtful about their efficiency.
1533. Must it not necessarily have included the name of every member who had not made himself efficient? No; because there are some who have not been there for years past.
1534. Was it not necessary that it should include the name of every man who was not efficient? No; some of the men are away from the district altogether, and I might have left a name or two out to save time and crowding of the paper.
1535. How could they be efficient if they were absent from the district altogether? It was impossible.
1536. Did not Captain Rossi ask you to give him the names of all those who were not efficient? I do not recollect that he did. Captain Rossi did not ask me for that. He sent a memo. up to me for it.
1537. Where is this memorandum? I do not know where it is now.
1538. For what purpose was that list (*Exhibit* M) furnished to Captain Rossi? I believe it was sent to the captain. He wanted to know the names of the men who were on the roll who ought to be taken off it.
1539. That was since the last quarterly return went down? I have said it was last month.

Examination by the Court:—

1540. Were you a member of the committee when Mr. Deane was engaged as bandmaster? I was not.
1541. Were you not cognizant of the terms on which Mr. Deane was engaged? No, I was not.
1542. Are you aware of the period for which Mr. Deane was engaged? I do not know.
1543. Was the committee dissatisfied with the manner in which Mr. Deane performed his duties? Yes.
1544. Did the committee direct his dismissal? Yes.
1545. Was it necessary to give Mr. Deane notice? I do not think so.
1546. Would it have been proper to have dismissed Mr. Deane without notice? I think so; and I would have done it if it had been my case.
1547. Do you consider that, having regard to the terms of Mr. Deane's engagement, Captain Rossi would have acted legally in dismissing him summarily? I think he would.

Examination by Mr. Davies, through the Court:—

1548. If your name had been properly forwarded in the first instance, would it have been necessary for Captain Rossi to have made any extra effort at head quarters? Not at all. It was left out through the carlessness of the colour-sergeant or the quartermaster. There were several others in the same fix.
1549. How was it found out that you were entitled to this certificate, apart from Captain Rossi's efforts? I got the duplicate copy of the annual return showing that I had fifty-two drills in; and in the return sent down my name was left out.
1550. Has the error in the drill book in reference to your drills been rectified? I have not seen it.
1551. Are you in any doubt as to whether you will get your land order, through lack of efficiency? No.
1552. Have you the annual certificates of efficiency as far as issued? Yes; I have four, from 1869 to 1872.
1553. In what year was it that Captain Rossi did you this favour? In 1871, I think; but I did not get the efficiency certificate until last year. I think it was the week after the Select Committee sat in Sydney. That was when I got my efficiency certificate for 1869.
1554. Was Trenery's promotion as sergeant after Hayley's? Yes.
1555. Up to the period of Hayley's appointment, was that appointment the most rapid promotion to sergeant you had known? To the best of my belief it was.

1556. How did you make up your quarterly returns? I make them up from the monthly returns of the orderly sergeant. Properly speaking, I ought to make it out of the colour-sergeant's book. Qm.-sergt. A. Sproule. 2 Jan., 1874.
1557. Are these returns that are sent in to head quarters certified? Yes.
1558. By whom? By Captain Rossi.
1559. Is the return which you sent in at the end of September, 1873, certified by Captain Rossi? Yes.
1560. Did you ever provide Captain Rossi with a list of absentees prior to the one which has been produced to-day? No; I do not recollect ever doing anything of the sort.
1561. Were you ever requested by Captain Rossi to furnish him with a list of absentees prior to the proceedings before the Select Committee of the Legislative Assembly? No.
1562. Did you return to any one the memorandum which you received from Captain Rossi respecting that list? I believe I have it at home with all the papers which I have in connection with the Company.
1563. Did you leave certain names out of that return which you furnished, simply because they could not make themselves efficient? Yes. I may have left the names out because they had left the district. I had to leave Waugh's name out on one occasion. There was no room for it, and I told Captain Rossi about it.

The Court adjourned at three minutes after One o'clock p.m., to fifteen minutes after Two o'clock p.m.
The Court resumed at twenty minutes after Two o'clock p.m.

John Spicer Paris was duly sworn.

Examination by the Court :—

1564. What is your name? John Spicer Paris.
1565. You heard the memorial read on the 30th? Yes. J. S. Paris. 2 Jan., 1874.
1566. And the charges included in that memorial? I heard the whole of what was read by the Court until the witnesses were ordered out.
1567. You gave evidence before the Select Committee? No, I have never given evidence in the case at all.
1568. The first charge is assault by Captain Rossi on Corporal Fuller, in the ranks. Were you present when that assault was committed? I was not.
1569. Were you present on the occasion referred to by the second charge, when the assault by Captain Rossi on Sergeant Mawson was committed? No.
1570. Do you know anything in connection with the resignation of two different committees? No, I never had anything to do with committees at all. I was a private in the ranks.
1571. Do you know anything in reference to the resignation of the corporals? No.
1572. Do you know anything about the dismissal, on apparently trivial grounds, of Privates Chambers and Morris? I was not present when they were dismissed. All I know is from hearsay. I cannot speak of anything from personal knowledge which transpired when I was not present.
1573. Do you know anything of the appointment of Sergeant Hayley—are you aware that it was distasteful to the Company? Yes, I heard great dissatisfaction expressed. I was a Volunteer during all these matters, excepting during the time when Hayley was appointed. Hayley was appointed after I was dismissed from the Company, but I heard a great deal of talk about it.
1574. Are you aware what there was distasteful in this appointment? I heard it frequently commented upon,—Hayley being so young, and being appointed over the heads of men who were much older, who had been quite equal in attendance, and who had been as long in the Company.
1575. How old was Hayley at the time he was appointed? I could not say his exact age, but I know he was very youthful. He had not long left school, and he had been a short time in the Bank. I should have taken him to be about seventeen or eighteen at the outside.
1576. Were you present when Private Robertson was ordered to give the salute? I was not.
1577. Were you a member of the Rifle Association here? No.
1578. You know nothing about the matters referred to in these charges? Nothing, excepting general conversation which ensued about it.
1579. Do you know anything about the public reprimand of Corporal Clarke, for saying at a non-military meeting that the captain had committed an error of judgment in bringing about the dissolution of the Association? That all took place since I have been dismissed from the Company. Since then I know nothing about what has occurred, as I have only seen them drill twice.
1580. Do you know anything about the dismissal of Private Martyr? Only on the same information that I know of all these other matters.
1581. Do you know anything about the summoning of Mr. Martyr before the Police Court? I know that he was summoned for not giving up his arms and accoutrements, but I was not present at the Court.
1582. Do you know anything about the disputes between the members of the Band and the bandmaster, and the retention of the latter in his situation? Not from being mixed up in them. All these disputes principally occurred after I left the Company.
1583. Were you not in the Company when these disputes occurred in reference to the Band? There had been prior disputes relative to the fife and drum Band.
1584. We are speaking of the disputes between the members of the Band and the bandmaster? Mr. Deane had not been long appointed when I left the Company.
1585. You know nothing of attempts, supported by threats, to get members of the Band, many of them boys, to sign a document? No.
1586. Nothing about increasing the weekly subscription to a higher rate than in any other Company, without taking a regular vote? Yes, I know there was a meeting called relative to that.
1587. Will you tell us what was done at that meeting? I was not present at that meeting, but I was a Volunteer at the time. I was out of Goulburn at the time that the meeting was held; and when I returned I heard great disgust expressed at the way the resolution was carried. It was said that the motion had not been carried legally; that it had only been put for and not against. I was told that there were only forty present; that only some few held up their hands for it, and that the captain did not call for a show of hands against it.

J. S. Paris. 2 Jan., 1874.

1588. You were not present at the meeting? No.
1589. You were dismissed for something in connection with this increased rate. Will you explain to the Court how that took place? I have never had an explanation of how I was dismissed; I have never received any charges.
1590. Have you received no official intimation? Only that I was dismissed.
1591. To what effect was the intimation? That I was dismissed, and was to return my arms and accoutrements.
1592. Have you the document in your possession? No; I have kept no writings on the subject.
1593. It seems that you refused to pay more than the former subscription, believing the increased rate to be illegal? Yes.
1594. On what grounds? From the general tenor of what the Volunteers said. As I was not present, I only had the opportunity of receiving through them my knowledge of the meeting. There was a great many besides myself who did not pay.
1595. Did you ever pay any subscription to the Company? Yes.
1596. To whom did you pay it? I believe it was to Sergeant Trenery.
1597. When did you pay it? When we were first dismissed from the recruit drill. When we came on to the court-yard I gave Sergeant Trenery half-a-crown. He said he had not change; and I said it did not matter, it could stand on for further subscriptions.
1598. Did you ever make any complaint that that amount was not placed to your credit? Yes.
1599. You are aware that it was not placed to your credit? I was aware of it when I received a bill for the amount. I was billed for the whole of the subscription. I spoke to Sergeant Trenery about it, and he said "Well, old fellow, you may have paid it, but I do not recollect it."
1600. In what way did you convey your refusal to pay the increased rate? I thought the 1s. a week was illegal, and an imposition; and I told the sergeant that I would not pay. I was quite willing to pay the 1s. a month if they gave me a receipt.
1601. You say that you were dismissed without knowing what you were dismissed for? Yes; I received no specific charge against me.
1602. Had you any warning that unless you conformed to certain rules and orders you would be dismissed? No; but after drill on Thursday evening, I received an order from Captain Rossi on Friday morning to attend drill on the following Monday and bring with me the subscription. I told Sergeant Sproule that I had to go away with cattle; and when I returned I was told that I had been dismissed.
1603. You stated that you could not attend? Yes; I told Sergeant Sproule I am a drover by profession, and business calls me continually out of town.
1604. You are quite sure that you tendered the usual rate of subscription? Yes; I tendered it frequently. It was refused on the ground that they could not give me a receipt for 1s. a month, as the rate in force was 1s. a week. I was told that both by Mr. Martyr, who was secretary at the time, and by Sergeant Sproule. I merely wanted a receipt to guarantee the payment, because there had been a dispute in reference to this half-a-crown previously, and I knew that there had been great irregularities in receiving moneys previously.
1605. What irregularities do you refer to in receiving money? I had often heard persons say that they had paid, and there had been a long argument before it was found out that the money was paid.
1606. Were not the moneys paid in accounted for? I had heard those who had paid subscriptions speak to the sergeants about it. I do not know that the money has ever been ignored; but there have been discussions about the payment of it.
1607. Are you aware of blame being attached to any one for improperly applying money? No, I am not.
1608. Has any inquiry taken place as to what has become of missing money? Not to my knowledge.
1609. Is it usual in Companies to give receipts for subscriptions paid? I do not know, only in regard to myself. I thought that a person who paid money had a right to a receipt.
1610. Was it the usual custom in the Company for persons who paid money to get receipts when they paid their subscriptions? I could not tell. I only looked after my own individual case.
1611. I think you said you did not get a receipt when you paid the half-crown? No.
1612. Did you ask for it? No; I had only just got out of recruit drill. I should not have asked for a receipt afterwards if the payment of the half-crown had been recognized; and I wished to have it put in the receipt that I was paying 1s. a month, and not 1s. a week.

Examination by Mr. Davies, through the Court:—

1613. What general order was there as to paying subscriptions at all? I do not know of any general order being issued. I only know from the Act or the by-laws that we were to pay 1s. a month.
1614. Was there any by-law defining the time or place where the 1s. a month or any subscription should be paid? No; I do not think it is specified in the Act as to where it should be paid.
1615. Are you aware of a by-law of the Company, or an order from Captain Rossi, as to where this subscription should be paid? No.
1616. Or to whom? No.
1617. Was there to your knowledge any treasurer? No, not to my knowledge.
1618. To whom did you tender the smaller amount? To Mr. Martyr, secretary of the Company, to Sergeant Sproule, and I believe to any of the sergeants who ever asked me for it. I could not say for a fact whether any others did ask me for it, but I was always willing to pay.
1619. You were willing to pay the whole of your subscriptions up to the time of the increased rate being carried? Yes.
1620. Conditionally that you got a receipt? Yes. I do not believe that I was ever asked to pay any subscription until the increased subscription was demanded. No one was asked, but they just paid it as they liked. They would sing out, "Anybody who has got money to pay will pay it." Nothing passed until after the increased subscription, when so many refused to pay that they hunted us up to force us to pay. Previous to that no one was specially appointed to ask. I was never asked.
1621. To whom did you refuse to pay the subscription of 1s. a month, if to any one? I never refused to pay.
1622. Who made application to you for the payment of 1s. a week? There was not a special application for the 1s. a week; but I received a bill through Mr. Martyr for my subscription, and 1s. a week was mentioned. In fact I received several bills; and I am only sorry that I have not got them here to produce.

I can swear positively that one bill would be for a greater amount than another; another would be for less, and so on. Sometimes they charged me fines, and sometimes they did not. No two bills agreed. J. S. Paris. 2 Jan., 1874.

1623. To whom personally did you ever refuse to pay the 1s. a week, if ever, when demanded? To Captain Rossi.

1624. Did Captain Rossi come to you personally for the money? He met me and called me to him as I was riding along the street. He asked me why I refused to pay the 1s. a week.

1625. What was your reply? I told him that I did not think that the matter was legally carried, and that 1s. a week was an imposition. When I joined the Company I had to pay 1s. a month.

1626. That is all you said? That is all I said. Captain Rossi told me something in reply.

1627. What did he say in reply? He told me then that he would have to summons me for it; and I told him that I thought that was the best way of proving the legality of the transaction; and I told him if the law awarded it I should have to pay it.

1628. Did Captain Rossi say anything further? No.

1629. When you were summoned to the Police Court did the Bench award it? No, the case was dismissed.

1630. Did Captain Rossi say that he would dismiss you if you did not pay it? He never told me that. I never heard anything about being dismissed until I was dismissed.

1631. Were you dismissed? Yes.

1632. Who dismissed you? I was not present when I was dismissed.

1633. Who dismissed you? Captain Rossi.

1634. How do you know that Captain Rossi dismissed you? Only from an order signed by him that I was dismissed, and directing me to send in my arms and accoutrements.

1635. Have you got the order? No, I have not.

1636. Is it in existence? Not to my knowledge.

1637. Did that order state the reason for your dismissal? I believe not; I could not possibly swear to it, but I do not think there were any remarks laid down as to the cause of my dismissal. After I was dismissed I sent in my arms and accoutrements, and I thought I would apply to another source for inquiry.

1638. Did you appeal against that dismissal? Yes.

1639. To whom? To Colonel Richardson.

1640. What was the result? I have never heard.

1641. Have you ever had a reply to your communication? No.

Examination by Captain Rossi, through the Court:—

1642. Were you summoned to give evidence before the Select Committee? Yes, but I was at Wagga Wagga at the time. I did not receive the notice until within a day or two of the close of the proceedings.

1643. Was Hayley a member of the Corps three years and a half before his appointment? I could not say that from my own knowledge. I was nearly two years in the Company, and he was in the Company with me.

1644. You do not know when he was appointed? I do not.

1645. After the resolution was carried that the subscription should be 1s. a week, did you, or others, come to complain that anything illegal had been done? No, I did not. I had a specific reason for not going.

1646. What was that reason? The reason was that from what I had seen of Captain Rossi I thought the further I kept from Captain Rossi the better it would be for myself. From the way in which he had generally behaved, I thought that the less I came into contact with him the fewer disputes we should have between us.

1647. What had Captain Rossi done to induce you to form that opinion of him? Only that his manner was generally offensive. There was hardly a drill that there was not something offensive.

1648. Can you give an instance? No; they were so general—I could not define them.

1649. Can you name one instance in which Captain Rossi behaved in this manner? I could not particularize the occasion. I have seen him shove and call men fellows, all that sort of thing, on parade, but as to mentioning particular names I could not. I always noticed that his manner was not that of a gentleman when on parade.

1650. Can you mention any occasion on which he has been discourteous to you personally? No; because I never came into collision with him.

1651. If you felt any hesitation in seeing Captain Rossi personally, could you not have written to him? [*Question disallowed.*]

1652. Do you remember Captain Rossi asking you personally to pay your account? I have already stated that.

1653. Did you not promise Captain Rossi that you would pay him a part as soon as you received certain money you were expecting? The 1s. a month.

1654. Did you offer to pay a part when you had received this money? No; I never was in such a bad position in Goulburn but I could pay the whole of the money at any time.

1655. Did you not at that time expect some money? I did.

1656. Did you not expect it from Mr. Carter? I did.

1657. Did not Mr. Carter give it? He did.

1658. Do you now remember having said to Captain Rossi that you would pay a part? No; I said I would pay my subscription, 1s. a month, which I always tendered.

1659. When you received the money expected, what did you tell Colour-sergeant Trenery within a few minutes afterwards, when he applied to you for the money? I received the money in the Court House yard; it was for collecting the Census, or something of that sort. I had hardly got the money into my hand when Sergeant Trenery rushed at me about it. I was irritated at being followed up so about the money. I was a little excited, and I told them that they need not be frightened. It looked as if Sergeant Trenery had been lying in wait to pounce down upon me immediately I got the money, and I felt hurt at it.

1660. With whom were the disputes as to the payment of these moneys that you speak of? They were general.

1661. Were they with Captain Rossi? I do not understand the question.

1662. Were the disputes which you have referred to in relation to money matters with Captain Rossi? Personally between Captain Rossi and myself?

1663.

J. S. Paris. 2 Jan., 1874.

1663. Yes? I have said that I had no communication with him.
1664. Had the disputes in reference to the variation in the accounts anything to do with Captain Rossi? I do not know whether they emanated from Captain Rossi, or the secretary, or the treasurer, or who.
1665. Do you not know that the subscriptions at the time you speak of should have been paid to the sergeants? Yes, I am aware that the sergeants collected them when they were offered.
1666. Do you know of any complaint ever having been made to the captain as to the correctness of those accounts? I do not know of any.
1667. When Captain Rossi spoke to you, did his application precede any notice of what you owed, or had you had previous applications? I had had previous applications—several.
1668. Subsequent to Captain Rossi speaking to you, had you an application from a non-commissioned officer? I might have had. I would not say positively. I do not remember.
1669. Do you remember having an application from Corporal Blackshaw at the time? If my memory serves me right, I do not think that Blackshaw was a corporal while I was in the Company.
1670. Had you an application or had you not? I cannot say. I had several applications. I could not say whether subsequently or previously.
1671. Did you not receive more than one written notice from Captain Rossi to pay the money? I have no recollection myself of receiving any notice, except the notice subsequent to the Police Office case. I have no recollection of receiving any special notice from Captain Rossi.
1672. Did you not receive one from Corporal Blackshaw prior to the proceedings at the Police Court? I do not remember.
1673. Will you undertake to say that the case against you was dismissed on account of the subscription having been raised to the higher rate? No; my impression was that it was dismissed because I had never recognized this higher rate. Another Volunteer had been summoned, and he had to pay because he had recognized it.
1674. Will you swear that that was the reason? I will not. Mr. Gannon was employed in the case, and he studied it more than I did.
1675. You were there yourself? Yes, I was.
1676. Can you state positively on what ground the case was dismissed? [*Question disallowed.*]
1677. What reason did the Police Magistrate give for dismissing the case? I could not say what the reason was. I thought the case was dismissed on Captain Rossi's own evidence.
1678. Prior to your dismissal, did you receive a notice of which this is a duplicate? I think it was something similar to that, but I would not be sure. (*Document received in evidence. Vide Exhibit* O.)

Mr. Davies called the attention of the Court to the 42nd clause of the Volunteer Act of 1867.

R. Chambers was called, but did not appear.

Private W. F. Robertson was duly sworn.

Examination by the Court:—

Pt. W. F. Robertson. 2 Jan., 1874.

1679. What is your name? William Foxton Robertson.
1680. You are a private in the Goulburn Company of Volunteer Rifles? I am.
1681. You gave evidence before the Select Committee of the Legislative Assembly? Yes.
1682. Are you willing that the evidence which you then gave should stand as your evidence on this occasion, subject to any alterations you may think proper to make as it is read over to you? Yes.
1683. Was the evidence you then gave true? Yes.

Captain Rossi stated that he did not object to the reception of the evidence.
The evidence given by the witness before the Select Committee of the Legislative Assembly, on the 26th *of February,* 1873, *was then read by the Court, and admitted by the witness, as follows:—*

1684. You are a member of the Goulburn Volunteer Company? I am.
1685. How long have you been in the Corps? Nearly four and a half years.
1686. What rank do you hold in the Company? I am a private.
1687. There have been some disagreements in the Company, have there not? Yes, frequent disagreements.
1688. Have you any grievance to complain of in respect to the Company? No personal grievance, with the exception of one, which is a very great grievance. I was publicly reprimanded on parade by Captain Rossi, for refusing to give him the military salute when I was in private clothes. I know that there have been disputes between Captain Rossi and other members of the Corps, but I have not been mixed up with them. I very early recognized a peculiarity in Captain Rossi's manner, and I always took care to avoid coming in contact with him.
1689. Where was it that this refusal of yours to salute the captain took place? On the rifle range. I was there in plain clothes, and Captain Rossi was in command of the squad who were firing.
1690. Is there any regulation providing for a salute being given to a captain or officer of Volunteers when his subordinate is in plain clothes? No; the regulation says that the salute is imperative only when both the parties are in uniform.
1691. Will you state to the Committee what occurred on that occasion? On the 13th May, 1872, a squad of the Goulburn Volunteers, of which Captain Rossi was in command, was engaged in a rifle match at Goulburn. I went on to the rifle range where they were so engaged, to watch the progress of the match, when Captain Rossi accosted me and said: "Won't you give me the salute." I replied: "I did salute you; I wished you good evening." He then said: "I want the military salute." Whereupon I politely explained to him that I was not in uniform, and therefore not subject to military discipline; but he still persisted, saying it did not matter—he wanted the military salute. Knowing that he was assuming an authority over me to which he had no right, and considering it my duty as a member of society to maintain my proper position, that position, having previously been the same as that of Captain Rossi, I did not consider to have been reduced, but, on the contrary, to have been elevated by my submission, for the defence of the Colony, to strict military discipline as a private in the ranks, whilst on military duty,—I refused positively to give the military salute. On the 18th of the same month, upon a special full dress parade of the Company, and in the presence of a large assemblage of the public, Captain Rossi ordered me out of the

Pt. W. F. Robertson. 2 Jan., 1874.

the ranks of the Company to the front, and then, after having stated the circumstances of the case as above referred to, read to me the following memo., which he stated he had received from the Commandant of the Volunteer Force, in reply to his communication on the subject, and which he had telegraphed for and obtained authority to read to me on that particular occasion on parade:—"The action of the member referred to was in excessively bad taste, and marks him as deficient in one of the most essential attributes of a soldier." Captain Rossi also then said that he insisted upon every member of the Company saluting him upon all occasions that they met him, and that he had made conditions with the recruits before receiving them as recruits to the Corps that they should do so, and that he would receive recruits upon that condition only. I conceive that there could have been no other reason for Captain Rossi's having selected such an occasion as he did to address me in such condemnatory terms than a desire to subject me to as great humiliation and severe punishment as possible, in order thereby, I presume, to deter myself and other members of the Corps from resisting in future these vexatious exactions. If his action in this matter had been successful, it would have had the effect of excluding myself and a majority of the members from the Corps. On the 20th, I wrote to Captain Rossi the letter, a copy of which I now hand to the Committee. (*Appendix* D 1.)

1692. Did you get any reply to that? Yes; on the 25th May I received a memo. by way of answer. (*See also Appendix* D 1.) On the 10th June, I again wrote to Captain Rossi a letter, of which I hand in a copy (*see Appendix* D 2), and very nearly three weeks after, I received a reply in the memo. dated 27th June, 1872. (*See Appendix* D 3.)

1693. Is that all the correspondence which bears upon this point? No, there is one other letter. On the 4th June, Captain Rossi read a long address to the Company, including myself, in which the following passage occurs with respect to me:—"I assume that most of the circumstances have become known to you, relative to a member of my Company who lately declined to give me the military salute. It may not therefore be necessary to make any other allusion to this case than to name that, as soon as possible after the parade on the 18th ultimo, I requested to see Private Robertson, and, during explanation upon the subject of the salute, I told him that what I had done 'was not a reprimand,' and, in reply to a question from him, I said I did not claim the military salute as a right at all times. Now, had Private Robertson been willing to have accepted these, my two statements, there was no necessity for the matter to have proceeded further, as, after that interview, his difficulties ought to have been removed and himself satisfied, if he had been contending for any principle. I here give my reply to a subsequent question put to me in writing by Private Robertson, as to 'whether it was a mistake his being reprimanded on parade.' My answer was—'In reply to your query, contained in letter of 8th instant, I have to say that the communication to you on parade was merely an expression of opinion on the part of the Commandant,' being in the very words of the Commandant, after reference of the question to him,—while unknown to the Commandant, these words correspond with my previous statement to Private Robertson, that it was not a reprimand." To this I replied in a letter of the 11th July, 1872. (*See Appendix* D 4.)

1694. That is all the correspondence which took place? Yes, that is all.

1695. This communication from Colonel Richardson—did Captain Rossi read the whole of it? No, only the portion which I have given.

1696. Have you got that communication? Captain Rossi read what he said was the communication.

1697. Have you ever seen a copy of Colonel Richardson's communication in full? Not what I could say was a copy. There has been something published in the papers which was said to be a copy, but I cannot say if it is so or not. In his letter published in the *Sydney Morning Herald*, Captain Rossi gives the memo. of Colonel Richardson in full, or what he says is the memo.

1698. Will you read it? In his letter of the 20th June, 1872, he quotes the memo. as follows:—

> "I think it a pity Captain Rossi should have placed himself in a position to be refused, as I see no remedy, the Volunteer Regulations distinctly specifying that both should be in uniform, to make the salute compulsory. I need hardly say the action of the member referred to was in excessively bad taste, and marks him as deficient in one of the most essential attributes of a soldier."

1699. Now, was the whole of that memo. read to you on parade? No; only the latter part which I have given before. It was subsequently published in this form, and a copy sent round to all the members of the Corps.

1700. Then the Regulations do not make the salute compulsory when either party is in plain clothes? I was satisfied that they did not, in the first instance, and Colonel Richardson says so here, very distinctly.

1701. Have you ever had any charge brought against you of insubordination in the ranks? No, I have never had a complaint of any kind made against me.

1702. Have you ever noticed any insubordination in the ranks? No; and there could not have been any without my noticing it.

1703. Do you know anything of the other disagreements in the Corps? No, I do not know much about them; I have never allowed myself to be mixed up in any of them. Captain Rossi was not a person that I cared to have any dealings with, and I have kept clear of him as much as I could. It was only when he took me up in this way, that he was not justified in doing, that I thought it necessary to assert what I considered to be a principle.

1704. Then I understand you to say that you did not consider that Captain Rossi's replies to your communications were satisfactory? No, most certainly they were not satisfactory.

1705. Have you ever asked Captain Rossi that, as he had publicly censured you, so he should just as publicly exonerate you? Yes; in this private interview he speaks of, I did. I told him that I could not recognize his private acknowledgment that it was not a reprimand, when it was evidently intended to be one. It was intended at the time to act as a kind of punishment on me, so as to prevent the recruits and others from refusing to give him the salute, which they might have done, had I been successful in the contest.

1706. Have you ever made a distinct request that he should publicly exonerate you from this charge, inasmuch as he had publicly spoken of it on parade? I have not done so in so many words; but in this correspondence it will be seen that I have done so as nearly as I could without using the actual words.

1707. Captain Rossi's letter, on the whole, admits that he had committed an error? No, he does not admit that at all. He calls his address to me on parade a mere expression of opinion, whereas the fact was that it was given as a reprimand, and intended to be so, and at the same time he has not proved that there was anything for which I ought to have been reprimanded.

1708.

Pt. W. F. Robertson.

2 Jan., 1874.

1708. Then what do you expect from Captain Rossi—what do you demand from him, seeing that he has done something unjust to you, to put you in a proper position? I only ask him to admit that he was in error, and that I was wrongly reprimanded.
1709. You say that he was wrong in insisting upon the salute, and that the Commandant had the same opinion, that your conduct was not in contravention of the Regulations? Exactly.
1710. Then what do you require at their hands? To admit that Captain Rossi was in error, and that I was correct, and that his interference with me was consequently unjustifiable.
1711. Is there any other cause of complaint that you have against Captain Rossi, or any other officer of the Company, in regard to the Corps? No, none personally; but I know there are a great many disputes, and that the Corps is going on not at all satisfactorily.
1712. In your opinion, there are many disputes—who with? Between Captain Rossi and the members of the Corps.
1713. And you think these constant disputes impair the efficiency of the Corps? I do; so much so that a great many members have retired from the Corps, and numbers more would do so, but that they have only a short time before them to complete their five years' service to entitle them to a grant of land. These are only hanging on to complete their five years, and when these are up they will resign.
1714. Will you tell the Committee about these disagreements which you say are so injurious to the efficiency of the Corps—in what way do they arise; they must arise from some cause, or from the action of some person: how is it they do arise? I think that they arise from Captain Rossi's incompetence to manage them, rendering him unfit to have the control of any large number of men.
1715. Do you allude to his general incompetence? It is not so much incompetence as his general character, and his want of control over his temper.
1716. Is his manner offensive? Yes, at times, it is; it is certainly not such as to make the men respect him.
1717. Have you been in the Company ever since he has been in command? I have.
1718. Is the attendance of members as large now as it was previous to his taking the command? That I could not say. I have not seen the roll-book.
1719. Is the attendance regular? No, not particularly. We usually muster enough to count for a drill; twenty is about the ordinary number.
1720. How many men usually turn out upon special occasions? On the last time the Company was inspected, there were forty odd on parade. The number of names on the roll was over a hundred, but I believe that many of those whose names were on the roll had long before either resigned or left the district.

D 1.

Private Robertson to Captain Rossi.

Goulburn, 20 May, 1872.

Sir,

Having reference to your communication to me on parade on the 18th instant, I have the honor to request that I may be informed as to what I am to look to to instruct me in my duty as a Volunteer.

Having studied the "Volunteer Force Regulation Act of 1867," and all the Regulations now in force under that Act, and having always acted strictly in accordance with them, I am quite at a loss to know why I should have been placed in the unpleasant position in which I was placed at the rifle range on the 13th instant, and again on parade on the 18th instant.

I have, &c.,
W. F. ROBERTSON,
Private, Goulburn Corps,
Volunteer Rifles.

MEMO.—I am quite persuaded that Private Robertson has, as he expresses himself, sought to conform to the letter of the Volunteer Act. The subject which I had occasion to refer to is one which is left to the discretion and taste of members. The Commandant had in this particular case given his opinion, which I have conveyed to you.

I may add, that I only esteem the observance of my request as evidencing a higher military feeling, though it is not compulsory.

F. R. L. ROSSI,
Captain,
20/5/72.

D 2.

Private Robertson to Captain Rossi.

Goulburn, 10 June, 1872.

Sir,

Am I to understand from your memorandum to the effect that I had a perfect right to use my own discretion as to whether I should give or refuse the military salute, when I refused to give it to you,—that it was a mistake my being reprimanded on parade on the 18th ultimo?

I have, &c.,
W. F. ROBERTSON.

D 3.

Captain Rossi to Private Robertson.

MEMO.—In reply to your query contained in letter of 8th instant, I have to say that the communication to you on parade on the 18th instant was merely an expression of opinion on the part of the Commandant.

F. R. L. ROSSI,
Captain,
27/6/72.

D 4.

Private Robertson to Captain Rossi.

Goulburn, 11 July, 1872.

Sir,

I have the honor to acknowledge the receipt, on the 2nd instant, of your memorandum dated 27th June last, in answer to my letter of 10th June last, and to express my satisfaction therewith; your communication made to me on parade on 18th May last being thereby more satisfactorily explained.

With reference to the statement made to the members of the Corps by you on the evening of the 4th instant, to the effect that if I had been contending for any principle I would have been satisfied after the private interview I had with you in reference to this matter, I submit that, as you openly, publicly, and officially declared that the Commandant was of opinion that I had acted in excessively bad taste, and that I was deficient in one of the most essential attributes of a soldier, I could not

not recognize any private acknowledgment that there were no grounds for such opinion, as I had always acted strictly in accordance with the spirit of the Volunteer Force Regulation Act and all the regulations and instructions afforded me.

I further submit that I have not considered this as entirely a personal matter, but as a matter affecting the position of myself and every Volunteer; and, in resisting the exaction of military discipline in my civil capacity, I have acted with the object of maintaining my proper position, and not in a spirit of opposition to the requisite military discipline.

And, in prosecuting the matter further, after you read the Commandant's opinion to me on parade, I have done so with a desire to obtain redress for what I conceived to be a grievance.

I am, &c.,
W. F. ROBERTSON.

Pt. W. F. Robertson.
2 Jan., 1874.

Examination by Mr. Davies, through the Court:—

1721. Were you asked to compete with any one else for the position of corporal? No.
1722. Were you ever offered in any way any chance of becoming a corporal upon any terms? No.
1723. Are you aware whether a reprimand conveyed to a Volunteer becomes a record in any book? I am not.
1724. In what time will you be entitled to your land order? That is rather a difficult question to answer. I joined the Company in July, 1869.
1725. How many certificates have you got? Three.
1726. Have you obtained a certificate for 1872? I have.
1727. When will you become entitled to your land order? At the end of this year.
1728. Do you intend to remain in the Corps after you get your land order? No; not under the present command.
1729. Have you any other reason for leaving the Corps; that is, for purposing to leave? In fact, it would be a great sacrifice for me to retire from the Corps.
1730. If Captain Rossi is retained in command, is it your intention to leave before you are entitled to your land order? No.
1731. What is your impression of the effect produced upon the Corps by Captain Rossi's manner? I think that the efficiency of the Corps is to a certain extent impaired by the manner which Captain Rossi exercises. Members appear to lose interest in the Corps.
1732. Has it any other effect? No, I think that conveys all. Before the cross-examination commences, I may perhaps be permitted to state something for the information of the Court. With reference to question and answer No. 370 of my examination before the Select Committee, although I only expected Captain Rossi to admit that he was in error in demanding the salute from me on the rifle range, yet it is hardly for me to say what justice expects from him for inflicting upon a person who was perfectly innocent a most severe punishment—a punishment only inflicted by Court Martial in the regular Army. It is asserted that I went on to the ground to insult Captain Rossi.
1733. Who made the assertion? Captain Rossi. Captain Rossi having asserted that I went down to the rifle range for the purpose of offering him offence, I wish to take this opportunity of positively denying that I went down for any such purpose. I merely went down there to watch the progress of the match, and I cannot imagine how Captain Rossi can suppose that I went down there to insult him, or offer him offence in any way. There were numbers of witnesses there at the time who could corroborate my statement. I was on parade when Corporal Clarke was reprimanded in the presence of his inferiors in rank, on a charge the only evidence of which was a mere newspaper report.

Cross-examination by Captain Rossi, through the Court:—

1734. Did you not let Captain Rossi know that his explanation with you was satisfactory? I never said that I was satisfied with Captain Rossi's conduct,—never.
1735. Do you remember Captain Rossi writing you a letter on the 10th of June, 1872? No; I have received no letter dated the 10th of June.
1736. "I have the honor to acknowledge the receipt, on the 2nd instant, of your memorandum of the 27th June last, in answer to my letter of the 10th of June last, and to express my satisfaction therewith." Did you write that? Yes, I remember writing that; but in looking at that you must look at the correspondence before the memo. upon which that reply was given.
1737. Since writing that, have you taken any action of yourself in this matter? With the exception of giving evidence before the Select Committee—none.
1738. Did you seek to be summoned there of yourself—were you asked to go or did you volunteer to go? [*Question objected to—objection overruled.*]
1739. Did you make application to be examined before the Select Committee? No.
1740. Can you complain of any discourtesy from Captain Rossi to you, other than the one matter to which you have referred? No; and I think that makes it more remarkable that Captain Rossi should imagine that I went down there to insult him.
1741. Can you state positively that Captain Rossi ever did make such an assertion—that you went down there to insult him? I cannot say that he used the actual words, but he used words implying that.
1742. Do you say that of your own knowledge? Yes.
1743. Did Captain Rossi say that to you? No.
1744. Did he say it in your hearing? No.
1745. Then how could you be aware of it of your own knowledge? From a letter published by Captain Rossi in the *Sydney Morning Herald*.
1746. Was Captain Rossi's name to the letter published in the *Sydney Morning Herald?* It was.
1747. Have you got that letter? I have not, but I assert that it was published.
1748. Can you produce it? I really do not know whether I can or not at the present moment.
1749. Do you remember the date? No; I remember about the date.
1750. Will you state the time that you think it was published? It was in June or July.
1751. Last year? In 1872.
1752. Do you know that any member of any Company going to a rifle range in Sydney is obliged to go in uniform or he is not allowed on the ground? I am not aware of any such regulation.
1753. Will you give the names of the persons who have been continued on the roll, but who have resigned? I have not the roll.

Pt. W. F. Robertson. 2 Jan., 1874.

1754. Do you persist in saying that there are the names of persons on the roll who have resigned? There certainly were at that time—resigned or left the district.
1755. The question is, resigned? Resigned or left the district.
1756. In your evidence you say that many of those whose names were on the roll before had resigned or left the district? Yes; resigned or left the district. I am positive about their having left the district.
1757. How would it be a sacrifice to you to quit the Service at the end of your five years? Simply because I take great interest in the Force. It affords me great pleasure to be a member of the Force.
1758. At whose suggestion did you make the additions to your evidence to-day? [*Question disallowed.*]
1759. Do you not hold a paper in your hands at the present time in the handwriting of Mr. Riley, with suggestions? No; most positively I do not.
1760. Or coming from any one in any way connected with the *Herald Office?* [*Question disallowed.*]
1761. Are you not aware of this Company order:—"Any one desiring promotion to the rank of corporal would be good enough to give me without delay his name, and to state when he would be prepared to undergo the necessary examination. (Signed) F. R. L. Rossi, Captain. Rossiville, 30th May, 1872"? I am aware of that.

By Mr. Davies:—

1762. Was that before or after Hayley's appointment to the rank of corporal? After.

By Captain Rossi:—

1763. Did Hayley's appointment close the field for all time against all corporals? [*Question disallowed.*]

By the Court:—

1764. Do you consider that Captain Rossi gave you a positive order to give him the military salute on the occasion alluded to? It amounted to an order.
1765. Do you consider that he gave a positive order? I do.

Sergeant J. J. Trenery was called, but did not answer.

Private J. B. Craig was duly sworn.

By the Court:—

Private J. B. Craig. 2 Jan., 1874.

1766. What is your name? John Bissland Craig.
1767. You are a private in the Goulburn Company of Volunteers? I am.

Examination by Mr. Davies, through the Court:—

1768. At the time the subscription was increased from 1s. a month to 1s. a week you were a recruit? I was.
1769. Were you one of the twenty recruits who resigned in a body? I was.
1770. For what reason? The foundation of the reason was that we were not allowed to vote, but there were other matters connected with it at the time. We wished to have an explanation from Captain Rossi, and that gentleman did not see fit to listen to us. He placed the spokesman under arrest, and dismissed us.
1771. Who was the spokesman he placed under arrest? Private Booth.
1772. Were you the Volunteer who asked if you would be allowed to vote at that meeting when the increased subscription was proposed? I am not certain whether I asked the question or not, but one of our twenty asked it. We were interested in it, and at drill we arranged that the question should be asked, and the question was asked.
1773. After resigning, did you apply to withdraw your resignation? I did.
1774. And you have continued in the Force since? Yes.
1775. Were you asked by Captain Rossi to compete for promotion from the ranks to corporal? No.
1776. Did you ever have any opportunity afforded you at all of competing for promotion prior to Hayley's promotion? No.
1777. Did you ever know of any disturbances among the Volunteers upon the rifle range? Disturbances?
1778. Yes? I was present at the time when Private Robertson would not give the salute, and I was present when I got into a squabble myself.
1779. Was the disturbance relating to yourself, between you and the captain? He gave me a reprimand, or censure, or whatever you like to call it, on the rifle range one day.
1780. Did you see the disturbance in Robertson's case? I did.
1781. Did you observe anything offensive in Robertson's manner? No, nothing whatever.
1782. Did you observe anything offensive in the manner of the captain? I should say it was offensive if it had occurred to me.
1783. Do you understand that, on the testimony of Captain Rossi, you are one of the best men in the Corps? I am aware that he said so.
1784. What is your opinion of his conduct as captain in reference to his Company? I think that Captain Rossi is a great failure as a commanding officer.
1785. How long have you been in the Force? I joined about a month before that coffee business at Mittagong. I joined on the 4th of May, and I suppose it must have been in the year 1870.
1786. About three years ago? Yes.
1787. Do you mean to remain in the Corps? I cannot say whether I do or not. I have long thought of resigning from the Corps, and many a time I have been asked to stay until the five years of others are up. I have asked them if they would stay until my five years are up, and they said they would not. I, therefore, do not think that I shall remain.
1788. Will you state the reason why you are not disposed to remain in the Corps? Because there is such terrible dissatisfaction in the Corps. There is no pleasure to be in it.

Examination by the Court:—

1789. On whose suggestion did you withdraw your resignation at the time the twenty recruits retired? I said that, as far as I was concerned, I could pay the 1s. a week.

1790.

1790. On whose suggestion did you withdraw your resignation? We were considered a crack squad, and there was a great many who desired that we should be in the Company. Amongst others there was Sergeant Mawson who said that he was very proud of us, and he and other people would come to me and say that Booth has withdrawn his resignation, and somebody else would say to another that Craig had withdrawn his resignation, so that we got to have no confidence in each other, and in that way we all withdrew our resignation. Private J. B. Craig. 2 Jan., 1874.

1791. In what way do you consider Captain Rossi a complete failure? I consider that he is a failure as commanding officer, and before the Select Committee I gave evidence of it on military matters, and I think he has been a failure as a financier, from the way in which he has acted. As a military man, he is wanting in temper, tact, and judgment.

1792. Were you a member of the committee when Mr. Deane was engaged as bandmaster? No. I was a member when we endeavoured to dismiss him.

1793. You say that you were a member when he was dismissed? No; when we endeavoured to dismiss him.

1794. Were you cognizant of the terms upon which he was engaged? No—not from my own knowledge.

1795. I suppose it was pretty well known in the Company on what terms he was engaged? Yes.

1796. For what period was he engaged? The first time, I believe, he was engaged for six months.

1797. Were the committee dissatisfied with the manner in which Mr. Deane performed his duties? Yes.

1798. And did the committee direct his dismissal? Yes.

1799. Under the terms of his engagement, do you consider that it was necessary to give Mr. Deane notice prior to his being dismissed? I had nothing to do with his engagement.

1800. Being aware of the terms of his engagement, do you consider that Mr. Deane should have been dismissed at once, or that he should have had notice prior to his dismissal? Mr. Gannon said that it was necessary to give him notice. We had his advice. I do not know whether it was necessary or not.

1801. Did the committee direct that notice should be given to Mr. Deane? Yes.

1802. They did not wish him to be dismissed at once? Yes; they named a date when his services should be dispensed with.

1803. That was in August? We directed that his term of engagement should cease on the 1st of August.

1804. Do you still consider that the committee were right in taking the action they did in reference to Mr. Deane's dismissal? Certainly.

1805. What reason was assigned by the committee for dismissing Mr. Deane? The reason assigned was that he was not doing that for which we paid him to do. They were not learning, and we were under the impression that it was Mr. Deane's fault.

Examination by Captain Rossi, through the Court:—

1806. Did the committee assign any reason for wanting to dispense with Mr. Deane's services? They did not record a reason.

1807. Do you know whether Mr. Deane was competent or not? I am not a musician, and consequently I do not know; but this I do know, Mr. Deane was getting £100 a year and we were getting no Band.

1808. Do you know whether that was Mr. Deane's fault or the boys'? I cannot answer the question yes or no; but, from the preponderance of evidence we had, it was Mr. Deane's fault.

1809. Can you say whether it was Mr. Deane's fault or the boys'? I cannot. I am not a musician.

1810. Can you say what was the record of absences of boys from practice during one month? I heard it, but I cannot say now.

1811. Was it not between 160 and 170 absences of the Band, counting the numbers of individuals, for the month? I cannot say. It may have been. I cannot remember the figures.

1812. Were it so, and absences to that extent continued month after month, would that explain why the Band did not progress? Of course it would explain that part. Why those absences took place would be another matter for explanation.

1813. You were on the committee at the time of the investigation by Mr. Deane? Yes.

1814. Was not the resolution to dispense with Mr. Deane's services to take effect from the next day? The day after the meeting. I think the 1st of August was the next day; but it was within a couple of days of the meeting.

1815. Was not the meeting of the committee for that purpose about the 30th of July? Yes, I suppose it would be.

1816. Was Mr. Dignam afforded the opportunity when in the ranks of undergoing an examination for corporal? I do not know whether he was afforded it or not.

1817. Had you not an opportunity of being made a corporal? I have been told several times lately that all those who wished to go up for examination could do so.

1818. Are you aware of a Company order to that effect, inviting all parties who wished promotion to compete? At the present time there is one in excess.

1819. Are you aware of an order on the subject issued and dated 30th May, 1872? I cannot tell whether it is eighteen months ago or not. It has not always been in existence.

1820. Do you know how Mr. Dignam was appointed a corporal at all? I know Captain Rossi appointed him, but I do not know how he appointed him.

1821. Is that your letter and signature? Yes, that is my signature. (*Document received in evidence and read by the Court. Vide Exhibit* P.)

By the Court:—

1822. With regard to this letter. You state here that you find that your conduct in common with other members of the committee failed to give satisfaction to the men. In what way did you fail to give satisfaction? We agreed in committee that a certain bond should be signed for blue trousers. That action did not meet with approval outside. The next day I got a little bit of abuse about it, and I sent in my resignation.

R. Chambers was duly sworn.

By the Court:—

R. Chambers. 2 Jan., 1874.

1823. What is your name? Richard Chambers.

1824. What business are you? A printer.

1825. You are not a member of the Company? No, I am not.

1826. You were at one time? I was.

The charges contained in the memorial were read over to the witness.

Examination

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Examination by Mr. Davies, through the Court :—

R. Chambers. 2 Jan., 1874.

1827. How long had you been a member of the Corps when you were dismissed? About eighteen months, I think, or nearly that. I was in from the commencement. I was one of the first who joined the Corps.
1828. Had any complaints been made against you up to the time of your dismissal? No.
1829. Captain Rossi had not in any instance found fault with you at parade or otherwise? Not the slightest.
1830. At the meeting of the Corps out of which your dismissal arose, were you in uniform? No.
1831. Had you received any notice to appear in uniform, by public advertisement or otherwise? No.
1832. Was that the first public meeting of the kind which you had attended? No.
1833. In connection with the Corps? Yes.
1834. When Captain Rossi declined to hear you at that meeting because you were not in uniform, did you assume any uniform? Captain Rossi said that if I had any portion of the uniform I might take part. There was an undress cap lying on the table at the time. I said—"This is a part of the uniform, and I claim my right to be heard."
1835. After you had put on some portion of the uniform were you then allowed to speak? I did speak. He took objection to it.
1836. Did you go on speaking after you had assumed the uniform? I did.
1837. What action did Captain Rossi take thereupon? He did not say anything, but from the time I got up to speak, and there was a great deal of discussion, he endeavoured to prevent me; not directly, but he put obstacles in the way of my speaking.
1838. Can you remember anything which Captain Rossi said to you, touching this matter, on that occasion? I could not say anything in particular as to the words he used, because it is such a long time since.
1839. When you got up to speak, in what way did Captain Rossi prevent you? By saying that I had no right to speak, not being in uniform, or words to that effect.
1840. But after you had assumed the cap? He said that was not a uniform; but he had previously said if I had any portion of the uniform I might take part in the meeting.
1841. At a previous meeting at which you had attended was Captain Rossi's manner offensive? He was not captain at the previous meeting I attended. It was shortly after the Company was formed.
1842. What followed this meeting personal to yourself? A few days afterwards I heard that there was to be an investigation into the conduct of myself and others at this meeting; and the next I heard of it was an order to appear at the Court House here before Captain Baynes, who had come up here to investigate the matter, at the instance of Captain Rossi.
1843. Did Captain Baynes hold an inquiry? If it can be called an inquiry. He came up, asked a few questions, pooh-poohed the whole affair, and said we might retire. His manner was very violent at the time.
1844. Whose? Captain Rossi's. Morris was dismissed.
1845. How? From something that transpired. Captain Rossi got into a very violent state of temper, and Captain Baynes had to quiet him.
1846. You have said that the inquiry was held by Captain Baynes alone? Yes.
1847. What followed that inquiry made by Captain Baynes? The next I heard of it was one night at drill at the railway station when I was called in front of the Company and dismissed. There were a great many spectators present. He said,—"I dismiss you from this Company for your conduct,"—or words to that effect.
1848. Were his words of dismissal preceded by any statement of authority? No.
1849. Did you ever hear in any way the result of Captain Baynes' inquiry? It was never communicated to me at all.
1850. Was any one else dismissed at the same time? Mr. Morris. He was not at drill, but Captain Rossi said that he would take that opportunity of dismissing him also, although he was not at drill.
1851. Had you formed any opinion up to that time of Captain Rossi's manner as a competent commander? I had been to drill several times when Captain Rossi was commanding the Volunteers here. It was my decided opinion that Captain Rossi was not fit to command, owing to his infirmity of temper. I have noticed it repeatedly.
1852. Has that opinion been in any way erased subsequently? His conduct subsequently has confirmed all I then thought.

By Captain Rossi, through the Court :—

1853. Were you and Morris dismissed in any way until after the military inquiry ordered by the Commandant? Certainly not.

Captain Rossi handed in to the Court documents marked Exhibits Q *and* R.

The Court adjourned at five minutes after Five o'clock p.m., until half-past Seven o'clock p.m.

The Court resumed its sittings at twenty-five minutes before 8 *o'clock, p.m.*

W. R. Riley, was duly sworn.

Examination by the Court :—

W. R. Riley. 2 Jan., 1874.

1854. Your name, if you please? William Russell Riley.
1855. You are not and never were, I think, a member of the Volunteer Rifle Corps here? I am an honorary member.

Examination by Mr. Davies, through the Court :—

1856. Did you decline to attend the proceedings of this Court at first? I did not propose to do it; I did not rightly decline.
1857. What induced you to alter your purpose? Chiefly because at the Select Committee Captain Rossi expressed a wish to examine me. I am here now that he may have an opportunity of doing so.
1858. Were you ever on the committee of the Goulburn Corps of Volunteers? I was elected on the committee on the 31st of March last.

1859.

1859. Did you ever sit on that committee? The committee were not called together.
1860. You never sat on it then? No.
1861. Had you ever an opportunity of sitting on it? No.
1862. Do you know why no opportunity was afforded you of sitting on that committee? Yes.
1863. Will you state it? Captain Rossi appealed to the Colonel to know whether the election of honorary members was legal. The Lieut.-Colonel said that it was not. We appealed to the Government to take the opinion of the Crown Law Officers in the matter; and the Solicitor General gave it as his opinion that he was inclined to think that we had no right.
1864. Are you aware what subjects are dealt with by the committee? Financial matters only.
1865. In going upon the committee, you did not anticipate that you would have anything to do with military matters? No.
1866. You did not purpose to interfere in military matters? No.
1867. Have you ever interfered in any shape or way with military matters in this Corps? No.
1868. Have you ever had any number of men in your employ connected with the Corps? Yes.
1869. How many in all? From first to last, eight.
1870. How many now? Four.
1871. What has become of the other four? Two have been dismissed.
1872. Chambers and who else? And Mr. Martyr.
1873. And as to the others? One has left the district, and the other has resigned, but I believe his name is still on the roll.
1874. What is his name? McGeorge.
1875. Are you aware why McGeorge resigned? I am not myself aware. I have heard the reason, but not from himself.
1876. What connection are you of Mr. Teece, the Member for Goulburn? He is a cousin of Mrs. Riley.
1877. Did you promote his election to the House? I opposed it.
1878. Did you attend the Parliamentary Committee and give evidence? Yes.
1879. At whose expense did you go down? My own.
1880. Were your expenses paid by the Government afterwards? No, I did not ask for them.
1881. Did you go down voluntarily, or were you requested to go down? I was summoned.
1882. By whom? I think by the Clerk of the Legislative Assembly. It was a printed summons, signed by some official.
1883. When this Parliamentary Committee was sitting, was late Secretary Martyr in your employ? No.
1884. Was Sergeant John Trenery ever in your employ? No.
1885. Was Colour-sergeant Trenery ever in your employ? Yes.
1886. When? From the end of January to a week or two ago, perhaps a month ago.
1887. Did you ever in any shape or form influence Chambers or Martyr to any of those acts which are said to be insubordinate? Decidedly not.
1888. Did you ever refuse to admit into your paper letters and articles reflecting adversely upon Captain Rossi? Yes.
1889. Did ex-Secretary Martyr ever contribute to your paper any anonymous letter or document of any kind reflecting upon Captain Rossi? No.
1890. Have you, in fact, any ill feeling towards Captain Rossi? I have not.
1891. Can you of your own knowledge state whether this public newspaper attack—if we may call it so—this public newspaper notice of Captain Rossi's conduct—commenced with the *Goulburn Herald?* It did not.
1892. Of your own knowledge, are you aware in what paper this notice did begin? The first article I saw was in the *Southern Argus.*
1893. Have you any interest in the *Southern Argus?* No; my interests are rather antagonistic to those of the *Goulburn Argus.*
1894. Have you a direct interest in the *Goulburn Herald and Chronicle?* Yes.
1895. Are you a proprietor? Yes.
1896. Do you—the *Goulburn Herald and Chronicle*—and the *Southern Argus*—represent tolerably well the Goulburn public? Yes.
1897. Was the notice in your paper of these disagreements, to your knowledge, the second notice that appeared? No.
1898. Neither the first nor the second? No.
1899. Were you ever in any way mixed up with the disputes of this Corps, excepting as a public journalist? Excepting as a public journalist and as a supposed member of the committee in March and April. But there was some dispute arising over for all that.
1900. What dispute arose in connection with that committee of which you were a member? A dispute connected with the transfer of the Band instruments from the possession of the Company into the hands of the police.
1901. Did you oppose their being retained by any officer of the Company? No.
1902. Did you oppose their being handed over to the police? I did.
1903. How long has ex-Private Chambers been in your employ? Thirteen years.
1904. Will you be kind enough to state to the Court your opinion of that gentleman? I have a very high opinion indeed of him.
1905. When you interfered with the change of the custody of these Band instruments, did you believe that you were interfering improperly in a military matter? No.
1906. Will you look at that paper? Yes.
1907. Did you ever see it before? I got it this afternoon from Private Robertson, after his examination here.
1908. Whose writing is that on the face of it? My clerk's writing.
1909. What is the nature of the writing? It is a bill against the Volunteer Company for £1 17s. that has been owing to me for about two years.
1910. Will you reverse the paper, and say if there is any writing on the back? Yes.
1911. Whose handwriting is it? There are memoranda on the back in the handwriting of Private Robertson.

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1912. With the exception of the writing on it by your clerk—which is simply an account out of the office—and the memoranda at the back of it, by Private Robertson, is there anything whatever to connect that paper with you or your office? Nothing besides what is on the face of it. What is on the back does not connect it with my office.
1913. Were you one of the requisitionists to the Mayor to convene a public meeting? Yes.
1914. You were one of the requisitionists to the Mayor, and one of the parties who drew up the resolutions at the public meeting? Yes.
1915. Do you feel at liberty to name any of the parties who assisted you to draw up the resolutions? I would rather not, without consulting them.
1916. Was Mr. Davies one? I rather think he was.
1917. Was Mr. Martyr one? I think not.
1918. Do you feel at liberty to give an opinion as to the fitness of Captain Rossi to command the Goulburn Volunteers? I think he is not fit. With reference to the Band instruments, I should like to explain. There were three honorary members elected to that committee. Mr. J. W. Chisholm, who had subscribed £40 to purchase the instruments, Mr. Martyr, and myself. We were elected on that committee because the members thought that we should be free from military control, and be able to take a more independent position, and one less painful to ourselves than if we were in reality members of the Corps. Captain Rossi went to Sydney and he sent up instructions here that the instruments were to be taken possession of. Mr. Martyr, Mr. Chisholm, and myself thought that they ought not to be allowed to go into the hands of the police; but our wishes were disregarded, and they were taken possession of. I should like also to remark that Captain Rossi has dismissed Mr. Martyr from being an honorary member of the Company.

Examination by Captain Rossi, through the Court:—

1919. Have you been much affected by what you have read in the newspapers about Captain Rossi? No.
1920. For what length of time has Captain Rossi's conduct as commanding officer been impugned in letters and paragraphs in the Goulburn journals? About fifteen months in the *Goulburn Herald*, and a little longer in the *Argus* and *Yass Courier*.
1921. Has it not been over two years? I think not.
1922. Has it not been over three years—has it not been nearly five years? It may have been by letters. The first leading article on the subject in the *Goulburn Herald* was published in September, 1872.
1923. For what length of time past has Captain Rossi's conduct as commanding officer been impugned by letters and paragraphs in the Goulburn journals? I should like to amend my answer in the way the question is now put. I understood Captain Rossi to mean leading articles. I am not sure how long it is.
1924. It may be about four years? I do not know. I can give no idea.
1925. How long back is it since the oldest appeared in your journal? That I am not sure. I can tell you when the first leading article appeared.
1926. Captain Rossi is speaking of the first time when his conduct was impugned in the papers? I am not sure.
1927. Have you ever written anything yourself against Captain Rossi? Yes, leading articles.
1928. Have you ever received any information from Mr. Martyr to enable you to write those articles? No.
1929. You have never received any information from Mr. Martyr? Exactly.
1930. From whom did you receive information by which to narrate matters which took place in committees? I decline to mention. It is possible I may have received minor pieces of information in conversation with Mr. Martyr; but he has certainly never sat down with me and inspired any leading article.
1931. You have had very frequent conversations with respect to Captain Rossi with Mr. Martyr, have you not, during the last four years? Since Mr. Martyr's dismissal.
1932. Did you not say in your journal, which you acknowledge to have written yourself, that Captain Rossi had resisted all your admonitions, and that you now called upon him to resign? I do not recollect the words. The *Goulburn Argus* first advised Captain Rossi to resign, the *Yass Courier* next advised Captain Rossi to resign, and the *Goulburn Herald* was the third paper which advised him to resign.
1933. Captain Rossi simply asks you if you wrote that? I do not remember the words.
1934. Would you be able to remember them if you were shown them? Yes. I know the *Goulburn Herald* did advise Captain Rossi to resign.
1935. Did you not use these words—"Captain Rossi has resisted all our admonitions. We now call upon him to resign"—about June, 1872? I do not believe that those words were used; but I say that the *Goulburn Herald* did advise Captain Rossi to resign, and that, I take it, is all that is material.
1936. Did Captain Rossi accede to your invitation to resign? No.
1937. Not long after that you joined in the public meeting against Captain Rossi? I did not join in it at all.
1938. Did you not join in it by accepting what you represent as the commission of the 600? That was not joining in the meeting.
1939. Are you not hard to satisfy in your ideas of military matters? No.
1940. Are you not dissatisfied with the Commander-in-Chief? Yes.
1941. Are you not dissatisfied with the Commandant? Is not the Commandant the Commander-in-Chief?—When you said Commander-in-Chief I understood you to refer to Colonel Richardson.
1942. Now, Captain Rossi asks you are you not dissatisfied with the conduct of the Commander-in-Chief? I decline to discuss the conduct of the Commander-in-Chief in this Court.
1943. Have you not during the last week—have you not said that you are dissatisfied with what His Excellency has done? With all due respect to this Court, I do not think that this Court is the proper place to discuss the conduct of the Commander-in-Chief.
1944. Captain Rossi asks you if you did not during this last week write condemnatory of the Commander-in-Chief? I decline to answer.
1945. Did you not within the last week—have you not continually written against the Commandant? Not continually.
1946. Frequently? Occasionally.
1947. Have you not objected to the construction of the first Military Court of Inquiry that came here? Yes.

1948.

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1948. Have you not objected to the second Military Court which came here? Yes; and do so now.
1949. And have you not objected to everything which Captain Rossi has done? No.
1950. For what is Captain Rossi allowed credit by you? I should like a more definite question.
1951. What do you give Captain Rossi credit for having done right? I should like a more definite question. I can, however, answer it as far as I can understand it. I give Captain Rossi credit for desiring to make his Company efficient, for taking a great deal of trouble and working very hard, in his own way, to do so.
1952. Has not Captain Rossi at all times been courteous and polite to you? Yes.
1953. You say you appear here, having understood that Captain Rossi wished to examine you;—then why was there any hesitation the other day on your part in coming here? Because I so strongly object to a Military Court sitting after a Parliamentary inquiry.
1954. Who proposed you as a member of the committee? I proposed the whole committee, and my proposition was agreed to unanimously.
1955. And who seconded the motion? I do not know.
1956. Did Mr. Martyr? I do not know.
1957. Are you sure that Mr. Martyr did not? I cannot be sure.
1958. Did you go with Mr. Martyr to the meeting? We were both there; but whether we went together or left together I do not know.
1959. Before a committee meeting was called, had you not been advised that you had no legal right to be there? No; but I must be allowed to give some explanation, in order that my answer may not convey a wrong impression. When I got up to speak Captain Rossi objected to my speaking. I claimed the right as an honorary member to do so. Captain Rossi said that I was not an honorary member because I had not paid my subscription for the then current year. I showed him a receipt proving that I had paid the then current subscription, and he no further objected.
1960. How long before that evening had you paid it? I paid it that very day, because I believed Captain Rossi would take that objection which he did take, and which I regarded as purely technical and vexatious.
1961. Are you aware that Captain Rossi had been made acquainted with that fact before you spoke? No.
1962. Then how could he know that you were an honorary member? I am not saying that he did know.
1963. Before the committee was summoned were you not advised by the Solicitor or Attorney General that you had no legal ability to act, as Captain Rossi had also told you, on that very night? There are two matters mixed up in that question.
1964. Did not Captain Rossi on that night tell you that there were great doubts as to whether it was legal for you to be elected a member of the committee? He told me that the question might arise as to whether I had a right to sit there or not; but he at that time had no objection.
1965. Did not Captain Rossi tell you that he had doubts as to whether you could legally act on that committee? He did not use those words. The words he used were more nearly those that I have mentioned than the words that he has mentioned.
1966. Have you not said that you were so advised? I never admitted advice; I admitted an objection.
1967. Captain Rossi understood that you said you were of the opinion of the Solicitor General? That was upwards of a month after this meeting, and after the dispute about the Band instruments.
1968. You admitted that you were so advised afterwards? Yes.
1969. Did you not at any time furnish Mr. Teece with information as to these Volunteer matters? I do not think so.
1970. Are you sure you did not? No.
1971. You were not surprised when you got that summons to attend the Select Committee? No; being one of the memorialists, I was not surprised.
1972. Do you remember when Mr. Martyr was dismissed? No.
1973. Do you remember about the time—the 3rd of September, 1872? I think about the time Captain Rossi mentions.
1974. How soon after that was it first thought to have a Select Committee? I do not know when it was thought of to have a Select Committee.
1975. Now Captain Rossi asks you, was it not in contemplation to have a Select Committee to inquire into Mr. Martyr's dismissal? Not that I heard of. I do not know what Honorable Members of Parliament contemplate.
1976. That is prior to the public meeting itself? Yes. I never heard of it.
1977. Is it a rule in your office that no one in your employment is allowed to write an anonymous letter? It is my rule.
1978. Would that have been the cause why Mr. Martyr did not write during the time you say he was employed by you? (*Question disallowed.*)
1979. Will you say that Mr. Martyr never wrote an anonymous letter in your journal when he was in your employment—did you ever receive or insert any anonymous letter or paragraph concerning Captain Rossi, when Mr. Martyr was not employed by you? I did not; and I wish further to explain, that finding letters reflecting upon Captain Rossi were getting numerous, I put a notice in the paper saying, that unless those letters were written by members of his Company, they must have the writers' names attached to them. During all the time since Mr. Martyr was dismissed that rule would apply to him, as he was not a Volunteer. Under that rule he could not write without signing his name; that is, he could not write, reflecting on Captain Rossi's management of his Company, without inserting his name.
1980. Then the castigations of Captain Rossi you reserved for your own hand? (*Question disallowed.*)
1981. Will you say that no one ever wrote in your journal against Captain Rossi, excepting yourself? (*Question disallowed.*)
1982. Why should you, having no *locus standi*, interfere with an order which the captain had given to the quartermaster-sergeant to collect the instruments, and let him have them? That question partakes of a duplex character. It involves the question of our *locus standi*, and it involves the question of the removal of the Band instruments. I will answer the question as to the removal of the Band instruments first. We did not object to their being in the possession of the quartermaster-sergeant, but desired that they should remain there. We objected to their being removed from the hands of a member of the Company and being given over to a non-member. With regard to the *locus standi* we had not been informed that we had no right, and I should like to place on record my opinions on that point. We had not received the opinion either of the Lieutenant-Colonel Commanding, or the opinion of the Solicitor General.

Whether

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Whether these reasons be right or wrong they were the reasons which we believed at the time to be right, and I should like them placed in evidence if you will allow me to state them. They are these:—"We, as honorary members, claim the right to sit on committee, first, because honorary members subscribe to the funds, and the working of the committee is purely financial; second, because regulation 3, in the pamphlet of 1868"—I have not got a copy of the more recent pamphlet—"recognizes honorary members as Volunteers; third, because regulation 47 says they are not allowed to interfere with the military duties of the Corps, thereby implying that they may interfere with financial or civil matters." I still believe that honorary members have this right, although I do not intend further to contest this matter. The word "we" applies to Mr. John Chisholm, Mr. Martyr, and myself.

1983. Assuming that you had the *locus standi*, what right had you to interfere with an order which Captain Rossi had given to the quartermaster-sergeant? I refer you to my answer given to the previous question.

1984. What right had you and your friends, if you had been next in command to Captain Rossi, to interfere with an order which he gave to the quartermaster-sergeant? I think my former answer answers this.

1985. Would the whole committee, collectively, have the power to interfere with an order Captain Rossi had given to the quartermaster-sergeant—the whole of a legally constituted committee? I still think my former answer answers that. I think I have explained very clearly that our objection was not to the Band instruments remaining with the quartermaster-sergeant, but quite the contrary; it was as to their going out of the Company altogether.

1986. Do you consider the Corps in a more efficient state at the end of 1873 than it was at the end of 1869? Not being a military man I would rather not give an opinion. My opinion would probably be worthless.

1987. Do you know what makes high efficiency or low efficiency? Not being a military man I prefer not to answer these purely military questions. My view of what is high efficiency and what is low efficiency might materially differ from Captain Rossi's.

1988. Are you aware of any very active effort being made to relieve Captain Rossi of the command in 1869? I never heard of it before.

1989. Are you aware that a deputation waited upon the Commandant to that effect in 1869? No.

1990. Did you not admit, in reply to a question put to you by Mr. Walsh, a solicitor of Sydney, that the Volunteer movement in Goulburn would have died out but for Captain Rossi's devotion to it? No.

1991. Were you with anybody else at the time who did admit that? I am not quite sure; I have no recollection of ever having heard a person say that much of Captain Rossi.

Examination by the Court:—

1992. Did you consider that interfering with the Band instruments was not a military matter? Yes; these Band instruments were bought to a great extent by public subscription, and a great many members of the Band were not members of the Company at all. The committee assumed to engage the bandmaster and to remove him.

1993. And how did you interfere? Simply by protesting against their removal from the hands of the quartermaster-sergeant to the hands of the police.

1994. Did the instruments actually pass out of the custody of the captain of the Company? Yes.

1995. Were they not placed in somebody else's hands for safe keeping, the captain still being responsible for them? They were taken charge of by the senior-sergeant of police; and I suppose that as the captain handed them to him he could take them back.

1996. Was the captain still responsible for those instruments? I do not know. I ceased to be a member of the committee almost immediately afterwards in consequence of Colonel Richardson having said that our appointment was illegal.

1997. Did you not consider that Captain Rossi was still liable for them? Well, we had a reason for protesting against this, which I would rather not mention, as it would reflect more strongly on Captain Rossi than perhaps anything which has been said if I did mention it.

Captain Rossi: I shall not shrink from it.

1998. Will you mention it? It appeared to Mr. Chisholm, Mr. Martyr, and myself that Captain Rossi was desirous of getting these instruments out of the hands of any member of the Company, so that if the bandmaster brought an action against him, and recovered damages, he would direct the bailiff to levy on them, and sell them.

1999. What grounds had you for believing that? Simply the extraordinary step he was taking at that time to remove them from the hands of a member of the Company into the hands of a person who was not a member of the Company, and from his wish to get an indemnity.

2000. Was there any debt upon those instruments at the time of their removal into the custody of the police? Not that I know of.

2001. Were they absolutely handed over to the custody of the police? Yes.

2002. They were not placed in the custody of the police sergeant as a mere matter of convenience? I do not know what passed between the captain and the police. They were in the hands of Quartermaster-sergeant Sproule, who was prepared to take care of them.

2003. You give Captain Rossi credit for working hard to make his Company efficient;—do you consider that his efforts have been attended with success? I do not.

2004. What is your opinion, as a civilian, of the condition of the Company at present, as compared with its state when Captain Rossi took command of it? There is a great deal of dissatisfaction amongst the men.

2005. What do you think the effect upon the Company would be if Captain Rossi were retained in command? I think it would be prejudicial.

2006. Is there a desire, or otherwise, on the part of the people here to join the Company? There is certainly not a desire on the part of the more respectable members of the community to join.

2007. Is there any difficulty now in obtaining recruits? I do not think there is.

2008. Do you consider that the recruits who have recently joined are eligible, or otherwise? I do not know who they are personally, but I am told that many of them are very young.

2009. Do you consider that it is objectionable to take young men as recruits? I should think that a man who had served several years in the ranks would be a better soldier than the man who had only just joined—that a veteran was better than a boy.

2010.

W. R. Riley. 2 Jan., 1874.

2010. Do you think that the principal feeling engendered against Captain Rossi is in consequence of the mode in which he addresses them when off duty—that is, his mode of addressing his men? No, I think not.
2011. You think that it is more from his conduct towards them when they are on duty? I think that it is from a variety of causes; but I think that, more than anything else, it arises from his general unfitness to command than from one or two overt acts.
2012. What do you consider his unfitness consists in? Want of temper, want of tact, want of judgment—his inability to deal with a body of men.
2013. How is his want of temper exhibited? You have had that detailed to a great extent in evidence to-day.
2014. In your evidence? No.
2015. The Court would like to have your own evidence upon the point? I see very little of Captain Rossi when he is in front of his Company.
2016. You judge of that circumstance from what has occurred rather than from what you have observed? Yes; I have seen scarcely anything myself of his demeanour to any of the Volunteers.
2017. Were you a member of the Rifle Association that was formed here? Yes.
2018. Was it desired that that Association should act in any way independently of the captain? I do not quite understand the question.
2019. When a match was arranged with Richmond, it has been given in evidence that Captain Rossi's permission for the use of the targets was not asked, and that he issued an order forbidding the use of the range;—did the Association consider that they ought to have the right to use the range without consulting Captain Rossi? I was not on the committee, but from what I have heard from those who were on the committee, I think they regarded Captain Rossi's forbidding the use of the targets as rather harsh, and if they had been apprised that such permission was necessary I believe they would have asked.
2020. Would it have been contrary to the rules or the intention of the Association to have asked Captain Rossi, in the first instance, for the use of the targets? The rules were silent on the subject.
2021. Do you know what course is adopted in Sydney—in the Rifle Association? No.
2022. Or in any other similar Association? No.
2023. What was the result on that occasion of forbidding the use of the targets as regarded the proposed match? The match did not come off.

Examination by Mr. Davies, through the Court:—

2024. As to the Mr. Walsh, whose name has been interpolated, do you know Mr. F. Walsh in Sydney? Yes.
2025. To which Mr. Walsh did you understand Captain Rossi to refer? To Mr. Walsh, the solicitor.
2026. Who is he? A solicitor.
2027. Is he Mr. F. Walsh? No.
2028. Who is Mr. F. Walsh? The son of Mr. Walsh, the solicitor.
2029. Is it your opinion that the Volunteer Act of 1867, together with the Regulations appended, cover the whole of a Commanding officer's duty and responsibility? I am hardly in a position to answer.
2030. Is there any word in the Act or Regulations, to your knowledge, referring to a Band or to Band instruments? I do not know that there is.
2031. If it were a fact that there were any such word in the Act or Regulations, would it be your opinion that the committee and not the captain should have the charge of those Band instruments? Yes.
2032. Is it your opinion that any system of command that would lead to the older members of the Force going out and very young members coming in, would be advantageous to the Company? No.

Sergeant J. J. Trenery was duly sworn:—

Examination by the Court:—

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2033. What is your name? John Joseph Trenery.
2034. You are a sergeant in the Volunteer Rifles? I am.
2335. You have heard the charges read over? No.

The charges contained in the first memorial were read to the witness.

Mr. Davies suggested that the evidence given by the witness before the Select Committee of the Legislative Assembly on the 12th of March, 1873, and on the 2nd April, 1873, should be received.

2036. You gave evidence before the Select Committee of the Legislative Assembly? I did.
2037. Are you willing that that evidence should now be considered as evidence before this Court? Yes.
2038. Is that evidence true? Yes.

Captain Rossi stated that he did not object to the reception of the evidence; and it was read over to the witness, and admitted by him as follows:—

2039. What is your name? John Joseph Trenery.
2040. You are a member of the Goulburn Volunteer Corps? I am.
2041. How long have you been a member of it? Since its formation, in 1869.
2042. What position do you occupy? Sergeant and honorary secretary.
2043. How long have you occupied those positions? I have been sergeant from some time in June, 1872. I don't know the exact date; and hon. secretary for some three or four months.
2044. Were you promoted to the position of sergeant? Yes.
2045. By Captain Rossi? Yes.
2046. From what grade? Corporal.
2047. Have you had any disagreement yourself with the Company? Yes, in respect to the promotion. First disagreement with respect to promotions was out of Haley's promotion.
2048. How came you to object to that? That he was placed over other men's heads, and we did not consider that he was entitled to the place he was placed in. I can give you proof of that.
2049. State the circumstances? I was told to give notice to the corporals that those who wished to compete for the sergeantcy would have an opportunity of doing so, and would be required to send in a notice in writing to that effect. I gave notice to Fuller, Blackshaw, Clarke, and Haley, and they refused to compete,

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Sergt. J. J. Trenery. 2 Jan., 1874.

compete, all except Haley and myself. Haley went up for examination. I saw him about 4 o'clock in the afternoon, and he told me he was then going up for examination. I then saw him at Band practice at 8 o'clock, but did not speak; but I saw him after the practice, and asked him how he got on, and he said, "All right." A few days afterwards I went up to pass an examination, and passed a very satisfactory one, but Haley was subsequently appointed.

2050. Did he pass a better examination? Well, I saw it, and some of the answers were better; but before he went up it was supposed he would get it, as he was a pet of the captain's.

2051. Why did you think him a pet of the captain's? Because the captain was very familiar with him, and was very intimate with his family. He was more familar with Haley than with any one else.

2052. Then it was an unfair examination? I think there was room for doubt as to the examination, from the way it was carried out. The captain examined by himself, and we were called up separately.

2053. What reason have you for supposing that he favoured Haley? From his intimacy with Haley's family.

2054. Did Haley attend drill as regularly as you did? Not by any means.

2055. And the captain drilled you and instructed you, I suppose? No, that is, only in ordinary drill. On the parade ground the captain was in the habit of instructing us.

2056. That is the only place of drill, is it not? On one occasion I saw him drilling Haley in the Bank in Bank hours—some time in April.

2057. How many candidates were there for this position? Haley and myself.

2058. Did the captain drill you? Not in any establishment, or privately either.

2059. Do you know anything of any other disagreements that have occurred? I may mention that the other corporals did not compete because they thought it would be a gift to Haley, from his intimacy with the captain.

2060. Do I understand you to say he was drilling Haley to enable him to pass this examination? I cannot see any other object of his doing so.

2061. You are not aware whether he drilled any other corporals? No; they refused to compete—they thought it was an injustice. This examination was initiated for Haley's first promotion. Examinations were never gone into previously, and we were rather surprised to hear it when the captain told us he had promoted Haley because he had passed a very creditable examination. Some of them did not consider it desirable. There was one person who had been elected a long time a member of the Company, and a very good member too, who was considered to have more right to it.

2062. Who was that? Corporal Fuller. The examination put Corporal Fuller, an old member of the Corps, on an equality with this man, who had only been there a few weeks; and the captain examining him himself and calling the candidates up separately, we had every reason to complain of it.

2063. Are you in the Company now? Yes, I am.

2064. How is it progressing? Well, it is not progressing at all. I think it is in rather an unhealthy state. There is one continual growl to be heard.

2065. Is there any other evidence you wish to give? There is a matter about Fuller's assault case.

2066. What about that? I was present when the assault was made.

2067. In the ranks? It was not in the ranks; it was after drill. There were some extra drills, and Fuller was present on the Monday and Tuesday, but not on the Wednesday, and Captain Rossi at the next drill called him to account for being absent, and he said he could not attend drill because he had to attend to his business. Captain Rossi said—"You must put aside business for military matters; all business must give way." Then Fuller said—"If that is the case I must resign." The captain then, in an excited manner, put his hand on Fuller's left breast and shoved him, and used the words, "Do you dare to tell me you will resign?" I think he said that twice.

2068. How many corporals were there in the Company? Five.

2069. When the Company was first formed, how were the officers appointed? They were chosen by the Company, I think.

2070. That was done in your case? No, not in the first instance.

2071. Did you elect your own captain? Yes; we submitted his name.

2072. What other officers? Lieutenant, ensign, colour-sergeant, quartermaster-sergeant, four sergeants, five corporals, and then the privates, we chose all these.

2073. If an ensign leaves, who takes his position? We have generally arranged to have a general meeting, and the candidates are proposed, and perhaps balloted for, and his name is submitted afterwards for the approval of the Governor.

2074. The candidate may rise from any position? From any position; a private can be made an ensign.

2075. I am speaking of your Corps? Yes; the last promotion of ensign was made from a corporal.

2076. There are four corporals? Five;—there are Clarke, Fuller, Haley, Blackshaw, and myself.

2077. And you wrote to these four, besides yourself, that they were to undergo an examination? Yes, I did.

2078. What was the nature of it? It was just drill put into a theoretical way.

2079. Were there questions to be answered? Yes; they were given by the captain verbally, and taken down in writing. It was done in Captain Rossi's office, he being present, and we were all examined separately.

2080. How do you know the examination Haley passed? The captain showed it to me. He thought I was not pleased, I suppose, and he explained matters, and commenced to compare Haley's answers, and we did not agree about that, and the matter dropped.

2081. How long has this examination been carried on in your Corps? Since some time in the beginning of last year. Haley's case was the first.

2082. And has the captain always acted in that way for all promotion since? Yes, sir.

2083. Was there any objection before this to the mode of promotion? No, sir.

2084. Since the captain has examined them in that way, has there been any objection? Yes; the Company with one voice have objected to it, so much so that they have not a corporal in the Company at the present time.

2085. Do you know what is the custom in other places? Yes; at Bathurst and Maitland they elect their own non-commissioned officers. I know they do in those places, and I believe in others too.

2086. That means all up to the captain? Up to the ensign—up to the colour-sergeant, who is supposed to be at the head of the non-commissioned officers.

2087.

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2 Jan., 1874.

2087. You say that the captain gave Fuller a push. Did Fuller do anything in return? No. The captain pushed him with the left hand on his left shoulder, and it appeared to me the push was sufficiently strong to remove him from where he was standing.
2088. Might he not have done this because he valued Fuller's services? It might have been so, but it was a strange way of showing it.
2089. Your impression was that it was not so? My impression was that the captain was excited, and that it was a mode he took of reprimanding Fuller, as it were.
2090. You thought it was intended as a reprimand? Yes, I did.
2091. Is there any other statement you would like to make? No, I don't think there is anything else.
2092. What is your name? John Joseph Trenery.
2093. You are secretary to the Goulburn Volunteer Corps? Yes.
2094. You have been summoned to produce the books and the muster-roll of the Company? Yes.
2095. Do you produce them? No; I have them not in my possession. Captain Rossi has them. I applied to him for them, and he refused to give them to me.
2096. When did you apply for them? On Sunday. He did not return until the Saturday night.
2097. What did he say? He said that the books all belonged to him, as captain of the Company; that they were his private property, and that he would not give them to me. I explained to him that I had been summoned by the committee to produce these books.
2098. Are the books usually in your custody? No; they have been in the captain's possession. They were in my possession for about four or five weeks; I was waiting for some oaths of allegiance to fill the book in.
2099. To make it perfect? To make it perfect.
2100. What oaths of allegiance do you refer to? Oaths of allegiance that one is supposed to sign when he becomes a member of the Company; and foreigners coming into the Country are supposed to sign them. Until persons sign the roll-book they are not Volunteers.
2101. As secretary, were you not the proper custodian of these books? As secretary, properly speaking, I should be; but the captain keeps the books in his possession, like all other documents.
2102. How long have you been secretary? Three or four months.
2103. And out of that time how long have you had possession of the books? Of the roll-book, four or five weeks, for I had not the material to fill it up. Captain Rossi referred me to the quartermaster. I got the oaths of allegiance in dribs and drabs. I got the last on the Wednesday that Captain Rossi started to give evidence. I have his memo., and my reply to it.
2104. What material had to be furnished to fill up this book? The oaths of allegiance. The book had been left unfilled up, and Captain Rossi wanted to get it settled. He was asked to produce it, so he told me, before this Court, and he wanted to get some material so as to put the book in proper order.
2105. When did you receive it? I had it in my possession about a month. The last time was about 2 o'clock on the Wednesday, and he was starting that night to come down here.
2106. Did he forward the book to you? Yes, he sent it; no, he brought it over himself, about 2 o'clock in the day, and he asked me to fill it up at once. He showed me his summons to attend, in which it was stated that he was to produce it. Business came in the way. There was no chance of doing it in the time, and I sent it back to him with a note. He sent it back with a note at 6 o'clock, but I did not get it until 10 o'clock at night. His memo. and my reply are here.
2107. You think that the book had been neglected? It had.
2108. For how long? From June, 1870, and previous to that. There are some forty or fifty names entered while Captain Rossi was in command, and they do not bear the signatures of the persons enrolled.
2109. The Volunteers have not signed the roll? They have not signed the roll; but according to the Act they are expected to do it.
2110. What about the muster-roll? That is the roll-book.
2111. Is there not some book which records the attendances of members at drill? There is a drill-book.
2112. Who keeps that? The orderly-sergeants, whoever they may be. They are told off for that duty from time to time.
2113. Is there such a book in existence in connection with this Company? Yes.
2114. Does it not come under your control or possession as secretary? Under the control of the orderly-sergeant.
2115. Do you make up returns of attendance at drill? It is the orderly-sergeant's duty to hand a copy to the quartermaster-sergeant, and a duplicate to the captain. It is done once a month.
2116. Has that duty been performed? I think so.
2117. If a man's name has not been properly entered in this roll-book at the time of joining the Corps, he would not legally be a Volunteer? No.
2118. Are there any members of the Company, at the present time, who are in that position,—who have gone through the drills, but who have not signed this roll-book? I cannot say.
2119. When you last had the roll-book, there was a number of names not signed? Yes.
2120. Names of members who were attending the drills? Yes; perhaps forty.
2121. Forty? Forty who had not signed?
2122. Yes? I should say about twenty or thirty. Of course it is the fault of the captain.
2123. These twenty or thirty have no legal standing as Volunteers now at all? Perhaps not, according to the meaning of the Act.
2124. By not having signed their names they are not amenable to the law? I understand that to be the case.
2125. That is, they do not come under a contract to obey the orders and rules of the Company? I should think not, from what I know of the meaning of the Act. That is the construction I would put upon it. I may state that when the Company was first formed, the first 100 names were entered by Mr. Alexander, and each of those names bore the signature of the persons who joined. He resigned; and Mr. Windeyer was in command two or three weeks after Mr. Alexander's resignation. Mr. Windeyer filled in ten or twelve names, each of which bears the signature of the person who joined. Some time after that, Captain Rossi took office; and during his term of office, the book has been kept anyhow and by any person, I believe, and it has not been filled in since June, 1870.
2126. Not since June, 1870: Do you mean to say that there have been none who joined the Company who signed the book? Even before that. June, 1870, is the date of the last entry. There are entries before that which do not bear the signatures of those who joined.

2127.

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2127. None of the Volunteers who joined since 1870 have signed? No.
2128. Did Captain Rossi request you to make the book up? Yes.
2129. Did he mean that you should go round and collect the signatures? He asked me to get information from the quartermaster-sergeant. I could get no information from him, and I knew that before I sent to him.
2130. He asked for information? Yes.
2131. So as to make the book perfect? Yes.
2132. And the book has not been filled up since June, 1870? With the exception of seven names, as I have stated in my memo.
2133. Those seven names were the names of persons who had signed the book? I am not quite sure those names were originally entered. I believe I filled them in by mistake.
2134. You do not produce any books of the Company at all to-day? No; Captain Rossi has refused to give them to me. He says that they belong to him, as captain of the Company.
2135. You have been asked to make up this book? The captain has applied to me to do it, but I believe it is the captain's duty. When other persons were in charge of the Company they have always done it.
2136. When Mr. Alexander and Mr. Windeyer were in command they looked to that? Yes.
2137. Since Captain Rossi has been in command he has not done it? He has not done it.
2138. And you as secretary have not had it in your power to do it? No, I have not.
2139. You have been elected secretary three months? Yes.
2140. It would be impossible for you to do it? It would be impossible, even supposing it were my duty. Some of the oaths of allegiance for 1871 were given to me; but I said I could not fill them in, because there were some of 1870 not filled in. He said—"That comes of trusting to others; I never saw the book." I said—"But there are two names filled in by you yourself, and they do not bear signatures; it is evident that you had the book in your possession."
2141. You say that Captain Rossi wished to present this book to us? He told me so.
2142. That he intended to present this book to us? Yes. If you will read these memos. and my reply, you will see how the matter stands. (*Vide Appendix* F.)
2143. You have not filled up the roll-book, as requested? No, I have not.
2144. Did you go to the Deanery to get it? There was a book sent by the Dean—some District Court records—by mistake.
2145. Did you not go, as requested, for the roll-book? No; it states that he would send it.
2146. He sent another book to somebody else in mistake? Yes.
2147. Previous to this letter you had the roll-book in your possession? Yes.
2148. When did you return it? On the 19th.
2149. It had been forwarded to you then to be filled up? Yes, it had. I returned it on two or three occasions. There were four or five hours hard work to be done; but Captain Rossi wanted all the work done at once.
2150. Although you are the secretary of the Company, you cannot appear here with a single book? I applied for them. I have no doubt that Captain Rossi would not object to the book being presented, if it were in a proper state.
2151. The roll-book is the basis of the records of the whole Company? Yes.
2152. Without that, these men cannot prove that they are entitled to their land orders, or to anything else—if their name is not in the roll-book? No, I think not.

F.

Memo.—Hon. Secretary, G. V. Rifles,—

Be kind enough, as soon as you can conveniently, to make the required entries in roll-book. I would have done so myself, but it is beyond my power to get it ready in time with the other work I have to complete before I start to-night.

F. R. L. ROSSI,
Captain.

19/3/73.

(Reply.)

Captain Rossi, G. C. V. R.,— Goulburn, 19 March, 1873.

Sir,

I had to attend a mining meeting at 6 o'clock p.m. On my return, at half-past 10 o'clock, I received the roll-book. I immediately set to work and did a something towards filling it up.

I now send it per Escort, fearing lest it might be too late for you. If the papers which I have repeatedly asked for had been given me in time, the book would have been finished.

I am, &c.,
J. J. TRENERY,
Hon. Sec., G. C. V. Rifles.

Memo.—Hon. Secretary, G. V. Rifles,— 168, Alberto-terrace,
24 March, 1872.

It appears essential that I should have the roll-book, fully entered up, with the names of Company which you have; also, the enumeration of the resignations written opposite to such persons who had left the Corps. Those who had resigned you can ascertain from Q.-M. Sergeant Sproule, during 1872.

Be careful, if you please, not to insert the same name *twice* in book. I had only time to look at book before I left, but found that, unknown to yourself, you had commenced the entry of *such names as were already in book*. This can be avoided by looking up the names of those entered, and comparing them with the names you have by you. Pray oblige by having this carefully done as soon as you can, for the book is much required by me.

I shall write and ask the Dean of Goulburn to be good enough to give you the book which I left at the Deanery.

F. R. L. ROSSI,
Captain.

Enclosed please give colour-sergeant. It is a request to let me have the fine-book filled up.

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2153. Are there any alterations you wish to make in this evidence? No.

Examination by Mr. Davies, through the Court:—

2154. Will you briefly describe the examination you underwent for your promotion as sergeant? The notices were dealt out to me to give to others. Hayley went up for examination first, and I went up afterwards. We were separately examined. I can hardly describe to you the nature of the examination. It was in Company drill.
2155. By whom were you examined? By Captain Rossi.
2156. Out of a book? He had a list of questions.
2157. Were the questions written or printed questions out of a book that Captain Rossi asked you? I do not know. He asked me the questions verbally; and I presume they were taken from a book, that is, from the ordinary drill-book for 1870.
2158. Had Captain Rossi a drill-book in his hand at the time? Not that I am aware of.
2159. Do you know whether the questions asked you were the same as those asked of Hayley? I believe they were.
2160. When Captain Rossi read over to you some questions, and showed you Hayley's answers, did you recognize any of them as the questions that you were asked? Yes.
2161. Have you any evidence in support of the statement you made before the Select Committee, as to the private drilling of Hayley? Yes, I have.
2162. Do you produce it? Yes. (*Witness produced letters from Diamond and Eggo, and they were read by the Court.*)
2163. Do you know if that letter is in Diamond's handwriting? It is.
2164. Is that Eggo's handwriting? It is.

Captain Rossi stated that he did not object to the reception of the letters in evidence.
The Court postponed their decision on the point as to whether the documents should be admitted in evidence.

2165. Do you know the time which elapsed between Hayley's promotion to the ranks of corporal and sergeant? I think between three or four months.
2166. And the time which elapsed between your promotion from corporal to sergeant? I think mine was a little more.
2167. Can you not name the time? No, I cannot name the time exactly. I think mine was about four months—three or four months.
2168. Up to the time of Hayley's promotion to the rank of sergeant, had you ever known any one promoted so rapidly? There is not a case on record since the formation of the Company.
2169. Are you aware whether Lieutenant Chisholm has resigned his commission? Captain Rossi told me that he has his resignation in his hands; but it is to be used at his discretion.
2170. How did you, as secretary, make out the accounts, not having the books? I had the account books, but not the muster-roll-book that I was required to produce.
2171. Are the account books in your possession? They are.
2172. Have all the Volunteers whose names are entered there paid up their subscriptions? No.
2173. Have any considerable number of them left the district? Yes, I think so.
2174. Are those who have left the district indebted to the Company? Some of them are.
2175. Could you state in round numbers how much subscription in the account book is in arrear? It would not be possible for me to state that, because members bring in receipts for moneys which they have paid as far back as 1871, when the accounts are sent to them.
2176. And of which there are no entries? Of which there are no entries.
2177. Had you anything to do with making out the quarterly returns during the past year? No.
2178. For what purpose should the roll-book be in your hands? To fill it in. It had been neglected.
2179. But as the ordinary custodian of the roll-book, what was your duty with respect to it? I was not the custodian.
2180. Have you charge of the drill-book? When I have been appointed orderly-sergeant.
2181. Of your own knowledge, are you aware that a good many names on the roll-book are kept on the strength of the Company after the men themselves have left the district? I am.
2182. How many—about how many? Perhaps twenty or thirty.
2183. From what materials were you to make up the roll-book when ordered by Captain Rossi? From the oaths of allegiance.
2184. From the oaths of allegiance alone? Yes.
2185. What particulars had you to put in the roll-book of each Volunteer? His name, profession, height, age,—I think that is all.
2186. Do you believe that the roll-book of the Goulburn Volunteers can ever be accurately made up? I believe it cannot.
2187. How long have you been in the Company? Since its formation—five years.
2188. Are you entitled to your land order? I am.
2189. What course will you take if you get it? If Captain Rossi remains in command I will resign, most certainly.
2190. Have you personally to complain of rudeness from Captain Rossi? On one or two occasions to myself.
2191. Is that sufficient to induce you to leave the Company? No; there is more than that.
2192. Would you state to the Court what is the reason? I have not sufficient confidence in Captain Rossi. He has deceived me, and I have lost confidence in him.
2193. As to Captain Rossi's general demeanour to the Company, has that anything to do with your resignation? It has.
2194. Have you heard any other members of the Company say that they will resign? Several.
2195. Did they assign any reason? They did. They said that if Captain Rossi were to remain in command of the Company they would not remain.
2196. Are you aware that there are any persons who have given it as a reason for refraining from joining the Company that Captain Rossi would expect the salute from them when in plain clothes? I am.

Sergt. J. J. Trenery. 2 Jan., 1874.

2197. How do you account for there being no entries of certain payments for which receipts have been given? I cannot account for it. I was not secretary at the time. Those receipts—receipts of past years—are frequently cropping up; and the books are in perfect confusion, so much so that, although I am acting secretary, I am ashamed to hand them over to any person.
2198. Did we understand you to say that Captain Rossi said that the books were his private property? Yes; that is the roll-book.
2199. Did you understand him to mean his individual private property, or his property as captain of the Company? As captain he said.
2200. Whom do you consider responsible for the confused state of the books? I have receipts in my possession of Captain Rossi's at the present time—receipts given to persons who have made payments. I cannot say whether the secretary has been apprised of it or not.
2201. Whom do you consider responsible? Captain Rossi.
2202. To whom were the payments made? Some to Captain Rossi.
2203. Have those payments not been accounted for? They have of late. I have given them credit for it in the book.
2204. Are you aware whether there are any receipts of Captain Rossi's still out, the money for which has not been accounted for? No.
2205. From whom did you receive the books? From Captain Rossi.
2206. Are you aware who had the books in charge before they were handed to you? Mr. Martyr, the late secretary.
2207. They were handed over to you immediately after being taken out of his custody? No, not for some time.
2208. How long do you suppose they were out of Mr. Martyr's custody before you had them? I should say a couple of months; perhaps more and perhaps less; I cannot say.
2209. Do the whole of the irregularities occur between the time when they left Mr. Martyr's hands and the time they came into yours? Not all. There are mistakes of different dates. Some are in 1871.
2210. Where are the books now? They are in my possession.
2211. Were any of the entries in any of these books made by Captain Rossi? No.
2212. None are in his handwriting? No.
2213. How then do you consider Captain Rossi responsible for their confused condition? I understand that he is responsible for the working of the Company.
2214. It is on that that you base your opinion? Chiefly.
2215. Do you mean that he has not exercised sufficient supervision? Yes.

Captain Rossi applied that the further examination of the witness might be postponed until Monday. Witness said that he could not attend on Monday.

The Court directed the witness to bring the books of the Company in his possession with him to-morrow.

The Court adjourned at twenty-five minutes before Eleven o'clock p.m., until Ten o'clock a.m. to-morrow.

SATURDAY, 3 *JANUARY*, 1874.

Present:—

MAJOR P. L. C. SHEPHERD, VOLUNTEER ARTILLERY, President.
MAJOR J. H. GOODLET, SUBURBAN BATTALION, VOLUNTEER RIFLES.
MAJOR THOS. RICHARDS, SYDNEY BATTALION, VOLUNTEER RIFLES.

The Court met at fifteen minutes after Ten o'clock.

Sergeant J. J. Trenery was called, and entered the witness-box.

The President said that the Court had decided to receive the two letters produced by Sergeant Trenery yesterday. (Vide Exhibit S.)

Captain Rossi asked whether his acquiescence would preclude him from calling the writers of the letters if he desired to do so.

The President said:—Certainly not. The Court would be glad to get the evidence of the writers, if procurable. The Court has decided to receive the letters chiefly because they understood that the evidence of those parties was not procurable.

Examination by Captain Rossi, through the Court:—

Sergt. J. J. Trenery. 3 Jan., 1874.

2216. Did you give evidence before the Select Committee more than once? Yes.
2217. Did you give much evidence the first time? My evidence is before the Court. Not much.
2218. Do you consider the second evidence you gave more important? No.
2219. Had you any want of confidence in the mode in which Captain Rossi carried on the examinations for promotion in the Company? Yes, I had.
2220. Will you state on what grounds? Being called up separately.
2221. Are you aware whether Corporal Chisholm was examined separately by Captain Rossi for his commission? No, I am not.
2222. Are you aware that the Governor, as Commander-in-Chief, gave Corporal Chisholm a commission, altogether resulting from the examination, which Captain Rossi had privately given him? I am aware that Lieutenant Chisholm is a commissioned officer, but I am not aware who examined him.
2223. You say that there was a want of confidence—is Captain Rossi to infer that there was a want of trust on your part? I do not understand the question.
2224. Had you no trust in Captain Rossi? To a certain extent I had.
2225. To what extent? I can hardly say to what extent; but if I had not confidence to some extent I should hardly have undergone examination at all.

Sergt. J. J. Trenery.

3 Jan., 1874.

2226. Before Captain Rossi decided who had passed the best examination, did he obtain the assistance of Mr. Chisholm? He told me so afterwards.
2227. Was Hayley transferred to a battery? I have been given to understand that he was.
2228. Was he re-transferred to the Goulburn Company? He was in the Goulburn Company. I cannot say whether he was re-transferred or not.
2229. How could he be in the Goulburn Company if he were not re-transferred? Because there were other members of the Company who have not been transferred.
2230. During that time had he not lost his rank by the fact of his having left the Corps? Yes.
2231. Did he not again compete with three others for the rank of corporal? I am not aware that he did.
2232. Are you not aware that he is a corporal at the present time? I am.
2233. If he lost his rank when he left, how did he get it again? I do not know.
2234. Have you not heard that he and three others did compete for an examination? I am not aware that he did; I know that others did. I was told that two or three others did compete.
2235. Will you name the corporals? Fitzgibbons, Cleary, and Hollis.
2236. Do you know Hayley to be one? No.
2237. You know he is a corporal? I know he is a corporal. I do not know whether he passed an examination or not.
2238. Did you hear that the remainder had passed examinations, and that he did not? No.
2239. Could he have passed an examination without your knowing it? He could have done so.
2240. Did they tell you that they had passed the examination separately, or that they were all examined together;—were they examined collectively or separately? I was told that three competed.
2241. Were you told that only three competed collectively? I was told that only three competed collectively.
2242. Do you know how Wilkie was promoted? No, I do not.
2243. Was it by examination? I am not sure.
2244. Did you hear that he was promoted without examination? No, I did not.
2245. Do you know that he is a corporal at all? Yes, I do.
2246. Do you know if Captain Rossi has appointed anybody corporal without examination? Yes.
2247. Since Hayley's? No, not since Hayley's.
2248. That is since the first institution of examinations in the Company;—has anybody ever been promoted to any grade without examination? Not that I am aware of.
2249. At the time of the resignation of the corporals were you a corporal? I was.
2250. Were you invited to resign? I was not.
2251. By none of the corporals? No, not by any.
2252. Do you know the grounds upon which they resigned? Chiefly upon Hayley's promotion to sergeantcy.
2253. Do you know how quickly their resignation followed upon Hayley's promotion? I could not say.
2254. Did anything transpire between Hayley's appointment and their resignation? Not that I am aware of; nothing in particular.
2255. Did they object to examinations? I think they did.
2256. Are you not sure they did? No, I am not.
2257. Did you feel hurt at Hayley's promotion? I felt that I had received injustice.
2258. Did it lead you to resign? Captain Rossi held a threat over my head which prevented me from resigning.
2259. What was that threat? Captain Rossi told me if I resigned I should please the public and offend him; and if I offended him I must look out for my p's and q's, or words to that effect.
2260. Can you not remember the words more nearly than that? No more than that it was a threat.
2261. Can you, on further reflection, remember the precise words? No, I cannot; not more than that I was to look out for myself.
2262. Will you swear that Captain Rossi ever said that you must mind yourself, or that you had better look out for your p's and q's? Yes.
2263. Is it possible for Captain Rossi to have said the first part and not the latter? I hardly understand.
2264. Do you remember the first part about offending the public? He used both.
2265. What has Captain Rossi done to you since? Nothing in particular that I am aware of.
2266. Has Captain Rossi expressed his great desire to have you as secretary? He has.
2267. Were you not disposed to resign, being a sergeant? Yes.
2268. And did you not resign being a sergeant? I placed my resignation in Captain Rossi's hands.
2269. And did he beg you not to do anything of the kind, but to continue? He did some considerable time afterwards—some two or three months afterwards.
2270. Had Captain Rossi accepted your resignation? No.
2271. Has Captain Rossi shown a kind feeling to you? Yes, he has.
2272. Has he ever been otherwise than courteous and obliging to you? No, not that I am aware of.
2273. You were in the Corps in 1869 when Captain Rossi took command? Yes.
2274. Was Captain Rossi elected captain on account of his popularity? No.
2275. He was rather otherwise than popular, was he not, when he was elected? Yes.
2276. About the same as he is now? No; decidedly not.
2277. Was Captain Rossi ever considered good enough for a sergeant in those times? No.
2278. Was he thought good enough for a corporal in those times? No.
2279. Can you say why Captain Rossi was elected captain;—was it for his assumed fitness, or otherwise? Because we could get no person else to take the office.
2280. Was Captain Rossi elected for his supposed fitness? From his supposed fitness.
2281. Did he make any promise as to what he would do for the Company? Yes; I believe he said he would do his duty.
2282. Has Captain Rossi failed to do his duty? In some cases he has.
2283. Will you name them? He failed to have the roll-book filled in.
2284. Have you any other grounds? He has been very infirm in temper; and has spoken in an ungentlemanly way to the members of his Company from time to time.
2285. Can you think of anything else? He has demanded the military salute in the office from recruits when sworn, not in my presence, and several other things which I cannot remember at the present moment.
2286. You cannot remember anything else? One assault out of the ranks. 2287.

Sergt. J. J. Tremery. 3 Jan., 1874.

2287. Name the assault? The assault on Corporal Fuller.
2288. Is that all that you can remember at the present moment? I think that will be sufficient to answer Captain Rossi's question.
2289. Whose duty is it to keep the roll-book? The captain's.
2290. Where did you learn that? It is my opinion.
2291. Captain Rossi wants the fact? I can give him no fact.
2292. Do you know nothing about the division of duty in a Company? I do.
2293. If you do know the division of duty in a Company, then Captain Rossi asks you again whose duty it is to keep the roll-book? I adhere to my previous answer.
2294. Would you describe what you mean by Captain Rossi's infirmity of temper? His abrupt way of speaking and addressing the men.
2295. Will you describe Captain Rossi's abrupt way? On one occasion I drew his attention to the state of the parade ground near the Gaol. There was a mark he had erected previously where there were some holes, and some of the Company tripped and fell over. After the parade was over, I drew Captain Rossi's attention to it in a respectful manner; and he replied in a boisterous tone of voice—"Do you expect me to take a shovel and fill up the holes?"
2296. Is Captain Rossi in the habit of speaking in a boisterous tone of voice? At times.
2297. About how long after you had failed to pass your first examination did you succeed in passing your second examination? I do not remember.
2298. Was it within a fortnight? I could not say for certain.
2299. Do you know anything as to when you were appointed at all? In what way?
2300. Do you know anything about the time when you were appointed sergeant? I could not say for certain.
2301. Did Captain Rossi ever send you word by a senior-sergeant that he was hurt at the tone of letter you had sent him? Yes; on one occasion, by the colour-sergeant.
2302. Is that your writing? Yes; that is my letter. (*Document received in evidence and read by the Court. Vide Exhibit* T.)
2303. Was that letter dated May 10, 1872, when you were made sergeant? I do not know.
2304. What does it refer to? It refers to the sergeantcy. I do not know whether I was made sergeant on the date of that letter.
2305. Was it about the time you passed your examination for the sergeantcy? I think so.
2306. Does that letter not show that you repaired your examination? I think it does.
2307. Has any disagreement occurred in the Company since Mr. Marty's dismissal? I do not remember any.
2308. Did you not anxiously inquire of Captain Rossi, on his return from Sydney, how he was getting on before the Select Committee? No.
2309. Were you not walking with Sergeant Heriot of the Company on the occasion? I was.
2310. Do you now remember having addressed Captain Rossi? I remember Sergeant Heriot shaking hands with the captain and asking some questions, and Captain Rossi began to speak about it. I did not say a word.
2311. Did you not shake hands? Yes.
2312. Were you not in uniform at the time? No; it is Captain Rossi's doctrine, either in uniform or out of uniform, not to shake hands.
2313. What do you mean by the term doctrine? It is his custom not to shake hands.
2314. If it be Captain Rossi's custom not to shake hands, and if he did shake hands on that occasion, did it not show a kind disposition on his part? He may have had a motive.
2315. Then what motive do you suppose that Captain Rossi could have had in shaking hands on that occasion? I cannot tell.
2316. Do you mean to insinuate that Captain Rossi had a motive? I presume he had in deviating from his ordinary course.
2317. On what do you base your presumption that he had? Departing from his ordinary course.
2318. Did you ever write an anonymous letter in a Goulburn journal against Captain Rossi? No.
2319. Do you remember a paragraph, or a portion of an article, abusing the Goulburn Corps, in the *Southern Argus?* I do not remember any particular article. Several have appeared.
2320. The letter Captain Rossi refers to was published after an inspection. The *Argus* said that it was a disgrace to the citizens;—do you remember that? No.
2321. Do you not remember having had a conversation with Captain Rossi on that very article or paragraph? I do not remember.
2322. Do you not remember telling Captain Rossi that you had inquired of Mr. Walsh, the Editor of the *Argus*, on that very point? Now I remember what Captain Rossi is referring to, I do; I have some distant recollection of it now.
2323. Do you remember what you told Captain Rossi that Mr. Walsh had told you in explanation of it? I do not remember.
2324. Did you not tell Captain Rossi that Mr. Walsh had told you that it was written by a drunken reporter? I do not.
2325. What do you remember having told Captain Rossi? I remember speaking to Captain Rossi, drawing his attention to the paragraph; and I said that I would see about it. Captain Rossi asked me to call upon Mr. Walsh and ask him about it.
2326. You have already said that Mr. Walsh told you something;—do you remember what Mr. Walsh did say? No, I do not.
2327. Will you swear that you did not tell Captain Rossi what you have just stated? No, I will not. I cannot be certain about it.
2328. Do you not think that Captain Rossi has been severely censured in the Goulburn journals? He has been censured. I do not know that he has been severely censured.
2329. Do you know that Captain Rossi ever made any reply to anything that has been written? Not that I am aware of.
2330. Do you not know that Captain Rossi has told his Company that whatever was written, if every journal in New South Wales did nothing else but write against him, he should never reply to them;—do you remember Captain Rossi telling his Company that? He did.
2331. Has he kept his word in that respect? As far as I know.

2332.

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2332. Have not the papers been of great service in redressing the grievances of the Company? I think so, to a certain extent.
2333. Had you no other means of redress than the journals? A Court of Inquiry.
2334. If there were any grievances in the Company, did not Captain Rossi invite the members to avail themselves of a Court of Inquiry? Not that I am aware of.
2335. Did you not at Captain Rossi's charges issue those circulars, one of which was handed in yesterday? I do not know to what circulars Captain Rossi alludes.
2336. This is the circular (*Exhibit* J)? Yes; I have seen that circular.
2337. Did you issue that circular at Captain Rossi's charges? I engaged a person to take them round to the members of the Company.
2338. And you charged Captain Rossi with the cost of having issued them? I did, which he paid.
2339. And you know that the members of the Company got them? I presume they did.
2340. You knew the contents of that circular? When I read it I did.
2341. Was it ever availed of by the Company? Do you mean to say that they availed themselves of the suggestions in that circular?
2342. Yes? I do not know. I really forget what the contents of the circular are just now.
2343. Did the Company object to the examinations? Yes.
2344. Did they write a letter objecting to it to the Commandant, forwarded through Captain Rossi? Not that I know of.
2345. Did you never hear of a large number of the Company joining in such a letter? I may have. I do not remember now.
2346. Was there any dissatisfaction expressed in the journals for Captain Rossi's first act as commanding officer? In what year was that?
2347. In 1869? I do not profess to remember what appeared in the journals in 1869.
2348. Was there not dissatisfaction expressed by certain members of the Company in 1869 at Captain Rossi's first public act? I do not remember what Captain Rossi's first act was.
2349. Do you remember the appointment of quartermaster-sergeant over the heads of men of more mature age? I remember the election of Quartermaster-sergeant Trenery and the election of Colour-sergeant Cleary.
2350. Captain Rossi asks if you knew of dissatisfaction being expressed by certain members of the Company at his appointment of quartermaster-sergeant? I remember that some dissatisfaction was expressed, but by whom I do not remember.
2351. Was it of very serious consequence? I do not think it was.
2352. Do you not know that in 1869 it was said in the journal, by an anonymous writer, that the Goulburn Corps would soon be a thing of the past? I do not.
2353. Do you know of a deputation waiting upon Colonel Richardson, for Captain Rossi's removal, in 1869? I do not.
2354. Did you ever hear of such a thing? Yes, I heard of it.
2355. Did you hear of any grounds of complaint then? No.
2356. Was it not Captain Rossi's manner? I do not know.
2357. Have you spoken to Mr. Martyr frequently about Captain Rossi's acts as commanding officer? Not that I am aware of.
2358. Will you say that you have not done so? I cannot remember what takes place in conversation.
2359. Captain Rossi is not asking you to tell him what you have said? I may have done so. I cannot answer positively.
2360. Prior to your going to Sydney the second time to give evidence, did not certain friends make certain suggestions to you? They may have made suggestions to me.
2361. Were not those suggestions that you should give such evidence as would affect Captain Rossi? [*Question disallowed.*]
2362. Do you remember coming to Captain Rossi on one occasion and Captain Rossi referring to the evidence you gave before the Select Committee the second time? I do.
2363. What did Captain Rossi say to you? I can hardly remember what he said. He says such a lot at times.
2364. You cannot remember what Captain Rossi said on that occasion? I cannot remember any particular thing.
2365. Did not Captain Rossi say—"Your friends told you, and you cannot deny it, that you were to take care and give such evidence before the Select Committee as should get rid of that damned captain"? I remember Captain Rossi saying so.
2366. Did you deny it? I did not think it worth my while.
2367. Have you not told any one lately how sorry you were for Captain Rossi? I expressed sorrow on several occasions at Captain Rossi's position—to himself and others.
2368. Do you remember very lately conversing in front of this building with Captain Rossi, about the last time that he spoke to you before we knew of the appointment of this Court? Yes.
2369. Do you remember what occurred then? Yes; I have a recollection of some conversation that took place.
2370. Will you say what it was? Speaking of Volunteer land orders, Captain Rossi asked me some time ago if I knew the state of the market. If they were in advance, would I let him know.
2371. The conversation which Captain Rossi wishes to call to your memory has nothing to do with land orders? He talked about being kicked out.
2372. Could you state what the conversation was in reference to that? Captain Rossi said that he would not commit suicide—that would be resigning; but he would stand like a soldier and be shot—that would be being dismissed.
2373. Do you remember anything else? No, I do not know that I do.
2374. Did not Captain Rossi say that he would not resign—that he would prefer to be kicked out for doing his duty? I think what Captain Rossi said to me was nearer what I have said than what he asks.
2375. Did not Captain Rossi say to you that he did not think there was a man in his Company could place his hand upon his heart and say that there was one single thing which Captain Rossi had done to him—not what he had heard, but what Captain Rossi had done to him individually—upon which he could wish his dismissal;—do you remember Captain Rossi saying that to you? The conversation was so long that I do not remember more than I have said.

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2376. Do you remember what Captain Rossi has just now mentioned? I remember a portion of it. I do not remember Captain Rossi saying that no member of his Company could lay his hand upon his heart. He said that he had done his duty, and that he had done no person a wrong.
2377. Will you swear that Captain Rossi did not say it? I will not. It is impossible for me to swear when I do not remember.
2378. What was your reply to the last observation of Captain Rossi? Captain Rossi spoke about dismissal, and then I said—"Perhaps you are looking on the dark side of the picture."
2379. Did you not reply, and say—"No, there is not one"? I distinctly deny having said so.
2380. Do you know anything about Fuller's case? Yes.
2381. Are you aware that Fuller has ever made any complaint against Captain Rossi? I believe he has not.
2382. Has Fuller in any way, anywhere, to any authority, made a complaint against Captain Rossi? I am not aware that he has.
2383. Does not Fuller look upon it as a very insignificant matter altogether? I believe, when I spoke to him, that he did say that others had taken action in the matter; that he had not moved, but that if he had he would have done something to the purpose.

Captain Rossi applied to the Court for a copy of Sergeant Trenery's evidence before the Military Court.

Mr. Davies said that Fuller was outside waiting to be examined.

The President said that the Court did not object to both sides seeing the papers in the former inquiry. They had been forwarded to the Court for that purpose.

2384. Did Fuller tell you that he did not wish to have this matter brought forward at all? [*Question objected to, and disallowed.*]
2385. Did you not give such evidence before the former Military Court? [*Question objected to.*]
2386. Did you not give evidence before the Military Court in the matter of Fuller's case? I did.
2387. Can you recollect another conversation which you had with Captain Rossi with reference to him as commanding officer? I have had so many that I cannot recollect what conversation Captain Rossi alludes to.
2388. Do you remember going to Captain Rossi on one occasion, and saying that Mr. Riley had inquired of you how we were getting on in committee? I do not; I deny it.
2389. Do you not remember telling Captain Rossi the reply which you gave to Mr. Riley? I am at a loss to know the conversation to which Captain Rossi is alluding.
2390. Did any conversation ever take place between you and Captain Rossi with reference to him as commanding officer in which Mr. Riley's name was mentioned? Yes.
2391. You went to Captain Rossi on one occasion, and said—"I have seen Mr. Riley; Mr. Riley said, 'How are you getting on in committee'; and you said to Mr. Riley—'Well, I tell you what it is, if we go on at the rate we are going on now we shall adore the captain; everything is so pleasant in committee'"—do you remember having used those words? I deny having done so.
2392. Do you know that writing? Yes; it is my brother's writing. That is his signature at the end. (*Document received in evidence, and read by the Court. Vide Exhibit* U.)
2393. Are you a brother of Sergeant Trenery, the writer of that letter? Yes.

Examination by the Court:—

2394. Was there any dispute in the Company when the Band instruments were placed in charge of the police? Dissatisfaction was expressed by members of the Company.
2395. Was that after Mr. Martyr's dismissal? Yes.
2396. In what way did the Company express dissatisfaction? I can hardly say more than in conversation. They thought that the instruments, which were their property, ought not to be taken from them and handed over to the sergeant of police.
2397. Did the members of the Company appear to think that the instruments had passed out of their custody as members of the Company? They did for the time being.
2398. Was it a fact that they had so passed out of their custody? I believe they had.
2399. Where are the instruments now? I do not know, unless they are still in Sergeant Fenton's possession.

Examination by Mr. Davies, through the Court:—

2400. Was your brother in Mr. Riley's employ when he wrote that last letter (*Exhibit* U)? I cannot answer.
2401. Do you know whether your brother was prevented from going down to give evidence before the Select Committee? No, I do not know.
2402. Did he say anything to you on the subject of his going down? No.
2403. Do you know if Captain Rossi has ever published anything in the papers concerning himself, and relating to the Goulburn Corps? Paragraphs, letters, or advertisements?
2404. Are you aware if he has ever published a letter in reference to the Company? Yes; I believe he published a letter referring to his demanding the salute from Private Robertson. It was in the *Sydney Morning Herald*. I think I have read it.
2405. Are you aware that Captain Rossi has said that he never would do so? Yes.
2406. Are you aware that Captain Rossi has said that he never did do so? Yes.
2407. Do you recognize that as a local paper? I do.
2408. Will you notice if there is a letter there touching the Goulburn Volunteer Rifles? Yes. (*Document was received in evidence. Vide Exhibit* V.)
2409. Are you aware that Sergeant Hayley joined another Corps whilst his name remained upon the Goulburn Corps? Yes.
2410. Are you aware whether that is permitted by the regulations? I am not clear upon that point.

Mr. Davies read regulations 38 *and* 39.

2411. In point of fact, did Sergeant Hayley ever cease to be a member of the Goulburn Corps? I do not think he did.
2412. If he never ceased to be a member of the Goulburn Corps, how comes it that he is not sergeant now? I made a mistake. He has ceased to be a member of the Corps, I believe.

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2413. How has he ceased to be a member of the Corps? By being transferred, properly speaking, if he has been.
2414. Can you answer how he has ceased to be a member of the Corps? I do not know that he has ceased.
2415. I thought you said just now that he had ceased? He had ceased.
2416. You are now asked how he had ceased? I do not know.
2417. Was his name ever erased from the roll of the Goulburn Corps? I do not know.
2418. If Hayley was sergeant of the Goulburn Corps, how comes it that he is not sergeant now;—has he ever been disrated? He left the district and joined another Company.
2419. Is his name on the roll of the Goulburn Corps as sergeant? I have not seen the roll of late, and cannot say.
2420. If he were appointed sergeant would that rank appear against his name on the roll? It would.
2421. Will you refer to Sergeant Hayley's name? Yes.
2422. Do you see Hayley's name there? Yes.
2423. Has it ever been erased? No, it has not.
2424. What is the date attached to it? 22nd April, 1869.
2425. Is any rank attached to his name? No, not in the roll.
2426. Do you know of your own knowledge that Corporal Hayley did succeed to the rank of sergeant? Yes.
2427. Are you a sergeant? Yes.
2428. Is Hayley in the Corps now? I cannot answer that. I do not know whether he has been transferred.
2429. Has he attended drill in the Corps lately? Yes, last year.
2430. What rank did he take in the drill? At the latter end of the year, corporal.
2431. Hayley was a sergeant, is now corporal, has not been disrated, and yet his name remains on the roll continuously;—is that so? Yes.
2432. When some persons of the rank of corporal passed an examination you said they competed collectively. Do you mean by that word "collectively" that they were all examined together in the presence of one another? Yes.
2433. What assistance had Captain Rossi from Mr. Chisholm in your examination? Not any.
2434. You failed to pass some examination? Yes.
2435. After failing to pass an examination did you undergo any other examination before you were appointed sergeant? A sort of one. If you will allow me, I will explain. Captain Rossi and I differed about the quality of some of the answers given in my examination. He said, "Well, I see that you are dissatisfied." I said, "I am quite so." He said, "You believe then that your examination is as good as Hayley's." I said, "Yes," and I pointed out some parts. He said, "Will you answer me a few questions?" I said, "Yes." He perused the book and picked out some questions. Afterwards he said, "I have not finished with you; if you will come again in the morning I will give you some more." I wrote my answers in a brief form, and Hayley wrote his at length. I told Captain Rossi that I could have written mine at length, and he afterwards said, "Your answers are very nearly as good as Hayley's; you are nearly up to the number of marks that he got." A short time after that I was appointed.
2436. Is it not a fact that since Mr. Martyr's dismissal the disturbances took place about King? [*Captain Rossi objected to the question. Question allowed.*] *Answer:* Yes.
2437. And about the Band? Yes.
2438. And about the Band instruments? Yes.
2439. And about the resignation of a committee—Has a committee resigned since Mr. Martyr was dismissed? I am not clear upon that point.
2440. Is it not a fact that when Mr. Martyr was dismissed he was secretary to the committee? Yes.
2441. And that the committee resigned? I cannot remember that.
2442. Has anybody ever been secretary since Mr. Martyr's dismissal? Yes; I have.
2443. Was your appointment immediately after Mr. Martyr's dismissal? It was some time afterwards.
2444. Was a new committee elected or appointed to which you were secretary? I think there was.

Examination by the Court:—

2445. Will you produce the minute-book? I have not the minute-book in my possession; I am not secretary now.
2446. Have you any book in your possession? I have an account-book here.
2447. Will you produce that? Yes.
2448. This is the book that you referred to yesterday? Yes.
2449. Will you point out the particular portions which you consider to have been carelessly kept, as referred to in your evidence yesterday:—will you name the pages? 34, 35, 36, 37, 45, and 55.
2450. Are those all the instances? Yes.
2451. Whose handwriting is that on page 34? It is my handwriting.
2452. Is the whole of it in your handwriting? The whole of it is in my handwriting.
2453. The whole of the book? Not the whole of the book. This book was in the hands of the previous secretary.
2454. Is the whole of the matter complained of by you as having been carlessly kept in your handwriting? No, it is not.
2455. Is it all in your handwriting on page 34? It is not.
2456. Is any of it? What I am referring to is in my handwriting.
2457. The portion referred to as having been irregularly or carelessly kept? Yes.
2458. Will you name the date from which your handwriting commences? 31st September.
2459. 1872? Yes.
2460. In whose handwriting is the previous portion of that page? Mr. Martyr's, the late secretary's.
2461. Will you explain to the Court how it was that you came to keep this book carelessly? I do not say that I have kept the book carelessly. There are some amounts which were paid to Captain Rossi, but of which I did not hear until some time subsequently Captain Rossi has given the person paying the money the receipt for the amount, and we have heard nothing about it for some time—until after they have been billed for the amount several times.

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2462. You do not mean that the book has been carelessly kept? No.
2463. From what document or documents did you post that book? This is the only book that we have. There was a ledger, but it has been out of use for some considerable time.
2464. You must have had some documents or memoranda from which you posted up the book? The moneys would be shown by a receipt, and the subscription would be added in—a quarter being 6s. 6d.
2465. Did you get the whole of the information from Captain Rossi to enable you to make up that book? No; the receipts that I have spoken of had been given by Captain Rossi to the members who paid the money; and, when they were receiving their accounts time after time, they then produced their receipts for the money which they had paid to Captain Rossi, which I have had to show in this book afterwards.
2466. Where has the money been in the meantime? In Captain Rossi's possession as treasurer.
2467. And where did Captain Rossi enter his receipts? Usually in a Letts' Diary, I think.
2468. Was that available for your information? No.
2469. Will you state substantially what are the grievances of the Company in reference to these accounts? The Company say that the accounts have not been properly kept—have not been audited. Captain Rossi has chiefly had to do with the balance sheet. I was secretary at the time, but I was not referred to when the last balance sheet was presented. It was shown to me on the night it was presented to the Company. Captain Rossi then asked me to read it, but not having seen it before, I thought I was justified in refusing to read it.
2470. Was the grievance confined to the mode of keeping the accounts? No, it was not confined to this particularly.
2471. It is not confined to the mode of keeping the accounts? No.
2472. Will you explain to the Court the whole grievance in reference to the keeping of these accounts? I am not in a position to go into the matter. From my knowledge of business, I think that the accounts are not kept in a business-like manner.
2473. Can you name any other grievance than the manner in which the accounts were kept? I cannot at present. I know of a number, but cannot call them to mind.
2474. Did Captain Rossi ever withhold any information from you in reference to the keeping of the accounts? I cannot say. He never allowed me to peruse his Letts' Diary.
2475. Did you ever ask Captain Rossi to let you peruse his Letts' Diary? No.
2476. Was it usual to ask Captain Rossi for information respecting these accounts? Yes.
2477. Did he always furnish it without any hesitation? Yes; as a rule I think he did.
2478. Did he ever refuse you? I do not think so.
2479. Do you hand in this book? Yes. (*Received in evidence. Vide Exhibit* W.)
2480. With the receipts handed to you for amounts paid to Captain Rossi was the money represented by the receipts paid to you? No; paid to Captain Rossi.
2481. When Captain Rossi handed the receipts to you, was the money handed with the receipts? No; we have no treasurer in our Company.
2482. Who is responsible for the balance? Captain Rossi, I presume, as acting as treasurer.

The President said,—I consider it desirable to intimate to all parties in this case that the Court is very anxious to bring its sittings to a close not later than the middle of next week. Indeed, it may be necessary to adjourn, if this cannot be accomplished; and while not desiring to hurry any of the proceedings, I must express a hope that the examination and cross-examination of witnesses will be conducted in as concise a manner as may be possible.

The Court adjourned at five minutes after One o'clock, until fifteen minutes after Two o'clock p.m.

The Court met again at fifteen minutes after Two o'clock p.m.

A. M. Hunt was called, but did not answer to his name.

Mr. Davies presented certified copies of the depositions in the case of Mawson v. Rossi for assault. (*Vide Exhibit* X.)

Joseph Hadfield was duly sworn.

Examination by the Court:—

J. Hadfield. 3 Jan., 1874.

2483. What is your name? Joseph Hadfield.
2484. Are you a member of the Goulburn Volunteer Corps? Not now.
2485. Were you? I was when they were first formed.
2486. Have you heard the charges read over in this case? No.

The charges contained in the first memorial were read to the witness.

Examination by Mr. Davies, through the Court:—

2487. Have you been in the British Army? Yes.
2488. How many years? Thirteen years and two months.
2489. What rank? Private and corporal.
2490. What rank had you in the Goulburn Volunteers? I was sergeant.
2491. Were you appointed by Captain Rossi or elected? I was elected at the first election.
2492. Was that before Captain Rossi's appointment to the command? I was elected.
2493. How many were elected at that time? Six sergeants.
2494. Were you at the top or the bottom of the list? Cleary and I were the two highest at the election.
2495. Sergeant Cleary and you had the greatest number of votes when the election took place? Yes.
2496. Do you recollect the election of a colour-sergeant? Yes.
2497. By whom was the colour-sergeant elected? By the sergeants, by order of Captain Rossi.
2498. Whom did they elect as colour-sergeant? Sergeant Cleary.
2499. Was the election of Sergeant Cleary to the rank of colour-sergeant confirmed by Captain Rossi? No.
2500. To whom did he give the rank? To Sergeant Trenery.

2501. Which Trenery? William Trenery.
2502. Did Captain Rossi offer to you personally any explanation why he did not confirm the appointment of Sergeant Cleary? None.
2503. Thereupon did you do anything? I took and resigned shortly afterwards.
2504. Resigned from the Corps altogether? Yes.
2505. Was the conduct of Captain Rossi on that occasion the principal reason for such resignation? Partly that, and other reasons.
2506. It was one reason? It was.
2507. Will you state any other reasons? I had private reasons. I had meetings to attend which I could not attend, and attend drill at the same time; and as a sergeant in the Volunteers I was supposed to be at drill. That is the reason why I declined to take the rank of colour-sergeant. We were knocked about in the Volunteers; and having been an old soldier myself I did not like being knocked about by people who did not understand the drill.
2508. What is the Court to understand from your expression "being knocked about"? Not being drilled properly.
2509. By whom? By Captain Rossi when he was first made captain. Things were not going on regularly according to the military style of duty I had been used to.
2510. If you had been treated differently do you think that you would have remained in the Corps? I do not know that I should.
2511. As a man with some considerable knowledge of military matters, do you consider that the Goulburn Company is well managed? No, I do not. According to my knowledge of military affairs it is not managed well at all.
2512. If the drill night were on a night which you could attend would you rejoin the Corps under its present management? No, I would not.

Examination by Captain Rossi, through the Court :—

2513. Did you seek to give evidence here yourself, or were you asked to come? I was asked to come.
2514. Are you employed by Mr. Davies? Yes.
2515. What opportunity have you had of judging of Captain Rossi's fitness to command? The time that I was in the Corps myself, when Captain Rossi was made captain, I had an opportunity of judging then. Since then I have witnessed his conduct on many occasions, and have read of it through the public press. I have had as much opportunity as any man in Goulburn of seeing what is going on here.
2516. Did you ever attend as a spectator when Captain Rossi was drilling his Company? No.
2517. At any time during the last few years? Yes; occasionally.
2518. What have you found wrong in Captain Rossi? I have seen a shortness of temper in addressing the men. He addresses them not in a proper manner as an officer ought to do.
2519. What have you heard Captain Rossi say to the men in an improper manner? The word "Sir," which is never used in the military service, which is a direct insult to a soldier in the regular army.
2520. Anything else? That is one thing which I would take as a direct insult to me from my commanding officer.
2521. Do you know Private Mawson? Yes.
2522. Have you ever had any conversation with private Mawson on that particular subject—about the use of the word "Sir"? No; it does not require me to have any conversation with Private Mawson. I never spoke to Private Mawson on the subject; I know as much as he does about that.
2523. Have you ever attended a Court of Justice where counsel was engaged? Yes.
2524. Have you ever heard the word "Sir" applied by a counsel to a witness? Yes.
2525. Have you and Captain Rossi been otherwise than the best of friends from the time we ever knew each other? No; we have been good friends. I have nothing personally against Captain Rossi in the least.
3526. Was Captain Rossi ever advised by you that you ever had any misunderstanding with him? No.
2527. You remember Captain Rossi giving you notice to attend a meeting about a colour-sergeant and quartermaster-sergeant? Yes.
2528. Do you remember the nature of that notice? It was that we were to attend the Court House after parade that evening and elect our own colour-sergeant and quartermaster-sergeant.
2529. Was there anything else besides added? There might have been something else added.
2530. You were to make the election subject to Captain Rossi's approval;—was that added? Perhaps that might have been in it.

By Mr. Davies, through the Court :—

2531. Supposing Mr. Davies as your employer were on one occasion to say to you, "What are you doing Hadfield?" and on another occasion he were to say to you, "What are you doing, Sir?";—which of those modes of address would you consider proper? "What are you doing, Hadfield?" If he were to say, "What are you doing, Sir," I should consider it an insult, even although it were used between us in the capacity of employer and servant.

By the Court :—

2532. Will you describe this being knocked about at drill a little more clearly;—did you consider Captain Rossi incompetent to drill you? I did
2533. Is that what you mean by being knocked about? Yes; if the Court will allow me, I will explain why I consider that he knocked us about. When he was appointed captain, he did not know his drill, and would not fall into the ranks to learn his drill. He would be in the front of the ranks by the side of Mr. Alexander, and would not go into the ranks as Mr. Alexander wanted him. In the regular army he would have had to fall into the ranks with his musket and belt, and stay there until the drill sergeant said that he knew his drill.
2534. Did you ever hear Captain Rossi give wrong orders? He could not give wrong orders because Mr. Alexander told him how to drill them. Mr. Alexander is well up in drill.
2535. Were you present when the assault on Fuller was committed? I had left the Company long before that.

Private Clegg was duly sworn.

Examination by the Court :—

Private Clegg. 3 Jan., 1874.

2536. Your name if you please? Hugh Gibson Clegg.
2537. You are a private in the Goulburn Company of Volunteer Rifles? Yes.
2538. Have you heard the charges read in this case against Captain Rossi? No.

The charges contained in the first memorial were then read to the witness.

Examination by Mr. Davies, through the Court :—

2539. Had you any opportunity of seeing military life and practice before you came to Goulburn? Yes.
2540. Where? Prior to the troops proceeding to the Crimea; I had a brother in the Royal Horse Artillery, and I visited him several times in the Camp at Aldershot, and in barracks at Woolwich, and stayed with him for days. I also proceeded with several regiments to the Crimea.
2541. How many trips did you make altogether? Four.
2542. To the Crimea? Yes.
2543. Did you notice the conduct of the officers to the men? I did.
2544. Will you describe the conduct of the officers towards their men? At the drills and parades the officers used to speak to their men in a way that they could not take offence; and the men obeyed their orders in a way which I considered proper to their position.
2545. Have you noticed the conduct of Captain Rossi towards his men? Yes.
2546. Was the behaviour in the one case and the other alike? No.
2547. Was the behaviour of the officers to the regular troops more kind and gentlemanly than that of Captain Rossi to his citizen soldiers? Yes.
2548. Were you elected on the committee of the Goulburn Corps? Yes.
2549. Are you on it now? No.
2550. Why did you cease to attend the committee meetings? Because of the arbitrary manner in which the captain conducted the business. I thought it was just as well to stay away as to be present.
2551. What was your position in life at this time when you left the committee? The same as it is now. I am a tradesman in the town. I am serving now my seventh year in the City Council.
2552. You are an alderman in the City Council, and are you a builder? Yes.
2553. And an innkeeper at present? Yes.
2554. You have been an alderman for seven years? Yes.
2555. Were you on the committee of the Rifle Association? Yes.
2556. Did you resign? The committee resigned.
2557. Did you resign? Yes.
2558. What led to the resignation of the committee? It was the action of Captain Rossi forbidding us the use of the targets—in hindering us in carrying out a match which we had arranged with a country Company.
2559. Did the committee wish to oppose Captain Rossi in the matter, or were they ignorant of his views? They were quite ignorant of his views.
2560. Are you a regular attendant at drill? No.
2561. Why do you not attend regularly now? I could not put up with the general tone and manner of Captain Rossi to his men. The tone of manner in which we have been addressed has not been such as to tempt any of us to attend.
2562. Do you remember any one occasion in which you thought that Captain Rossi acted unjustly to the members at drill? Yes; I do.
2563. What was it? It was one night at the railway station, where the parades are held, the captain addressed the whole Company in words of this kind: Unless one person, who was apparently tipsy, desisted from talking, the whole Company should be dismissed, and no mark be given for attendance that night. I took offence at that.
2564. At punishing all for the offence of one? Yes.
2565. When you went to the review in Hyde Park, what sort of weather was it? It rained very heavily.
2566. What order was given on that occasion which you thought unjust and unkind? I was one of the five or six who had overcoats. Our uniform was quite new at the time, and we were anxious to keep it as clean as we could, but we were ordered to throw our coats off.
2567. Had the captain a coat on? Yes.
2568. What sort? A mackintosh.
2569. Had he any other defensive clothing? Yes.
2570. What sort? Leggings and an umbrella.
2571. As a respectable member of society did you feel aggrieved at that coffee business? I did.
2572. Mr. Davies wants to know emphatically how many persons besides the Goulburn Corps were present when Captain Rossi told the men to pay for their coffee? There was equally double the number of Sydney Volunteers belonging to different Companies looking on at the time.
2573. Were you ever made to feel this question at any subsequent time—were you ever taunted with this coffee business? Yes; that day; and every day that we stayed in Sydney afterwards.
2574. In what way? Members of the Sydney and Suburban Companies when they passed us in the street would look round and say, "Pay for your coffee when you go home."
2575. You did not like that I presume? I did not.
2576. Is it your belief that it was your fault that you did not pay for your coffee? No; I do not believe it was.
2577. What was the reason that some did not pay, if they did not? The crowded state of the platform, and the bell ringing for the train to start. There was only one female there to serve the coffee.
2578. Will you swear that the proprietor, Mr. Draper, was not present? I did not see him. I know him and his wife. I saw his wife there, but I did not see him.
2579. Did you object to the increased subscription? No, I did not.
2580. Were you present when the vote was carried to increase it? Yes.
2581. Was the proposition put in the affirmative—that is, the resolution to increase the subscription? Yes.
2582. And in the negative? No.

2583.

Private Clegg. 3 Jan., 1874.

2583. Do you know of any members who have been dismissed the Force for not paying this subscription? I am not certain; I know all the members who have been dismissed, but for what specific reasons they have been dismissed I do not know.
2584. Do you know whether Paris was dismissed for that? I know he was dismissed; but whether from that or the general neglect to pay his account, I do not know.
2585. Do you know that it was for neglecting to pay his subscription? I believe that was the reason.
2586. Do you know why Martin was dismissed? Yes; I believe I do.
2587. Was it for the same reason? I think not.
2588. Have you paid your subscription? Yes; all that has been asked.
2589. Up to now? Yes.
2590. All that has been asked for? Yes; we have been in the habit of getting quarterly bills rendered. I have not refused to pay anything; I am sure I paid the last one presented.
2591. Has the Company ever owed you any money? Yes.
2592. How long was it owing? About eighteen months, I think.
2593. What did you do for the money? I fitted up the hall for an entertainment that was given for the benefit of the funds of the Company, and did general things connected with the targets, and the ground, flagstaffs, and things of that kind.
2594. Did you ever apply for the money? Yes.
2595. To whom? By bill to the captain.
2596. How long was it before you got the money? Some of it was owing about eighteen months, and some about nine months.
2597. Who took the money realized by the entertainment for the Company? There was a sub-committee appointed to carry the affair out, and they took the money.
2598. Were you a party to the election of Captain Rossi? No; I had not then joined the Company.
2599. Are you entitled to your land order? No.
2600. Is it your purpose to remain in the Corps until you are? No.
2601. What reason do you give for leaving and sacrificing your interest? The reason that I gave to that other question—the general mode of Captain Rossi in addressing his Company.
2602. Have you shot in many rifle matches connected with the Company? All of them I think, but one.
2603. That is since you joined? Since I joined.
2604. Is your interest in the Company great—are you unwilling to leave the Company? I would not like to leave it; I joined it in the spirit that I think all Volunteer Forces ought to be established—to defend their country—and not for the value of the land order.
2605. If the command of the Company were such as you thought gentlemanly and kind would you remain in it? I would.
2606. Can you call to mind any particular rifle match in which you were engaged with the South Sydney Volunteers on the Goulburn Range? Yes.
2607. Was the conduct of Captain Rossi on that occasion offensive? I did not notice it as offensive to me.
2608. Were you shooting? Yes.
2609. Do you consider that Captain Rossi's conduct on that occasion was offensive to any of the Corps? Yes, I think it was.
2610. What conduct was offensive? In regard to Private Robertson.
2611. Is that the only instance that you saw on that occasion? I cannot remember any other.

Examination by Captain Rossi, through the Court :—

2612. Have you not been good friends with Captain Rossi from the first day that you have known each other, both in and out of the ranks? Yes.
2613. Did you offer to come here to-day yourself, or have you been asked? I have been summoned.
2614. Did you not have a conversation with Captain Rossi some time ago about your having gone to the Crimea with different regiments? Yes.
2615. Did you not say that you were associated with so many thousands of men, and that you never knew a word of discontent or trouble? Yes, I believe I did say that. I was complaining to Captain Rossi about his conduct.
2616. Do you remember the remark Captain Rossi made to you upon that? I cannot remember all the captain said.
2617. Do you remember Captain Rossi saying that he could give you the reason why they did so well? He might have said that.
2618. Did not Captain Rossi say that the reason was this—that those thousands of men had learnt obedience? He might have said so; I do not remember.
2619. Have you attended drill at all during 1873? I do not think so.
2620. Did you attend a rifle match during the year? I think I did.
2621. Has not your object in remaining in the Corps during the year been in the hope that Captain Rossi would go out? Yes.
2622. Do you know if Captain Rossi was popular when he was first elected? He could not have been.
2623. Captain Rossi was not thought fit to be a corporal or a sergeant? No.
2624. Has Captain Rossi always behaved in a gentlemanly way to you? Personally he has never insulted me in any way; but as a member of the Company I take offence.
2625. Take offence at what? I took offence about the coffee.
2626. You spoke of something about the dismissing at drill? Yes.
2627. On the occasion to which you referred was there talking in the ranks? Yes.
2628. Was it in the day-time or at night? At night; and there were lamps lighted all round.
2629. Did the Company remain stationary under those lamps? No.
2630. Did they not move into the dark? They moved away from the lamps.
2631. If a man were speaking in the ranks, could Captain Rossi readily detect the person speaking unless he were close to the man at the time? He might not know.
2632. Did not Captain Rossi make a remark of this kind :—"If this be repeated, I shall dismiss the Company, unless I am informed who the man is. If I cannot detect it, I will dismiss the Company"; and in doing so did not Captain Rossi lose his mark for attendance equally with the rest of the Company? I do not believe that Captain Rossi called upon the Company to inform him who the man was who was talking.

Private Clegg. 3 Jan., 1874.

2633. What Captain Rossi asks if he said was: "If I am not informed of the party who is speaking I must dismiss the whole Company"; and did he not say that he would lose his mark at the same time—that he would suffer equally with them? He did not say anything of the kind at that time on that night. Captain Rossi said it afterwards, when I challenged him with making the remarks—at the time I wanted him to settle my accounts.
2634. Will you say that Captain Rossi never so addressed the men? He did not on that night.
2635. Will you swear that he has not said that to the men on occasions when they have so spoken? When I challenged Captain Rossi with making use of that expression months afterwards, he then said so, and he said that he lost his mark.
2636. Will you swear that he did not say so at the time? I did not hear it.
2637. Did Captain Rossi ever on any occasion, since he has had command of the men, so dismiss them? No.
2638. Is that what the Court is to understand as your construction of the term threat? Yes, exactly.
2639. You have said that on a Queen's Birthday, when it was raining, the men were in full dress uniform, and that Captain Rossi was at the same time covered up with waterproof clothing;—were you offended that Captain Rossi was so dressed? Not as long as he allowed us to be dressed so too.
2640. What do you mean? We wanted to protect our uniform as well as he did.
2641. Did the men say so at the time—did you ask to be allowed to wear it? I was in the ranks, and as a private I could not ask. I did not ask.
2642. Are you aware of the circumstances under which Captain Rossi appeared before you? No.
2643. You have already said it was a very wet day? Yes.
2644. Are you aware that Captain Rossi went down to see the Colonel on the matter of the Review that day? No.
2645. Are you aware that Colonel Richardson met Captain Rossi that day similarly apparelled? No, I am not aware of it.
2646. Are you aware that Colonel Richardson gave Captain Rossi the order not to dress until he gave him the order to dress? No.
2647. Are you aware that Captain Rossi went to the Brigade Office and waited until Colonel Richardson returned from the Governor? (*Question disallowed.*)
2648. Do you know if the men on their return paid for their coffee? I do not.
2649. Do you know whether the bill was sent by Mr. Draper and laid before the committee of the Company? Yes.
2650. Do you know whether the Company paid it or not? I believe it was ordered at a committee meeting that it should be paid.
2651. Do you know of your own knowledge whether it was paid? No, I do not.
2652. Do you know whether a rule was passed for raising the subscription? That question has been asked before.
2653. Are you aware if such a rule was passed? It was adopted in the way that I have said before.
2654. Do you know whether the rule raising the subscription to 1s. a week was passed? There has been a question asked about that already. It was passed in the way that I have explained.
2655. At any time did you ever consider it passed? No.
2656. At any time did you ever say that it was passed? No, I have never said so.
2657. Are you sure of that? I always paid it without objecting personally.
2658. Is the signature upon this document your handwriting? Yes. (*Document received in evidence and read by the Court. Vide Exhibit* Y.)
2659. Do you know of any reply to that? No.
2660. You have said that Martin was dismissed? Yes.
2661. Do you know that Martin applied to be received into the Company after he was dismissed? I do not.
2662. Do you know that he was dismissed at the same time that Paris was? About the same time; it might have been the same time.
2663. Do you know that he gave a promissory-note after his dismissal, to pay the money? I do not.
2664. You have said that you have waited in the Company to see if Captain Rossi would go out, and that you would remain if he did go out. If Mr. Davies were commanding officer would you remain? Yes, I would wait to give him a trial.

Examination by Mr. Davies, through the Court:—

2665. You stated that Captain Rossi never dismissed the men;—did you mean that he never dismissed the men whilst you were present on parade? No.
2666. Could he have done so when you were not present? He might—easily.
2667. You have never been present for the last twelve or eighteen months? Yes.
2668. Why did you not ask to have your top coat on after Captain Rossi had ordered you to take it off? The order was given in that tone that it seemed quite useless to speak about such a thing.
2669. Did you know that you were not allowed to make such a request from the ranks? Yes; I believe that a private has no right to speak to the captain from the ranks at all.
2670. And you had been ordered to take your top coat off? Yes.
2671. Will you state this: That whilst the order was issued, and after the order was issued, to remove your over-coats, Captain Rossi retained his? Yes.
2672. And was it raining during that time? Yes.
2673. Did you observe any other Companies with their top coats on? Yes.
2674. A petition has been just put in;—do you remember if that petition was presented to Captain Rossi between the two meetings of which there is evidence; that is, the meeting which fixed the subscription at 1s. a month for six months, and the meeting which fixed it absolutely—was the petition presented between these two meetings? I believe it was between the two meetings.

Examination by Captain Rossi, through the Court:—

2675. Was this letter not written fifteen months after the last meeting to raise the subscriptions? I do not understand the meeting you refer to.
2676. The meeting to raise the subscription—was not this letter written fifteen months after that meeting? It might have been; I am speaking from memory; I do not know the dates. 2677.

2677. How do you account for it being between the two meetings? I thought that Mr. Davies was referring to the public meeting. Private Clegg. 3 Jan., 1874.
2678. You mean the late public meeting? Yes.

Examination by the Court :—

2679. How long have you been in the Goulburn Corps? About four years.
2680. Have you got your certificate of efficiency for each year? One.
2681. Only one? It was at the end of the second when all those disagreements took place; and I lost two or three drills.
2682. How long would you have to serve to complete it? Next year.
2683. Are you not aware that you cannot have your land order without five years' service? Yes.
2684. How long would you have to serve from to-day to entitle you to your land order? About two and a half years.

Ensign W. P. Dignam was called, but did not answer to his name.
Private Fuller was called, but did not answer to his name.

Matthew Walker was duly sworn :—

Examination by the Court :—

2685. Your name, if you please? Matthew Walker. M. Walker. 3 Jan., 1874.
2686. Have you ever been in the Goulburn Company of Volunteer Rifles? Never.
2687. Have you heard the charges read over in this case? No.

Mr. Davies said that the witness could not testify to any of the charges, and they were therefore not read.

Examination by Mr. Davies, through the Court :—

2688. You are the gaoler at Goulburn? Yes.
2689. Do you know of anything which transpired with respect to the warders and Captain Rossi? No; nothing has occurred that I am aware of.
2690. Do you know of any application made by Captain Rossi to the Visiting Magistrate? Yes; I know that Captain Rossi made some complaints to the Visiting Justice, that the warders did not salute him.
2691. Are the warders Volunteers? No; there was one of the warders a Volunteer at that time.
2692. Did he wear the Volunteer uniform when on duty as a warder? No.
2693. Did he ever wear the Volunteer uniform in the gaol? No; he was sometimes dressed in the uniform at the guard-room before going on duty.
2694. Did he ever wear it at the gaol? Never.
2695. What resulted from that complaint of Captain Rossi's? I believe the Visiting Justice submitted the letter for the information of the Sheriff.
2696. What was the Sheriff's decision on it? I am not in a position to explain at present, and for this reason,—a note was made of it in the order-book, and that book is now in Sydney.
2697. Have you seen the order? Yes.
2698. What was the tenor of the Sheriff's remarks there? As far as my memory serves me the tenor of the Sheriff's remarks was that he would leave the thing to the warder's own good sense with regard to saluting Captain Rossi; but I think it went on a little further, and the Sheriff said that he thought they might or ought to pay the compliment to Captain Rossi in his position as Captain of the Volunteers and as a Magistrate. I would not be sure of the exact words without referring to the order.
2699. Since that time have they saluted Captain Rossi? I believe they have.
2700. Has Captain Rossi any duties whatever in connection with the gaol? None that I am aware of.

Examination by Captain Rossi, through the Court :—

2701. Whatever was done was it not done by direction from the Sheriff, through the Police Magistrate? Yes, certainly.

Private H. S. Clarke was re-called to allow the representative of the memorialists to examine him.

Examination by Mr. Davies, through the Court :—

2702. You have already been sworn in this case? Yes.
2703. Are you aware that a son of yours, who was a member of the Band, has been sworn in a member of the Corps? Yes. Private H. S. Clarke. 3 Jan., 1874.
2704. What age was he? He was nearly seventeen at the time.
2705. Was your consent asked? No.
2706. By Captain Rossi? No.
2707. Was it asked by your son? No.
2708. About that time did you and Captain Rossi often meet? No, occasionally, not often. It was just before I went down to give my evidence before the Select Committee that this occurred.
2709. When did the swearing in of your son occur? Previous to my going down to Sydney to give evidence before the Select Committee.
2710. Was it with your approval when you ascertained that your boy had been sworn in? I wrote to Captain Rossi on the subject.
2711. Did you approve? No.
2712. Did you communicate your disapproval to Captain Rossi? I did.
2713. By what? By letter.
2714. Did you show it to anybody before you sent it? I did.
2715. To whom? Sergeant Trenery.
2716. Which Trenery? Sergeant John Trenery.

Private H. S. Clarke. 3 Jan., 1874.

2717. Can you state the tenor of the letter? I cannot remember the exact words. It was to this effect: That I had been given to understand that my son had joined the Corps, and I begged leave to inform Captain Rossi that he had done so without my knowledge or consent, and that he was a minor.
2718. Can you explain why this boy was taken into the Corps? I cannot explain why, but I had my suspicions, which I communicated to Captain Rossi.
2719. Will you state what you believed to be the reason? When Captain Rossi received my note he came up to me immediately afterwards and told me that he was quite surprised that the boy had joined without asking my consent. He said that he was not aware of it; and that had he been aware of it he would not have allowed it. He said that he would write to the Colonel to see what could be done. I said that as what had been done could not be undone, I had no objection to the boy remaining, provided Captain Rossi did not make use of it against me before the Select Committee.
2720. Are you aware of any other boys who have been brought into the Corps in a similar manner? I am not.
2721. What rank did you hold in the Force when you were censured at drill? Corporal.
2722. Were there any persons present of lower rank than yourself? The Company were at drill.

Examination by Captain Rossi, through the Court:—

2723. Did not Captain Rossi send to the Colonel and get the Colonel's opinion thereon? I do not know that he did; but he said that he would do so if I wished it.
2724. Did not Captain Rossi say to you on parade, holding the Colonel's letter in his hand, that the Colonel's opinion was so and so? It is possible; I do not clearly remember it; it is very likely.
2725. And did not Captain Rossi then say to you before the Company, "And I hope now we have your consent"? Yes.
2726. And did you not say that Captain Rossi had? Yes.
2727. Did Captain Rossi introduce the matter before the Select Committee? He did not.
2728. Has Captain Rossi introduced it before this Court? I think so. In my answers in my previous examination he did not give me an opportunity of explaining how the boy was in the Force now.
2729. How has Captain Rossi prevented you? It came out in evidence that my boy was in the Force with my consent.
2730. Is he not? He is; under the circumstances now explained.
2731. You resigned in 1869. Did you not act as a committee-man in 1870, 1871, and 1872?

Mr. Davies objected that the witness had already been examined upon the point, and the question was disallowed.

Mr. Davies said that Mr. Walsh and Mr. Russell, two of the memorialists, were now present, and were willing to give evidence if the Court or Captain Rossi desired them to do so.

The President said that the Court was quite willing to hear any evidence which Captain Rossi or the Memorialists wished to call; but the Court did not think it necessary to call these gentlemen.

Private C. S. Fuller was duly sworn:—

Examination by the Court:—

Private C. S. Fuller. 3 Jan., 1874.

2732. Your name, if you please? Charles Sydney Fuller.
2733. You are a private in the Goulburn Volunteer Rifles? Yes.
2734. Have you heard the charges read upon which this inquiry has been instituted? No.

The charges contained in the first memorial were read to the witness.

2735. In reference to the first charge mentioned here, did Captain Rossi ever commit an assault upon you? Yes.
2736. In the ranks? No.
2737. When was the assault committed? One night after parade. I had occasion to speak to Captain Rossi about some matter or other, I forget now exactly what it was, and the assault then took place.

Examination by Mr. Davies, through the Court:—

2738. Have you had any disagreements with Captain Rossi? None whatever previous to this occasion.
2739. Were you in uniform when you say Captain Rossi assaulted you? Yes.
2740. Was Captain Rossi in uniform? Yes.
2741. Was it where several people could see it? Any one could see it if he were about the place.
2742. Where was it? On the parade ground, at the railway station.
2743. Were many of the Volunteers still about although drill was dismissed? I only saw one.
2744. Who? Sergeant Mawson.
2745. You say there were several about? No; I say there might have been, but that Sergeant Mawson was the only one that I saw.
2746. Will you describe the assault? I think now I come to recollect that I had some occasion to speak to Captain Rossi about my account, and after that was concluded—I should say that during this week there was an instructor up from Sydney and there was drill all the week, excepting on Saturday night. I was orderly corporal for the month;—and after I had spoken to Captain Rossi on the other business, he called me back and asked me where I was the other night—what kept me away. I was about to explain, but he would not let me. I told him that I thought I had better resign, meaning that I would resign as corporal. He then put his hand on my shoulder. I forget what he said, but he used words to this effect,—"You fellows—when I speak to you about doing your duty always tell me that you will resign." That was all.

At the request of Mr. Davies, and by permission of the Court, witness showed by his action towards Mr. Davies the nature of the alleged assault by Captain Rossi upon himself.

2747. Did he push you? Yes; he put his hand upon my breast.
2748. And made you move from where you stood? Yes.
2749. You say you were corporal? Senior corporal.
2750. Were you appointed or elected? I was elected when the first election took place.

Private C. S. Fuller. 3 Jan., 1874.

2751. You say you are not corporal now? No; I resigned.
2752. For what reason did you resign? The chief reason for my resignation was the appointment of Corporal Hayley and one or two others who were appointed over my head. I did not think it altogether the thing. That was my chief reason; but there were other reasons, and this little affair with Captain Rossi that we have been speaking of was one. Another is the manner in which the examinations for promotions were carried out. These are about the three principal reasons, I think, why I resigned.
2753. One reason was with respect to the promotion of Corporal Hayley? Yes.
2754. To what rank was Corporal Hayley appointed? He was appointed sergeant.
2755. Has Corporal Hayley ever done sergeant's duty? Not to my knowledge. Yes; now I come to recollect, after his appointment as corporal he did put the Company through their manual exercise.
2756. After his appointment to the rank of sergeant, did he ever do sergeant's duty? Yes.
2757. What duty? I only remember him being on duty once, and then he was marker for the Company for one night. I do not remember any other time.
2758. Is it the opinion of the older and more experienced members of the Corps that Sergeant Hayley is fit for the appointment? It is not their opinion.
2759. How long have you been in the Company? Since it was first formed.
2760. Are you entitled to your land order? Yes.
2761. Do you purpose to remain in the Company? Not under Captain Rossi's command.
2762. If there is a change in the command will you remain in the Company after you get your land order? Yes.
2763. Do you like it? Yes.

By Captain Rossi, through the Court:—

2764. Have you not been most excellent friends with Captain Rossi from the first time that you ever knew him until now? Yes, with the exception of this occasion that I have been speaking of.

Police-sergeant Fenton was duly sworn:—

Examination by Mr. Davies, through the Court:—

Police-sergt. Fenton. 3 Jan., 1874.

2765. What is your name? Roger Fenton.
2766. And your occupation? Senior-sergeant of Police.
2767. Have you charge of the Band instruments belonging to the Goulburn Volunteers? I have charge of some.
2768. How many instruments do you think you have in all? I really cannot tell you—I never counted them. I merely opened the door, and they were put in by the Volunteers themselves. Recently they have been taken out by Captain Rossi's instructions—some portion of them.
2769. Do you believe that you have the bulk of them? I think so.
2770. Who authorized you to take charge of them? I do not think I got any direct instructions beyond this, that I received a letter from Captain Rossi. I think I was requested by Captain Rossi, and I objected. I wrote to him, and I think it was subsequently that I received a letter from Captain Rossi, in Sydney, saying that he had seen the Superintendent, who had given permission that I should take charge of them. I was not responsible beyond seeing that they were not stolen, if possible.
2771. Did you make application for any? No.
2772. At whose request do you think you ought to deliver these instruments up? Captain Rossi's.

President: Have you anything to say before I close the evidence? ——

Mr. Davies: Will you listen to any verbal statements in the shape of addresses from either side?

President: In cases of this kind it is usual for the accused to read an address in his defence. It is not usual that any address should be made by the prosecutor.

Mr. Davies: Captain Rossi has stated that he will not call evidence.

President: He has not stated that that is his intention. The Court are of opinion that they ought not to hear any address on behalf of the prosecution. They will decide entirely upon the evidence. The accused is allowed the privilege of handing in any such written address as he may think proper.

Mr. Davies: Can the memorialists add any written statement to the evidence now before the Court?

President: Written statement from whom?

Mr. Davies: From the memorialists.

President: The Court have decided not to receive any written statement.

Mr. Davies: Whatever written document may be put in will be considered as sworn to.

President: It is usual in cases of this kind for the accused to hand in a written address—remarks on the evidence. That is the last thing that takes place after the evidence.

Mr. Davies: Shall we have the opportunity of objecting to any portion of that address?

President: I think not.

Mr. Davies: I do not in any way object, but ask for information. I now conclude any part I have taken in the matter.

President: Then the evidence for the prosecution is now closed. Do you, Captain Rossi, intend to call any evidence?

Captain Rossi: Shall I be submitted to examination?

President: If you go into the witness-box you will be subject to any question put to you by the Court.

Captain Rossi: Is that the process by which the Court will conduct the matter?

President: That is entirely optional with yourself. If you go into the witness-box you will be in the hands of the Court.

Captain Rossi: I can then make my written statement?

President: It is not necessary to go into the box to make your written statement.

Captain Rossi: May I have the privilege, in case I feel there is a deficiency in the questions put to me, to request that questions may be put to me?

President: You can give any evidence relative to any question before the Court.

Captain

Captain Rossi: In point of fact, I may state the case to the Court?

President: In going into the witness-box you will be examined in the usual way. It will be optional with the Court to receive any evidence you volunteer beyond what they actually seek to get from you in the shape of questions.

Captain Rossi: I am in possession of all the facts—the Court are not; and therefore I know when the Court is falling short of asking me sufficient. I want to be exhausted by questions. You may ask what is not sufficient; ask a little more, and the whole story will come out. What I ask is that I may be allowed to take up any one of these charges and deal with them in the way I ask, in order.

President: You will be treated with every consideration, and will have a full opportunity of defending yourself. The Court do not think it expedient to make any special agreement.

Mr. Davies: Is the question settled whether Captain Rossi will bring forward any witnesses?

President: That is what I desire to know.

Captain Rossi: I should prefer to manage the case without one witness. If the Court will tell me afterwards that I have failed to make clear a certain point, I can then call witnesses.

President: You can say whether it is your intention to call witnesses now.

Captain Rossi: I am not bound to call them.

President: Do you intend to call any witnesses in your defence?

Captain Rossi: I do.

Mr. Davies: How soon shall we know who these witnesses are?

Captain Rossi: I greatly prefer that you should not know.

President: I do not think it necessary that the memorialists should be informed.

The Court adjourned at fifteen minutes after Five o'clock p.m., until Ten o'clock a.m. on Monday.

MONDAY, 5 JANUARY, 1874.

Present:—

MAJOR P. L. C. SHEPHERD, VOLUNTEER ARTILLERY, President.
MAJOR J. H. GOODLET, SUBURBAN BATTALION, VOLUNTEER RIFLES.
MAJOR THOS. RICHARDS, SYDNEY BATTALION, VOLUNTEER RIFLES.

The Court met at Ten o'clock, a.m.

The President said that Captain Rossi had furnished a list of witnesses on Saturday evening. The summonses were made out; but as the list was not received until nine o'clock at night it had not been practicable to send out more than two of them, which had been posted to the addresses supplied.

Mr. Davies, by permission of the Court, took a copy of the list, which was as follows:—W. Conolly, Esq., J.P., E. Deane, Esq., Mr. Kershaw, Mr. Woodhill, Mr. Lenehan, Private J. O'Sullivan, Private J. M'Hugh, Private Hogan, Private Byrnes, Sergeant Blackshaw, Private Harte, Corporal Fitzgibbon, Private Coleman, Private W. Cole, Private J. Cole, Private Hollis, Private Rogers, Private Fyfe, Private Wood, Private Sherring, Private Wilson.

The witnesses to whom summonses had been sent through the post were John Chisholm, Esq., J.P., Wollogorang, and Lieutenant Chisholm, Kippilaw.

President: I now call upon you, Captain Rossi, to make your defence.

THE DEFENCE.

William Kershaw was called.

Mr. Davies objected that Kershaw had been in Court during nearly the whole time of the inquiry.

The President said that the Court regretted that Captain Rossi had not handed in a list of witnesses in the first instance, in order that the whole of them might have been excluded. Part of the evidence had, however, been published in the newspapers, and the Court did not think fit to shut out any evidence now.

William Kershaw was duly sworn:—

W. Kershaw. 5 Jan., 1874.

2773. What is your name? William Kershaw.

2774. What is your occupation? I am retired from the Service; I am a pensioner from the Colonial Service, and also from the Imperial Service.

Examination by Captain Rossi, through the Court:—

2775. How long were you in the Army? I was in the Army between five and six years—until I came to this Colony.

2776. Have you had any opportunity of judging of Captain Rossi as commanding officer? Yes; I have seen him frequently.

2777. What opinion have you formed of him? From what I have seen of Captain Rossi, I can say that I never saw anything, when he was on parade with his men, otherwise than a commanding officer and a gentleman should act.

Examination by Mr. Davies, through the Court:—

2778. Have you ever had an opportunity of judging of the conduct of other commanding officers of Volunteers? I have not.

2779. Your whole experience of commanding officers is in the regular Army? Yes; and the mounted police. I have been under officers in the mounted police.

2780. Were the mounted police soldiers? Yes; supernumeraries.

2781. Were you ever present when Captain Rossi had any disturbance with any members of his Corps? Never.

Examination

Examination by the Court :—

2782. Could you explain to the Court the usual manner of addressing privates by officers in the Army? They call them either by name or by rank. W. Kershaw. 5 Jan., 1874.
2783. If an officer had to report or rebuke a private, what would be the terms in which he would address him? He would call him by name, and tell him that he had no right to do so and so.
2784. Was it contrary to custom to address a man as "sir"? By all means.
2785. Would it have been considered offensive? Yes, it would.
2786. Did you ever hear Captain Rossi address the men in that way? Never.

Private O'Sullivan was duly sworn.

2787. Your name? James O'Sullivan. Private O'Sullivan. 5 Jan., 1874.
2788. You are a private in the Goulburn Corps of Volunteer Rifles? Yes.

Examination by Captain Rossi, through the Court :—

2789. Have you been in the Army? Yes.
2790. Have you attended pretty regularly the parades of the Goulburn Company? Yes.
2791. What can you say of Captain Rossi's manner of treating and addressing his men? Anything that I ever heard from Captain Rossi was very good, as a gentleman and a soldier.
2792. Did you ever see Captain Rossi treat the men offensively? No.
2793. Did you ever hear Captain Rossi offend any by addressing them as "sir"? No, not to my knowledge.
2794. Were you ever present when Captain Rossi received recruits? Yes. On one occasion I took down two to him myself.
2795. Do you remember Captain Rossi asking the recruits if they knew the reputation of the officer they were going to join with? Yes, I remember him asking two of the recruits who went with me.
2796. Did Captain Rossi ask them,—"Are you aware what a bad reputation I have as an officer"? Yes.
2797. Knowing that, were they still satisfied to join? Yes; they did join after he told them that.
2798. Did they not laugh at anything being said against Captain Rossi as commanding officer? Yes, I think they did.

Examination by Mr. Davies, through the Court :—

2799. How long have you been in the Goulburn Corps of Volunteers? Over two years.
2800. Have you obtained your efficiency certificate for those two years? Yes; one for the year before last, and the other has not come at present to the Company.
2801. Are you entitled to it for the last year? Yes.
2802. Were you asked to come here as a witness? I told Captain Rossi I would come.
2803. Were you asked by any one to come here as a witness? Captain Rossi asked me if I would speak a word as to what I knew of his character.
2804. You have answered a question with respect to the word "reputation." Will you tell us what you understand by the word reputation? Good or bad, whatever sort of reputation a man may hold.
2805. What did the recruits know of Captain Rossi when they laughed at the idea of his having a bad reputation? Captain Rossi made some sort of remark—did they hear that he had a good reputation,—that he was a good or bad soldier or officer, or something like this. That is what they laughed at.
2806. Did you hear Captain Rossi say that he should require the salute from them in plain clothes? He did not ask them any such question.
2807. Not in your hearing? Not in my hearing.
2808. How long have you to serve before you can get your land order? Three years more, I believe.

Examination by the Court :—

2809. Has Captain Rossi a bad reputation generally as an officer? Not as I know. What I have seen of Captain Rossi is very good.
2810. Not what you have seen? My general opinion is that.
2811. Are you aware of the general opinion prevailing through the Corps? I have heard a great many speak about it.
2812. Is it a fact that Captain Rossi has a bad reputation as an officer in the Company? I have no bad opinion of him.
2813. The Court desires to know if Captain Rossi is generally held in esteem as an officer, or rather, what reputation he holds as an officer in the Volunteer Corps? In the general opinion of the Company?
2814. Yes? I hear some of the Company speaking against him and some for him.
2815. On which side is the preponderance? I could not exactly say.
2816. Do you think that two-thirds of the Company have a bad opinion of Captain Rossi? Very likely there is.

By Mr. Davies, through the Court :—

2817. Are you aware that it is the older members of the Corps who have the worst opinion of Captain Rossi? I am not aware who it is.

By Captain Rossi, through the Court :—

2818. Are you aware that for some weeks past there have been plans and operations for Commissions in in the Corps, including captain? There was one of the men asked me the other day—who was I going to give my vote for in case Captain Rossi was dismissed or retired from the Company; and I told him I should let him know as soon as the party put up.
2819. Are you aware if the party who asked you was one of the witnesses in this case? I think not. I am not properly aware of it, but I think he is not a witness in this case.

William Conolly was duly sworn.

W. Conolly. 5 Jan., 1874.

2820. Your name, if you please? William Conolly.
2821. You are a Magistrate of the Territory? Yes.

Examination by Captain Rossi, through the Court:—

2822. What do you know about the assault case of Mawson? I only know by general report and the evidence in the paper.
2823. Did you read the evidence in the case, and make any remark about it at the time? Yes, I did. I remember denoting Mawson having stated that when he came into his captain's office, he could not possibly have given him any offence—that is, any offence by action—because he had stood with his hands in his pockets all the time.
2824. That Captain Rossi had stood? No; that Mawson had stood.
2825. Did you make this remark at the time? After having read the evidence, I made a remark to several people that there was insolence in the very action. Knowing something about old soldiers, I knew that no soldier would come in and stand in the presence of his officer with his hands in his pockets.
2826. Was Captain Hovell one of the Magistrates who attended the Court at that time? Yes; I saw that he sat upon the Bench.
2827. Has he been in the habit of attending? Not for the last two years, I think. I have very seldom seen him on the Bench.
2828. Do you know whether Mr. Hovell is well affected towards Captain Rossi? No; I do not think he is, from observations he has made to me.
2829. Have you observed Mawson's general manner to other persons than Captain Rossi? Yes; both at the railway station and elsewhere.
2830. What is it? I always look upon him as a man most offensive in his manner; and I have heard people complain of his impudent manner towards them.
2831. Have you ever seen Captain Rossi drill his men? Not more than once or twice, I think, and that only for a very few minutes.
2832. Would you state anything further you may know in reference to the case generally? Just at this moment I do not know that I particularly remember; but, as an old Magistrate, I could not help noticing the evidence which you will read over yourselves. I am only stating a matter of opinion, but it appeared to me that the man, from his very action—going into the captain's office and keeping his hands in his pockets—went there to beard him. I was so affected by what I read and what I had known of his conduct before. He was one of the very few men that I passed in Goulburn without recognition. I always felt that he would probably offend me some day or other, and I wished to avoid him. I looked upon him as one of the very few men whom I have met with in my life whom I wished to avoid.

Examination by Mr. Davies, through the Court:—

2833. You stated that Captain Hovell attended on that occasion? Yes.
2834. And do you say that it was not usual for him to attend? Yes, I do.
2835. Are you aware that Captain Hovell has missed more rosters than any other Magistrate in Goulburn? Yes; but we are not so very particular in attending the rosters. I myself am not very particular; and I attend tolerably frequently.
2836. Is Captain Hovell's inattention to his duties more marked than that of other Magistrates on the Bench? Well, I think latterly he has been amongst those who have been—I suppose from age—less frequent in their attendance than the other Magistrates. I am not speaking of Magistrates at a distance, but of those who generally attend and are called to the Bench.
2837. Has Captain Hovell attended less regularly than Captain Rossi? I think latterly he has; but I could not say. Since Captain Rossi has been Registrar of the Court I fancy that he has generally only come when he has been sent for—when a second Magistrate was required.
2838. It has been stated that Captain Hovell attended on that occasion, and that it was not usual for him to attend. Do you view that statement as an imputation upon the character of Captain Hovell? It is rather a hard way to put it; but I have no hesitation in saying that I look upon it as strange, to say the least, his attending upon that occasion.
2839. On how many occasions has Mawson's conduct at the railway station been offensive to you? To myself, personally, only upon one occasion. He has been offensive in his manner, but I have avoided it; but on one occasion he has been particularly offensive, and that about a month ago.
2840. To whom else, to your knowledge, has Mawson been offensive? To several.
2841. To any one in particular? His very manner in coming into the carriage—his manner to the general passengers—is very offensive.
2842. Mr. Davies wishes to fix you particularly? I can answer, but I shall not answer, because it will bring parties into trouble.

Private M'Hugh was duly sworn.

Pt. M'Hugh. 5 Jan., 1874.

2843. Your name, if you please? Thomas M'Hugh.
2844. You are a private in the Goulburn Corps of Volunteer Rifles? Yes.

Examination by Captain Rossi, through the Court:—

2845. How long have you been a Volunteer? Since June, 1867.
2846. Were you transferred to Captain Rossi's Company? Yes.
2847. How long have you been in his Company? About one year and eight months.
2848. Have you attended parade pretty regularly? Yes; to be efficient and more.
2849. What has been Captain Rossi's manner in addressing his Company? Always like an officer—what I would think.
2850. Do you consider that Captain Rossi's conduct has also been gentlemanly to his Corps? Yes.

2851. Did you ever know Captain Rossi to offend any one? Not of my own knowledge. Instead of having any fault to find with Captain Rossi, I have to thank him for a favour that he did me, although I was only just then transferred to the Company. I was inefficient for one year for want of one drill; and Captain Rossi advised me to make a memorial to the Colonel, and he himself would present it. It was at his own suggestion, and not at mine. Pt. M'Hugh. 5 Jan., 1874.

Examination by Mr. Davies, through the Court:—

2852. Have you been in Court during any part of this inquiry? No.
2853. Are you entitled to your land order? Yes.
2854. There was a time when you were in danger of losing your efficiency certificate for a year;—how was that? After I came up from Sydney here I intended to let the capitation allowance go to my own Company, No. 6, in Sydney. He wrote up to me that if I would go down and go through the inspection parade he would see the Colonel about it himself. After I came back I found that I had lost the efficiency by one parade, although I had ten Company drills and six parades; and the captain advised me to send a memorial to the Colonel.
2855. And you felt very grateful to the captain for that act of kindness? Yes.
2856. Was any regulation of the Force set aside to oblige you? Yes.
2857. Do you consider that Colonel Richardson granted as a favour that which you lost as a right? Colonel Richardson did not grant it at all. I said that Captain Rossi presented this memorial.
2858. You did not get it? No; but I felt as thankful as if I had got it.
2859. Was Captain Rossi well aware of the circumstances under which you lost it? I stated the whole case to him.
2860. Captain Rossi having done you that great act of kindness, or having attempted to do it—would you not in consequence of that be tempted to overlook a good deal of unkindness? Do you mean to insinuate that I would swear falsely?
2861. Are you aware of Captain Rossi's manner, on any particular occasions, to Corporal Fuller? No, not that I remember; not to my knowledge.

Captain Rossi objected that new matter was being introduced.
Mr. Davies contended that his questions were pertinent to Captain Rossi's examination in reference to his conduct as an officer and a gentleman.
The Court overruled the objection.

2862. Are you aware of Captain Rossi's conduct on any particular occasion to Sergeant Mawson? I heard about it, but I was not present.
2863. Do you consider that Captain Rossi's conduct to Fuller and to Mawson was such as became an officer and a gentleman? [*Question objected to and disallowed.*]
2864. Do you know anything of any difference between Captain Rossi and Sergeant Mawson? I heard about it.
2865. Do you know of any differences with the committee? I have heard about them.
2866. Or with King? Yes, I have heard about it.
2867. Or with Paris? It is only recently that I heard about that—within a few days.
2868. Or of any disturbance with Secretary Martyr? Yes, I heard about that too.
2869. Or of any disturbances with any committees? I have heard of them.
2870. Are you aware of the first Court of Inquiry which sat in Goulburn? Yes; that is the one that Captain Baynes was up with. That is the first that I remember.
2871. Are you aware of a Court of Inquiry appointed by His Excellency the Governor, and presided over by Major Raymond? I have answered that question before. That was the one that Captain Baynes was on. I do not remember it particularly as you mention it.
2872. Are you aware that a Select Committee of the Legislative Assembly was appointed to inquire into these differences? Yes.
2873. Are you aware that this Court is appointed to inquire into them? Yes.
2874. And will you now say that you know of nothing that affects Captain Rossi's conduct as an officer and a gentleman? I speak from my own knowledge, and not from hearsay or printed records. Speaking from my own knowledge only, there is nothing.
2875. Did you join the Goulburn Corps immediately before the public meeting? I believe I joined it a long time before the public meeting.
2876. How many months before? I joined in April, as well as I can remember. It will be two years next April.
2877. Since you have joined the Corps you have seen nothing offensive? Nothing to me or to anybody, as far as I saw.
2878. Have you been on the committee since you joined the Corps? No.
2879. Have you attended your full complement of drills since you joined the Corps? I believe I attended an excess last year, and I believe also this year; I am told so.
2880. What means have you of knowing how many drills you have attended? I inquired of Quartermaster-sergeant Sproule, and he told me that I was efficient some two months ago.
2881. Is it possible, under the present conduct of this Company, for a man to be marked efficient when he is not efficient? I cannot say. I think not.
2882. What method is taken at drill to notify your presence? The names of all present are taken down. The book is there; and the names of all are called out at the end, and those that are present are marked. It is different from Sydney. In Sydney the names are written down, but here the roll is called and the names of those who are present are marked.
2883. Is that in a small book kept by the quartermaster-sergeant? I cannot say. I think so.
2884. Are you aware that when the names are called out the attendances are entered? Privates cannot leave the ranks to see that they are.
2885. Did you ever see Sergeant Sproule without the roll-book? I never saw the sergeant drill at all.
2886. Did you ever see the person drilling you drill without the book? I saw that the book was missing once or twice during the time that I attended there. It was once taken down, I think, on a sheet of paper; and once got from Sergeant Mawson. I only speak from memory.
2887. Twice when you were at drill? Yes.

Pt. M'Hugh. 5 Jan., 1874.

2888. Were you asked to come here? Captain Rossi asked me if I would come here—if I had any objection to come, and I said no.
2889. Can you remember the words that Captain Rossi used? I cannot remember them exactly. He met me and asked me if I was down at the Court. The last evening that the Court was held here, he asked me if I was down at the Court to hear the laying down that the captain got. Those are not the same words, but that is the meaning. He asked me if I had any objection to come, and I said no not the slightest.
2890. Come for what? To tell the truth. I do not care for either side.
2891. Did Captain Rossi intimate to you that the truth had not been spoken? Yes.
2892. He asked you to come and tell the truth? I told him that I did not know much about the differences, and he asked me to come and tell all I knew truthfully.

By Captain Rossi, through the Court :—

2893. Did not Captain Rossi tell every man in the Company, at the expiration of the last quarter—the September quarter—from a paper which he had expressly prepared for the Company's sake, the number of attendances which each member had given up to the September quarter? I was told so; but I was not on parade.

By the Court :—

2894. Have you heard many members of the Company express dissatisfaction in respect to Captain Rossi? Yes; and some the reverse; and even those who have expressed dissatisfaction I have heard them say that they would be very sorry to see him removed. Some of them have said so.
2895. What proportion of the Company do you suppose have expressed dissatisfaction? I could not say.
2896. Should you say two-thirds? No, I do not think so.

Private Lenehan was duly sworn.

Private Lenehan. 5 Jan., 1874.

2897. Your name, if you please? Edmund John Lenehan.
2898. Are you a private in the Goulburn Volunteer Rifles? Yes.

Examination by Captain Rossi, through the Court :—

2899. Have you been in the Army? Yes.
2900. Have you ever seen Captain Rossi in command of his Company? Yes, I have seen him in command once or twice, but I was not in the Company at the time. It was down at the drill-ground.
2901. Did Captain Rossi act on those occasions as an officer and a gentleman? Yes.
2902. What has been Captain Rossi's treatment of his Company as commanding officer? Good, from what I have seen of it. One night I was down there he spoke very kindly. After the roll was called and the members of the Company answered to their names, he told the men to be very careful to get in their drills, that he would like every man in the Corps to get in his drills, that it would pain him very much for any one not to get their certificates. I thought that it was very fair and honorable to remind them of that which otherwise they might fail to get without being reminded.
2903. Do you know of Captain Rossi having acted otherwise than as an officer and a gentleman towards his Company? No. The only thing that led me to join the Corps at all was the recommendation I got of Captain Rossi from a person who had been two years under his command. He gave Captain Rossi such a good character; and were it not for that I should not have joined.
2904. When you offered yourself as a recruit, did not Captain Rossi ask you if you knew the kind of man that you were going to join under? He did; and I said yes, I had heard of him from the gentleman who fetched me—who came with me.
2905. Did not Captain Rossi speak to you, to caution you, as it were, against coming to him? Yes; he said something about being very bad, or something of that sort. We laughed at it, hearing of his character that he was a gentleman and a very good man to command his Company.

Examination by Mr. Davies, through the Court :—

2906. Have you been in the Court during any part of this examination? No.
2907. What is your occupation? I am a tailor.
2908. How long have you been in the Corps? I think five or six weeks.
2909. Are you on the strength? No; I am a recruit yet.
2910. How long were you in the regular Army? About nine years.
2911. Did you leave it with a good conduct certificate? Yes.
2912. Do you believe you could get a good conduct certificate from Captain Rossi if you were to join the Goulburn Corps now? I do.
2913. Have you been twice at the Police Court since you joined the Corps? No.
2914. Have you been once? I have.
2915. For assault? No.
2916. Drunk and disorderly? Drunk.
2917. Are you aware that Captain Rossi knows of that case? No.
2918. Were you asked to come here? I was asked, but I could not tell by whom. They came to the shop and asked for my name.
2919. Mr. Davies wants you to remember who asked you to come? I think it was on Saturday. The foreman came into the shop and said—"O'Sullivan, you are wanted out by a gentleman." O'Sullivan came in after that. He said, "You had best go up too; we are both Volunteers." It was O'Sullivan asked me personally.
2920. And who is Mr. O'Sullivan? He is a tailor working in the same shop.
2921. The one who has given evidence here? Yes.
2922. Did O'Sullivan say that he had brought a message from anybody for you to come? Not that I recollect.
2923. Who was the friend that joined the Corps with you? O'Sullivan was.
2924. I think you said that you had seen Captain Rossi drill the Company once or twice—was that since you joined the Company or before? Since I joined the Company.
2925. You said before? Since I joined the Company.
2926. By whom have you been drilled? By Sergeant Blackshaw.

2927.

Private Lenehan. 5 Jan., 1874.

2927. How many times? I could not exactly tell.
2928. About? I was there two weeks altogether.
2929. How many drills? I think about fourteen drills altogether.
2930. Are you aware whether you are efficient to join the strength of the Company? Not according to the regulations of the recruits' drill, I am not.
2931. How many drills will you have to attend? I could not tell you.
2932. How do you know the regulations? I was informed. According to the regulations, you have got to be dismissed by the commanding officer before you are supposed to be efficient.
2933. Captain Rossi has not attended at any recruit drill at which you have been present so as to dismiss the men—Do you only wait Captain Rossi's presence at drill to be put on the strength? I believe not.
2934. Do you only require Captain Rossi's presence at drill to be put on the strength of the Company? I think that the squad altogether is not efficient enough for Captain Rossi to dismiss them.
2935. Do you only wait Captain Rossi's attendance? I only wait it myself, but I have to go through the regular drill the same as the others.
2936. Are you aware that you cannot be put on the strength because there is the full number of 100 upon the Corps? No.
2937. Have you ever heard Captain Rossi tell recruits that they would have to salute him when they were in plain clothes? No.
2938. Of your own knowledge did Captain Rossi think it right to tell recruits that he was a terrible fellow, before the Select Committee of Inquiry was held? He did not mention it.
2939. Do you know that this has been his uniform practice, or has it only been adopted recently? No, I do not know anything about it.

By Captain Rossi, through the Court :—

2940. Has Captain Rossi ever had any conversation with you of any kind, in any way, from the moment you joined the Corps? Not since the morning that we were in his office. I went away, and have never spoken to Captain Rossi since.
2941. Did Captain Rossi ask you to come here? No.

Lieutenant Chisholm was duly sworn.

Lieutenant Chisholm. 5 Jan., 1874.

2942. You name, if you please? Walter Chisholm.
2943. You are lieutenant in the Goulburn Corps of Volunteer Rifles? Yes.

Examination by Captain Rossi, through the Court :—

2944. When did you join the Corps? In the beginning of 1869. I do not know the exact date.
2945. Have you done anything to entitle you to your efficiency for the last five years? I believe I have attended the requisite number of drills for every year.
2946. How many efficiency certificates have you? I think four.
2947. Have you entitled yourself to one for the last year? Yes.
2948. You have had plenty of opportunities of judging of Captain Rossi's treatment of his Company? Yes.
2949. On parade and off parade? Yes.
2950. And in committee? And in committee.
2951. Have you ever seen Captain Rossi treat any member of his Company on parade, off parade, or in committee, otherwise than as an officer and a gentleman? No; never on one single occasion.
2952. Have you ever known Captain Rossi troubled with anybody in committee except Mr. Martyr? I was never present at a meeting of the Company when there was any disagreement beween Captain Rossi and any of the other members.
2953. Except Mr. Martyr? I was not present.
2954. Is Captain Rossi to understand from that, that you were not present on any occasion when there was any disagreement between Captain Rossi and Mr. Martyr? I was not present.
2955. Have you not attended many committee meetings? Yes, I have attended a great many.
2956. Has not Captain Rossi's conduct been uniformly courteous to all? Yes; whenever I was present it was always so.
2957. Had you some intention of resigning, not long ago? Not before near the end of this last year.
2958. What reason had you? My only reason was that I had so much private business to attend to that I could not possibly attend to my Volunteer duties.
2959. Had Captain Rossi's conduct anything to do with it? Nothing whatever.
2960. Do you remember Captain Rossi requesting you to look over some examination papers? Yes, well.
2961. What did Captain Rossi ask you to do? To examine the papers and give marks accordingly to those I thought the most competent to occupy the position.
2962. You gave the marks according to the examination? Yes.
2963. And as you did so, did you know for whom you were marking—whose examination paper you were marking? No, I had no idea.
2964. How were they given to you? As A and B. No names were given at all.
2965. Can you narrate what took place at that examination—say how it was conducted? The questions were read to me, and I gave the marks according to the answers, and afterwards the names of the candidates were told me.
2966. After you had given your marks? Yes.
2967. Did those marks correspond with anything? I do not understand what you mean.
2968. Did you find afterwards that they corresponded with those given by Captain Rossi? Almost exactly.
2969. That was in the case of Hayley? In the case of one of the candidates; I think it was Hayley.
2970. And the other was not exactly the same as Captain Rossi's? Yes, there was a difference.
2971. Do you remember in which of them there was a difference? There was a very small difference. I do not remember exactly the number of marks.
2972. Had Captain Rossi given more or less than you had for the other candidates? He had given less, if I remember properly.

Lieutenant Chisholm. 5 Jan., 1874.

2973. You had given less than Captain Rossi had given—Captain Rossi had given more than you had given for the second candidate? I do not recollect; I am not certain.
2974. When you passed an examination for ensigncy, did Captain Rossi examine you for your commission? Yes, he did.
2975. Did Captain Rossi favour you in any way? No, not that I am aware of.
2976. Did you obtain your commission upon that examination? Yes.

Examination by Mr. Davies, through the Court :—

2977. When did you get your efficiency ticket for 1869? In November last.
2978. November, 1873? Yes.
2979. Had you expressed any dissatisfaction before that, at not getting it? No, I had not.
2980. Had you expressed any dissatisfaction to Captain Rossi? No, none whatever.
2981. Had you expressed any dissatisfaction to anybody else? I do not recollect having done so. I may have.
2982. As a matter of fact, were you dissatisfied? No, I was not; because I believe that I could have got my certificate by moving in the matter.
2983. What reason was assigned at any time for your not getting it? I do not think that I ever assigned any reason.
2984. Did anybody ever assign any reason? I never heard any reason assigned.
2985. Have you been often in committee? Yes, I have been frequently in committee.
2986. Often when Mr. Martyr was there? No; very seldom.
2987. Sometimes? On two or three occasions, I think.
2988. On those occasions were there any disturbances? None whatever.
2989. Do you know that there was a disturbance between Captain Rossi and his committee, which led to the dismissal of Mr. Martyr? Yes, I have heard of it.
2990. As Lieutenant of the Company, have you not had frequent conversations with Captain Rossi on the subject? No; I do not recollect having had any conversation with Captain Rossi at all upon the subject.
2991. How long have you been lieutenant? About two years.
2992. Have you had no conversation with Captain Rossi for two years on this important matter, which almost led to the disbandment of the Company? I have no recollection of it.
2993. You said that you intended to resign at the end of last year, and gave as a reason for it your business—Had you any other reason than your business? No, I had no other reason except this,—that I live so far out of town that I could not attend to my duties without being put to great inconvenience.
2994. After the examination papers of the candidates for the sergeantcy were placed in your hands, what had you to compare those papers with, or to judge of them by? I had a certain number of marks to award for the best answers, and a certain number for the worst.
2995. Answers to what questions? They were taken from the Field Exercise Book.
2996. What portion of it? Part I. . I and II, I think it was.
2997. Were those papers which were handed to you in the handwriting of the candidates? I believe they were.
2998. Had they any distinguishing mark? No.
2999. Were they not marked A and B? The names of the candidates were marked A and B.
3000. The papers submitted to you had no distinguishing mark? None whatever.
3001. Did you know the handwriting of either of them? No, I was not acquainted with the handwriting of either of them.
3002. Did you know which was A and which was B? No, I did not.
3003. Will you describe to the Court what was the advantage which one set of papers had over the other? One had far more marks than the other.
3004. In what way was one set of papers superior to the other? The answers of one of the candidates were far superior to the answers of the other.
3005. In what way were they superior? According to the answers in the Field Exercise Book.
3006. According to the answers or the questions? I mean according to the questions in the Field Exercise Book.
3007. Was it simply that the answers were written out at greater length in the one case than in the other that they were preferred? No, it was not on that account. It was because one set of answers were more correct than the other.
3008. Did you ever pass an examination in that part of the book? Yes.
3009. Who examined you? Captain Rossi.
3010. Was it a competitive examination? No, it was not.
3011. Is your apology for not appearing here in uniform—namely, that you had not had time to assume it—the only reason you have for not appearing here in lieutenant's uniform? That is the only reason.
3012. As a matter of fact, have you resigned? I have sent in my resignation.
3013. How long ago? In October last.
3014. In October? Yes.
3015. After you had sent in your resignation as lieutenant, you got your efficiency ticket for 1869? Yes, I did.

Examination by the Court :—

3016. Who were the parties examined on the occasion alluded to? Private Trenery and Private Hayley.
3017. Privates? Corporal Trenery and Corporal Hayley.
3018. For what position were they examined? The position of sergeant.
3019. Were they examined in Part I of the drill book only? In both Parts—I and II.

By Mr. Davies, through the Court :—

3020. Were the other corporals dissatisfied with the course pursued on that occasion? Yes, I believe they were.

By Captain Rossi, through the Court :—

3021. In what way did you understand the other corporals were dissatisfied? Because they had received their appointments without undergoing an examination.

3022. Were they favourable or unfavourable to the institution of examinations? I believe they were unfavourable.
3023. Was there any other candidate than yourself at the time you underwent your examination for your commission? There was no other candidate.
3024. You sent in your resignation: did you request Captain Rossi to forward it, or did you leave it in his hands? I told him that he might leave it in his hands as long as he thought proper.
3025. Do you ever remember saying, before presenting your resignation, that you could not think of staying in the Company if Captain Rossi were not captain? I do not recollect saying so. I think I told Captain Rossi that I would resign in any case, whoever was captain, at the end of the year.
3026. The occasion that Captain Rossi refers to was when you made an observation to him as you were both going into committee one evening—did you not then say that you would not remain in the Company if Captain Rossi were out of it, or words to that effect? Yes, I think I did say so; but I subsequently said that I would resign, in any case, whoever was captain.
3027. Had your health anything to do with your resignation? Yes, it had.

Examination by Mr. Davies, through the Court:—

3028. Having thought of another reason than that of business for resigning, can you not now think of a third reason? I think I gave ill health as one of the reasons why I resigned to Captain Rossi.
3029. Can you not think of a third reason? No, I cannot.
3030. Have you a copy of your resignation? No, I have not.
3031. Do you know that it is customary or usual for an officer to resign, and for that resignation to be held over for an unlimited period? [*Question disallowed.*]
3032. Have you done duty since you sent in your resignation? No, I have never attended parade since.
3033. Do you believe yourself to have resigned and to be out of the Corps now? Not until the end of last year.
3034. Do you now consider that you have resigned? Yes, I do.
3035. Then, for what do you wait until you shall have ceased to have the right to wear the lieutenant's uniform? The acceptance of my resignation by the commanding officer.
3036. Have you had the receipt of your resignation notified to you by Captain Rossi? No, I have not.
3037. Verbally or written? Neither.
3038. You do not know then that Captain Rossi ever received your resignation? I misunderstood you.
3039. Have you had any receipt of your resignation—any acknowledgment from Captain Rossi? Yes.
3040. In writing? Yes.

Examination by the Court:—

3041. Had you a good opportunity of judging of the estimation in which Captain Rossi was held by his Company? Yes, I had.
3042. What is the general feeling, as far as you can judge? I believe there are many even in the Company very much discontented with Captain Rossi's treatment of the Corps, and there are others who are quite the contrary.
3043. What proportion of the Company do you suppose are discontented? I have no idea. I cannot say.
3044. Should you think there are two-thirds? No.
3045. Should you think that there are more than one-half? No, I do not think there would be.
3046. Is the Company in a good condition now, as regards drill and discipline? Yes, I believe it is. The last time it was inspected by the Major, he reported very favourably upon the discipline of the Corps.
3047. Is there a difficulty now in obtaining recruits? I cannot say so.
3048. Is there any desire to join the Company? I believe a good many recruits have joined lately.
3049. Do you consider the recruits who have recently joined, eligible or otherwise? I have never seen the recruits on parade. I cannot say whether they are or not.
3050. Do you consider that the Company would be ruined or seriously injured if Captain Rossi remains in command? I cannot say.
3051. You do not wish to give an opinion? No, I do not wish to give an opinion.
3052. Do you consider that the Company will be ruined or seriously damaged if ten or twelve of the oldest members leave it? I do not think it will impair the strength of the Company much.

Examination by Captain Rossi, through the Court:—

3053. Do you know if Captain Rossi has done anything calculated to ruin the Company? I believe he has done many things to make himself unpopular with the Corps; but I believe there is a good deal of fault on both sides.
3054. Would you state in what way Captain Rossi has been at fault? On one occasion, in requesting Private Robertson to salute him on the drill ground. I consider that was one of the greatest faults he made.
3055. Could you state anything else that occurs to you? I do not think that I can state anything else. I have heard rumours of other things, but I cannot vouch for the truth of them.
3056. Could you inform the Court if it was usual with Captain Rossi to require recruits to salute him in plain clothes—whether he intimated to them that he should require that of them, on joining? Yes, I think so.
3057. Could you not state positively if he did state that? I cannot state positively.
3058. Are you aware that Captain Rossi ever asked recruits to do more to him than he requested them to do to you and the ensign as commissioned officers? I have heard him say so.
3059. Did Captain Rossi request the same concessions to be made to you and the ensign that he did to himself? Yes.
3060. You mean by that, that he requested them to salute you and the ensign in the same way as they saluted him? Yes.
3061. Did that include the salute to you in plain clothes? No. I am not aware.
3062. The question put to you was, whether Captain Rossi requested recruits to salute him in uniform or out of uniform; and the question is, whether he requested the same salute to you and the ensign which he requested towards himself? Yes, I believe he did.

Private

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Private Hogan was duly sworn

Private Hogan. 5 Jan., 1874.

3063. What is your name? John Hogan.
3064. Are you a private in the Goulburn Volunteer Rifles? I am a recruit.

Examination by Captain Rossi, through the Court :—

3065. Have you been in the Army? No.
3066. When you joined the Corps did Captain Rossi ask you if you knew the kind of man you were going to serve under? Yes.
3067. Did you say you had heard anything? Yes.
3068. Anything against Captain Rossi? No. Some men dislike him, and more like him.
3069. Did you express yourself as being quite satisfied to join? Yes.
3070. Have you any reason to regret having joined? No.
3071. Has Captain Rossi had any conversation with you from that moment to this? No.

Examination by Mr. Davies, through the Court :—

3072. Were you in the Court during any portion of the proceedings last week? One night.
3073. What is your occupation? Tailor.
3074. How long have you been in the Force? About six weeks.
3075. Since you have been a recruit, have you been fined at the Police Office? No.
3076. Were you invited to join the Corps? By some of the men that I heard speaking about it.
3077. Who invited you? Some men of Goulburn—some of the Volunteers.
3078. You do not remember the particular individual? Yes; there was one of the name of O'Sullivan, and the other of the name of M'Hugh.
3079. How long after you were fined at the Police Court was it that you joined the Corps? [*Question disallowed.*]
3080. Were you fined at the Police Court shortly before joining the Corps? Yes; for once in my life, in any other Court or Goulburn either.
3081. Were you dismissed from Mr. Davies' employ? No; I dismissed myself—I left.
3082. Was Captain Rossi aware of this fine at the Police Court immediately before you joined? No.
3083. Were you asked to come here to give evidence? Yes.
3084. By whom? By some of the men on the board working with me.
3085. Try and name them? M'Hugh and O'Sullivan, and several others.

By the Court :—

3086. What were you fined at the Police Office for? For being drunk.

By Mr. Davies, through the Court :—

3087. Do you still assert that it was for being drunk that you were fined? Drunk and disorderly.
3088. What was the charge? I was arrested for being drunk and disorderly; and there were two pigeons found in my pocket that I had received from another man that did not come out, and I was fined 20s.
3089. Fined for what? For having these pigeons in my pocket, which another man claimed.
3090. You told the Court that you were fined for being drunk? Yes.
3091. And now you say that you were fined for having the pigeons? Yes. That was a second fine.
3092. Will you explain to the Court how you can reconcile that with your first answer? I was fined for being drunk and disorderly, and I was fined next, on the same sitting, £1 for having them pigeons on me.

Private Horton was duly sworn.

Private Horton. 5 Jan., 1874.

3093. Your name, if you please? John Horton.
3094. You are a private in the Goulburn Volunteer Rifles? Yes.

Examination by Captain Rossi, through the Court :—

3095. What has been Captain Rossi's general manner to the members of his Company, on parade and off parade? He has been very strict with the Company, as every officer ought to be; and as to myself, I cannot say but that he has been very civil to me.
3096. Did you ever know of Captain Rossi doing or saying anything that was offensive to any member of his Company? At one time, when I was a recruit, there was a number of us—twelve of us, I think—who refused to pay the 1s. a week, and Captain Rossi ordered one of the men under arrest.
3097. Was it because he refused to pay the 1s. a week? Yes.
3098. Do you know of anything else? I heard him at another time reprimand Private Robertson about not saluting him; but what words he said to him I cannot say.
3099. Anything else? That is all that I have any recollection of.
3100. You say that a man was put under arrest for not paying his subscription of 1s. a week—Do you remember anything else in connection with that matter? Yes. There were twelve of us altogether, and one of the men said that the whole of us refused to pay the 1s. a week, and Captain Rossi told him to hold his noise. He would not hold his noise, and Captain Rossi ordered him under arrest.
3101. Upon that was he put under arrest? Yes.
3102. On the other occasion referred to, was that when Captain Rossi read out something to Private Robertson? Yes.
3103. Which Captain Rossi intimated he had received from the Colonel? Yes.
3104. Are these the only two occasions on which Captain Rossi did anything at which others could be offended? All that I can call to memory.
3105. How long have you been in the Corps? Close on four years.
3106. Is there any single instance, in anything which Captain Rossi has done towards you, to make you regret your continuance in the Corps? Not towards me individually.

Examination by Mr. Davies, through the Court :—

3107. Are you entitled to four efficiency certificates? Three.

3108.

Private Horton. 5 Jan., 1874.

3108. Have you got them? No.
3109. Any of them? Two.
3110. Do you know why you did not get the other? I believe they are not due. They do not come up until some time during the first month of this year.
3111. When the recruits were assembled together were they not invited by Captain Rossi to go into the waiting-room of the railway-station to discuss this shilling-a-week business? Yes.
3112. When in the waiting-room did they appoint a spokesman? Yes.
3113. Whom did they appoint? I cannot recollect the man's name just now; he has been away from Goulburn some time.
3114. Was it Booth? Yes.
3115. Was there another? Not that I am aware of.
3116. Was Craig not appointed with him? He may have been; I am not sure.
3117. Whilst they were discussing this question of the increase of the subscription to a shilling a week did not Captain Rossi say to Booth—"Hold your noise"? Something to that effect.
3118. And then immediately placed him under arrest? Yes.

By Captain Rossi, through the Court:—

3119. Was the interruption of Booth during the time that Captain Rossi was speaking? Yes, I believe it was.

By the Court:—

3120. You resigned? Yes.
3121. Who induced you to rejoin? No one.

By Captain Rossi, through the Court:—

3122. Did not Sergeant Mawson induce you to rejoin? Not that I am aware of.
3123. Are you aware if he induced any to rejoin? No, I am not.
3124. Did you ever hear from the recruits that he had induced them to rejoin? No, I did not.

Examination by the Court:—

3125. When you joined, did Captain Rossi explain to you that he would expect you to salute him, whether in plain clothes or in uniform? He did not.
3126. Are you aware of any dissatisfaction existing in the Company with respect to Captain Rossi's command? Yes, I am.
3127. What proportion of the Company do you suppose are dissatisfied? I could not say.
3128. Half? Yes, I should think half.
3129. Do you think that there are more than half? I could not say.
3130. Do you think that they have got good grounds for being dissatisfied with Captain Rossi? I cannot say.
3131. You do not wish to give an opinion? No.

By Captain Rossi, through the Court:—

3132. Can you say if you think that Captain Rossi has done anything to ruin the Company, in your opinion? Only from what I have heard from different members.

By the Court:—

3133. Have you ever heard Captain Rossi use the word "sir," in addressing members of his Corps? I cannot say that I have.

The Court adjourned at 1 o'clock p.m., until 2·15 p.m.

The Court resumed its sitting at 2·15 p.m.

Private W. Cole was duly sworn.

Private W. Cole. 5 Jan., 1874.

3134. Your name? William Cole.
3135. You are a private in the Goulburn Volunteer Rifles? Yes.

Examination by Captain Rossi, through the Court:—

3136. What has been Captain Rossi's manner generally to the members of his Company on parade and off parade? Very good.
3137. Has Captain Rossi treated them always as an officer should do? Yes.
3138. Has he done anything to ruin the Corps? No.

Examination by Mr. Davies, through the Court:—

3139. Are you an efficient member of the Corps? I do not know what the meaning of that is.
3140. Is your name on the regular roll of the Company? Yes.
3141. Did you ever sign the roll? Yes.
3142. How long have you been in the Company? Going on for four years.
3143. Can you point out your signature in the roll-book? I cannot see my signature.
3144. Are you on the strength of the Company or are you a recruit? I am on the strength of the Company.
3145. What is your occupation in life? At the present time I am lime-burning.
3146. Did you ever resign from the Company? I sent in my resignation once, but I withdrew it again.
3147. Who caused you to withdraw your resignation? I cannot say. It was the time when the subscription was increased to 1s. a week.
3148. Did any individual advise you—who caused you to withdraw your resignation? The captain did.
3149. Did the captain cause you to withdraw your resignation through your father? I do not know that.
3150. Did your father tell you to withdraw your resignation? I do not remember whether he did or not.
3151. But Captain Rossi did? Yes.

Private W. Cole. 5 Jan., 1874.

3152. How long ago is it since your father was a servant of Captain Rossi? He never was a servant of Captain Rossi that I know of.
3153. A tenant of Captain Rossi's? He is now, at the present time, I believe.
3154. Have you any certificates of efficiency? Yes.
3155. How many? Two.
3156. How long ago is it since you attended drill? A week ago.
3157. Did you put in sufficient drills for 1873 to entitle you to your efficiency? No, I do not think I did.
3158. How old are you? Going on for twenty-seven.

By Captain Rossi, through the Court:—

3159. If Captain Rossi has spoken to you about resigning, did he do so improperly? No.

By Mr. Davies, through the Court:—

3160. Did you resign with a number of others at the same time? Yes, I believe there were several others.

By the Court:—

3161. When you resigned, was that the occasion on which Booth, one of the recruits, was put under arrest? I do not remember anything about that.
3162. Did Sergeant Mawson induce you to come back? He may have induced me; I cannot remember. He very likely did.

Private J. Cole was duly sworn.

Private J. Cole. 5 Jan., 1874.

3163. What is your name? John Cole.
3164. Are you a private in the Goulburn Volunteer Rifles? Yes.

Examination by Captain Rossi, through the Court:—

3165. What is Captain Rossi's manner to his men on parade and off parade? It has always been right towards me; he has never done anything wrong towards me.
3166. But what is his manner towards the Company, in your opinion? Right.
3167. Has Captain Rossi acted towards you or the Company otherwise than as an officer and a gentleman should act? No, he has not, in my opinion.

Examination by Mr. Davies, through the Court:—

3168. Are you an efficient? Yes.
3169. How many years' efficiency tickets have you? One certificate. I have been in for three years; but I did not attend drill.
3170. What occupation are you? A farmer.
3171. On your own account, or are you employed by your father? By my father.
3172. Are you a brother of the last witness—Private William Cole? Yes.

Private Hollis was called, but did not answer to his name.

Private Wilson was duly sworn.

Private Wilson. 5 Jan., 1874.

3173. What is your name? Alexander Wilson.
3174. What rank have you in the Volunteer Corps? I am a private.

Examination by Captain Rossi, through the Court:—

3175. What has been Captain Rossi's manner of addressing his Company on parade and off parade? He has never said anything to me.
3176. What has been his manner to the Company generally—on parade and off parade? I have never heard him say anything out of the way while I have been there.
3177. Has Captain Rossi acted towards them as an officer and a gentleman? Yes; all that I have seen while I have been there.

Examination by Mr. Davies, through the Court:—

3178. What age are you? Seventeen, last 12th of December.
3179. What is your occupation? I live at Captain Rossi's place.
3180. What is your occupation? My mother lives at Captain Rossi's. We are working for Captain Rossi.
3181. The family are working for Captain Rossi? Yes.
3182. Does Captain Rossi ever address you as "sir"? No.
3183. Have you ever seen Captain Rossi in a passion? I have a little. I have been there ever since I could walk, and he has never said anything to me.
3184. Have you ever seen Captain Rossi in a passion? Yes, I have.
3185. When you have seen Captain Rossi in a passion with a man, does he not say "sir" to him? No; I never heard him say "sir" to any one.
3186. Did you ever hear him speak to any one anything like this: "How dare you, sir"? No.
3187. How long have you been in the Company? I have been in about twelve months.
3188. Who asked you to join? I asked Captain Rossi if I could join. He said, yes. When I asked him I was not of age, and I waited until I was of age.
3189. Was it before or after the large public meeting that you joined the Corps? I do not know; I forget.
3190. Can you read and write? I can a little.
3191. Did you sign the roll-book? Yes.

Private

Private Sherring was duly sworn.

Private Sherring. 5 Jan., 1874.

3192. What is your name? Alexander Sherring.
3193. What is your rank in the Goulburn Corps of Volunteer Rifles? I am a private.

Examination by Captain Rossi, through the Court:—

3194. What has been Captain Rossi's manner to his Company, on parade and off parade? I have not seen much the matter with his conduct. He has been rather severe at times.
3195. What has been his manner? He has been rather severe sometimes towards the Company.
3196. On what occasion was that? I do not know on what occasion it was. I do not remember. There was one time when we had a rifle match with the South Sydney Company.
3197. What occurred? We went down to fire a match with the South Sydney Company. When we were on the rifle range, Captain Rossi came up and said that he would not allow either of us to speak to each other. The South Sydney Company were allowed to speak to each other as to the windage and so on, and we were not allowed to speak.
3198. During what time were you and those firing prohibited from speaking? It was just at the time we fell in.
3199. And during the time the men were actually firing? It was before we commenced firing. Our Company was the first to fire.
3200. Is that the only improper thing you have to speak of? That is the only thing that I have to speak of.
3201. Has Captain Rossi's conduct to his Company been that of an officer and a gentleman? Certainly I suppose it has been that of an officer. I do not know much about military discipline—how far an officer is allowed to go; but I suppose Captain Rossi has not exceeded the bounds of an officer.
3202. And as to his gentlemanly conduct towards his Company? I do not know much about that. I have not had much to do.
3203. Do you consider yourself qualified to decide as to whether one acts as a gentleman or not? I have only been in the Company one year and nine months; and I think it was before that that all the disagreements took place.
3204. Has Captain Rossi ever acted otherwise than as an officer and a gentleman? Not while I have been there.
3205. Have you ever acted on committee with Captain Rossi? Yes; about the last six or nine months.
3206. Has Captain Rossi's conduct towards the committee been that of a gentleman? It has when I have been there.

Examination by Mr. Davies, through the Court:—

3207. While you have been on committee what have you done? There has been an account settled with Mr. Jones at "The Royal."
3208. What business have you transacted? Nothing but financial matters.
3209. What financial matters can you remember? Nothing has taken place, except authorizing the payment of money for some debts that were contracted for dinners that were given to some Volunteers.
3210. Was the chief business the sanctioning the payment of accounts? Yes.
3211. Were those accounts presented to the committee, through Captain Rossi? Yes.
3212. Do you know if they have been paid, in accordance with the resolution of the committee? I do not know—nothing more than Captain Rossi's word.
3213. Were the books of the Company present at those meetings of committee? Yes, I think so.
3214. What books did you see? The minute-book.
3215. Nothing else? No.
3216. Did you see anybody write in it? Yes, the captain.
3217. Was the secretary there? He has not been there while I was there.
3218. How many committee meetings have you attended? I could not say, but I think about twelve.
3219. At any of those committee meetings was the secretary present? No.
3220. Can you remember the exact words that the captain used to the men on the rifle ground, when the match was being shot? No, I could not remember the exact words, but I know he told us he would not allow a syllable to be spoken by any of the men.
3221. Try and remember the exact words, and repeat them as if you were Captain Rossi? He said:—"Silence. I will not allow a word to be spoken—not a syllable. If there is, I will dismiss you from the range."
3222. Did he say also "not a breath"? I do not remember.
3223. Did you consider that language offensive? Yes, I did.
3224. Ungentlemanly? I do not consider that it ought to have been used by the captain.
3225. Did you consider the language ungentlemanly? Yes.
3226. And unofficer-like? Yes.
3227. On any other occasion than that, have you noticed anything offensive in the tone and manner of Captain Rossi? Occasionally on the drill ground. I cannot remember when.
3228. Was Captain Rossi acting like an officer should do in respect of the loading of rifles on the occasion to which you have referred? I do not think he was.
3229. Did you hear any observation made upon Captain Rossi's management of the shooting party? Yes. I heard some one say that the loading ought to have been left until we got to the firing-point—that each man ought to load as he went up at the firing-point.
3230. Who made that observation in your hearing? I think it was the ensign of the South Sydney Company.
3231. Was it not the captain? There was no captain.
3232. Are you not aware of numerous disturbances having occurred in the Corps? I heard of them, but they were nearly all before I joined.

Examination by Captain Rossi, through the Court:—

3233. What was there ungentlemanly about Captain Rossi's order about the loading of the rifles? I did not say that there was anything ungentlemanly. I said that it was not proper that we should be ordered to load as we stood in the squad.

Private Sherring. 5 Jan., 1874.

3234. Were you ever there when a drill sergeant put the Company through ball practice? That was with the muzzle-loading rifle.
3235. Was not the order given before firing,—"Squad, with ball cartridge, load"? Yes.
3236. Have the Company breech-loaders now? The Company have not, but the squad that fired had—the party that fired against the South Sydney Company.
3237. Do you know the rules as laid down for target practice? No.

By Mr. Davies, through the Court :—

3238. Have you shot in nearly every Company match? Yes; since I have passed the first musketry instruction.
3239. Are you not a prizeman in the Company? Yes.

Examination by the Court :—

3240. What proportion of the Company do you believe to be dissatisfied? I should say a great proportion. More than half the Company is dissatisfied.
3241. Dissatisfied with what? With Captain Rossi as commander. I have heard a great many speak of it.
3242. Should you think that there are two-thirds of the Company dissatisfied? I could not say.
3243. You think that there are more than half? Yes.
3244. From what you know, is it your opinion that the continued command by Captain Rossi would lead to the disbandment of the Company? I think it would. I have heard great numbers say that they will leave if Captain Rossi was still in command—leave after five years.
3245. Do you think that their place could not be supplied by recruits? I do not know.

By Captain Rossi, through the Court :—

3246. Are you aware that the papers have agitated this question very much? Yes.
3247. Can you state any substantial reason that the Company have for wishing Captain Rossi to leave? I do not know what other people think. I never asked any one about the matter.

Private Coleman was duly sworn :—

Private Coleman. 5 Jan., 1874.

3248. What is your name? Charles Edward Coleman.
3249. Are you a private in the Goulburn Corps of Volunteer Rifles? I am.

Examination by Captain Rossi, through the Court :—

3250. You are a transfer from another Corps? Yes.
3251. What has been the manner of Captain Rossi to his Company—on parade and off parade? Very good, in my presence.
3252. Has Captain Rossi acted otherwise towards them than as an officer and a gentleman should act? No, not to my knowledge.
3253. Were you on parade on a certain day when it is stated that Captain Rossi said to Private Hurley, "What does the fellow want"? Yes.
3254. How far were you standing from Captain Rossi at the time? Seven or eight feet off.
3255. Did you hear Captain Rossi address Private Hurley? Yes.
3256. Did Captain Rossi say—"What does this fellow want"? No.
3257. Did Captain Rossi use the word "fellow" at all? No.
3258. Did you attend the last full dress parade? Yes; the inspection.
3259. Do you remember Captain Rossi requesting the Company to give three cheers for Colonel Richardson? Yes.
3260. Did they do it? Yes.
3261. Immediately afterwards did you hear a voice, one of the spectators, call out "What's that for?"—in that kind of voice—loudly? Yes, I did hear a voice.
3262. Do you know from whom that voice proceeded? I could not swear who the person was; but I heard the voice. It was inside the fence.
3263. Do you recollect the first full dress parade that took place after the first public meeting—the day of the badges? Yes; February last.
3264. Do you remember a sergeant coming to you and saying the Company wished to give three cheers for Captain Rossi? Yes.
3265. Did the Company give three cheers upon that invitation—did they give three cheers at their own desire? Yes.
3266. Was not that the first occasion the Company ever met in full dress parade after the public meeting? Yes.

Examination by the Court :—

3267. Do you remember how Captain Rossi addressed Private Hurley? Hurley came out from the ranks and presented his arms. He said that he had shot for a badge at Maitland, and had not received it. Captain Rossi asked him if he had spoken to a sergeant before he left the ranks, and he said no. Then Captain Rossi told him he had better go and speak to a sergeant before he came to him.
3268. Did he speak to a sergeant? Yes.
3269. Did he speak to Captain Rossi? Yes.
3270. Did Captain Rossi appear to be excited over the matter? No; he was serving out the badges at the time.
3271. Was it anything more than an ordinary occurrence? No.

Examination by Mr. Davies, through the Court :—

3272. What sergeant was it who called for three cheers for Captain Rossi? Colour-sergeant Trenery.
3273. Who asked you to come here? To the Court?
3274. Yes? Captain Rossi.
3275. What is your occupation? Horse trainer and jockey.
3276. For whom? For Captain Rossi.

Private Coleman. 5 Jan., 1874.

3277. Are you entitled to any efficiency certificates? Yes; I have got two efficiency tickets, and I am entitled to one for 1873.
3278. How long was it after joining this Company—how many drills did you do and get no mark for them? I was under a transfer from Ulladulla to this Company. Captain Rossi said that I could go to drill, but that my drills would not count until my transfer was approved of. I put in my quantity of drills—fourteen here and three at Ulladulla—before I got my transfer for 1872.

By the Court:—

3279. What is your height? 5 feet 6½ inches.
3280. Without your boots? Yes; I was measured in Ulladulla by the captain before I joined.
3281. How long have you been in Captain Rossi's service? Since the Prince of Wales' Birthday—9th of November last.

George Fyfe was duly sworn.

G. Fyfe. 5 Jan., 1874.

3282. What is your name? George Fyfe.
3283. What is your occupation? I am general servant at the Rev. Dean Sowerby's.

Examination by Captain Rossi, through the Court:—

3284. Were you at one time in Captain Rossi's Company? Yes.
3285. Did you resign? Yes.
3286. Did you come in again? Yes.
3287. And again resigned? Yes.
3288. Did you resign on Captain Rossi's account? No, I did not.
3289. During the time that you acted as a Volunteer, what was Captain Rossi's manner to the members of his Company, on parade and off parade? It was very good in my behalf, what I saw.
3290. Captain Rossi is asking you what was his conduct towards his men—towards the whole Company? It was quite proper.

Examination by Mr. Davies, through the Court:—

3291. What are you? A general servant.
3292. Where at? At the Rev. Dean Sowerby's.
3293. Are you at liberty to state how you came to resign the first time? I was about to leave Goulburn. I gave the Dean notice; which Captain Rossi can prove that I did.
3294. How does Captain Rossi know that you gave the Dean notice; what is the connection? I am living there. I and the girl talked about it, and Captain Rossi was very likely to have heard that I was leaving.
3295. What did you resign the second time for? I was going to leave again. I could not attend to the drill, as my work had increased.
3296. How many times do you think you have attended drill altogether? I could not say.
3297. Do you think you have attended twenty drills? Certainly.
3298. Have you a single efficiency certificate? No, I never got one.
3299. That is the extent of your opportunity of noticing Captain Rossi's behaviour to his men? Yes.

Corporal Wilkie was duly sworn.

Corporal Wilkie. 5 Jan., 1874.

3300. What is your name? Thomas Wilkie.
3301. You are a corporal in the Goulburn Volunteer Rifles? Yes.

Examination by Captain Rossi, through the Court:—

3302. What has been Captain Rossi's manner to the members of his Company, on parade and off parade? Captain Rossi's manner for the last six months, I may say, has been everything that could be wished, as far as I am concerned; but before that I have seen him at times not quite what I could wish in the captain of the Company.
3303. In what particular? On several occasions when I have been present at drill I have heard Captain Rossi speak to the men in rather a harsh manner, although never to me personally or individually.
3304. Will you mention the instance or occasion? What I can name is not particularly. On one occasion, as the Company were going out of the railway gates on parade, Captain Rossi was, to my mind, rather harsh.
3305. In what way;—what did he do which made you judge that he acted harshly? Some of the Company were speaking; a good few of them were speaking; and Captain Rossi, to my mind, lost his temper with the Company on that occasion.
3306. Can you not state the precise words that he used—the action that fixed your mind upon it? Captain Rossi told them that if they were not quiet he would take any man that was in the ranks out of them. It was not so much the words that he used as the manner in which they were used.
3307. Were the Company under arms and marching at the time? Yes.
3308. Were some of them talking? Yes.
3309. A good many? There might have been three or four.

Examination by the Court:—

3310. Were these occasions of harshness on the part of Captain Rossi frequent or otherwise? They were middling. Perhaps we might have it about once a month. That is, leaving out of consideration the last six or eight months.
3311. Are you aware if any dissatisfaction exists in the Company in reference to Captain Rossi's command? A great many of the members seem very much dissatisfied with him.
3312. What proportion of the Company should you suppose are dissatisfied with him? I cannot say; there might be three-parts, or two-thirds, of the Company.

Examination

Examination by Captain Rossi, through the Court:—

Corporal Wilkie. 5 Jan., 1874.

3313. Are you aware that the local journals have written a good deal against Captain Rossi as commanding officer? I have heard that they have written a good deal, but I have not seen it myself.
3314. Do you not know that they have? I have already answered that question, I believe.
3315. Do you not read the papers yourself? I may see fifty notices about Captain Rossi, and not read them. I have read several.
3316. Can you state any substantial reason that the two-thirds of the Company have who, you say, are opposed to Captain Rossi? I am not in the mind of two-thirds of the Company, and therefore cannot state what their reasons are.
3317. Can you state what the reasons of any are? I have never in any way spoken to any members of the Company on the subject, with the exception of one or two, and they say that they do not like Captain Rossi's manner to the Company.

Private Rogers was duly sworn.

Private Rogers. 5 Jan., 1874.

3318. What is your name? Anthony Rogers.
3319. Are you a private in the Goulburn Corps of Volunteer Rifles? I am.

Examination by Captain Rossi, through the Court:—

3320. What has been Captain Rossi's manner to the members of his Company, on parade and off parade? He has acted as he ought to have done. I saw nothing that was not quite right.
3321. Did Captain Rossi ever act otherwise than as an officer and a gentleman should have done? No.
3322. Are you aware of any dissatisfaction in the Corps? I have heard it asserted, but I never saw it myself.
3323. How did you obtain your information—was it from the newspapers? Newspapers, and from what I heard in the town—post-boys, and so forth.
3324. Have the local newspapers written a great deal against Captain Rossi? Yes.
3325. The dissatisfaction which you say you have heard of in the Corps;—can you say that there is one substantial reason that the Company have against Captain Rossi? I do not think so.
3326. Has Quartermaster Sproule lately made any statement with reference to himself and Captain Rossi? Yes.
3327. What has he told you? A month or two ago, when Lieutenant Chisholm sent his resignation in, Sergeant Sproule asked if I would not vote for him as ensign. I said, "Is that the Rossi affair?" He said, "No, I am going up for ensign." I said, "You would not go up for ensign under Captain Rossi?" He said, "Yes, Captain Rossi has done nothing against me; and I will go on for another five years."
3328. Did Sergeant Sproule say whether Captain Rossi had ever done anything to hurt him, or otherwise? He did not say so to me; but he said he was quite willing to go on again.
3329. Did he explain anything about his evidence before the Select Committee? I said, "You gave evidence before the Select Committee?" He said, "I did; but they did not give me time to explain it."
3330. What did he refer to? I can hardly tell. I would not say for certain. It was something about Captain Rossi and the Select Committee—that they would not give him time to explain himself.
3331. Did anybody else in the Company ask you to vote for anybody else as ensign? Sergeant John Trenery told me that Mr. Clarke was coming out as ensign, and would I vote for him. I said, "I do not know; I will see who is in the field."
3332. He solicited a vote for Private Clarke? I said I would see; and he said that he thought he was the best man.
3333. What relation is Ensign Dignam to Sergeant J. Trenery? I do not know.
3334. Do you know whether they are related? I believe they are. I would not swear it.
3335. Did Ensign Dignam say anything to you upon that point? He said that Clarke was coming out.
3336. About when was this conversation? It was in October.
3337. After the public meeting, or before? What public meeting?
3338. That known as the charge of the 600? It was in October.
3339. Did I understand you to mean last October? Yes—1873.
3340. Would that be a year after the public meeting? Yes.
3341. And subsequent to the Parliamentary Committee? Yes.
3342. Have you any reason to be dissatisfied with Captain Rossi as your commanding officer? No.
3343. And do you know of any reason any man has for not wishing to have him as commanding officer? Not in my time. I speak for myself. I cannot speak for everybody.
3344. Do you know of anybody? They say so.

Examination by Mr. Davies, through the Court:—

3345. What is your occupation? A coachman.
3346. To whom? The Bishop of Goulburn.
3347. Have you been asked to come here? I got a summons to attend.
3348. From whom? From the Court.
3349. Did anybody else except the President of the Court by that summons ask you to come here? I will read it and see.
3350. Did any one ask you personally to come to this Court? Captain Rossi told me that I would be summoned.
3351. Have you had any conversation with anybody as to the probable proceedings of this Court? No.
3352. Any conversation with any one as to what would occur? No, I did not know what was going to occur.
3353. Did you not know that Captain Rossi's conduct was to be inquired into? Yes.
3354. Did you upon that reminder have any conversation with anybody as to the evidence that you were to give here? Conversation with any one?
3355. With anybody? I might have spoken as I would to anybody about this.
3356. You are not asked what you might have done. Have you not a very short time ago had a conversation with anybody about the evidence you were going to give here? I might have had.
3357. Have you an efficiency ticket? I believe I have one this year.

Private Rogers. 5 Jan., 1874.

3358. Have you one in your possession? I have not.
3359. Are you entitled to one? I believe so.
3360. How many drills have you put in this last year? I do not know, but I have only missed twice in six months.
3361. How long have you been in the Corps? Over twelve months.
3362. How much over? I could not say.
3363. Is it one year, or one year and eleven months? One year.
3364. Is it not a fact that you have been six months out of Goulburn? I have not been.
3365. How long have you been out of Goulburn? Three months and a half in one journey.
3366. And how long on another? I was not a week on another. A week was the longest.
3367. More than once? No.
3368 How long out of the time have you been a recruit? Six months.
3369. If you were a recruit six months out of twelve, how could you be entitled to an efficiency ticket? I passed two inspections, and I put in fourteen drills.
3370. With reference to this inquiry that was made of you as to whom you would vote for—had it anything at all to do with Captain Rossi's possible resignation or dismissal? I do not know what that had to do with it. They asked me about it, and I said, "You surely would not take an ensigncy under Captain Rossi?" Sproule said, "Yes, Captain Rossi has done nothing to me."
3371. Had not their questions solely to do with Lieutenant Chisholm's resignation? I expect they had something to do with it.
3372. Had they anything to do with anybody else? Not to my knowledge.

J. H. Woodhill was duly sworn.

J. H. Woodhill. 5 Jan., 1874.

3373. Your name? John Henry Woodhill.
3374. What is your occupation? I am a blacksmith.

Examination by Captain Rossi, through the Court :—

3375. Were you formerly in Captain Rossi's Company? Yes.
3376. What was Captain Rossi's manner to the members of his Company, on parade and off parade? Generally speaking, I think it was very gentlemanly.
3377. What were the exceptions? Captain Rossi had a great many things to contend against in reference to the conduct of some of the men.
3378. The question put to you is what are the exceptions, that is, when did Captain Rossi not behave in this gentlemanly way that you speak of? The only thing that I recollect in the matter is in connection with Corporal Clarke, when he called him to the front. It was generally thought that that was rather severe on the part of Captain Rossi.
3379. Would you describe that as ungentlemanly? I cannot say that; but I consider it was very hard on the part of Captain Rossi.
3380. Are you aware whether Captain Rossi was obeying an order, or otherwise? Order from whom?
3381. From his superior officer? I cannot say whether he was or not.
3382. Except that time you name, has Captain Rossi acted otherwise than as an officer and a gentleman? No; from my own personal knowledge of the entire case, I think he has acted in every way as a soldier and as a gentleman.
3383. Are you aware whether the local journals have written greatly against Captain Rossi on this subject? I am.
3384. Are you aware of dissatisfaction existing in the Corps? Yes.
3385. Are you aware of a single instance in which there is a substantial reason for this feeling? No, I cannot speak of any substantial objection that I know myself at the present time.
3386. What has been Captain Rossi's treatment of you? He has been everything that I could expect. He has been more than I could expect in the way he has acted to me.
3387. Can you name any parties in the Corps who have a strong feeling against Captain Rossi? I believe there is Private Clarke, late Private Martyr, present Sergeant J. J. Trenery.
3388. Have you ever heard any of them express an opinion about Captain Rossi? I have one, more particularly than any of the others.
3389. Which? Sergeant J. J. Trenery.
3390. What has he said? On one occasion—that was the last Queen's Birthday morning twelve months ago—he spoke rather loudly against Captain Rossi. In fact, he called him a bloody snob—him and Mr. Belcher.
3391. Where was that? That was at the railway station.
3392. Did he say anything else about Captain Rossi? He said the sooner they got him oue of the Company the better.
3393. When was that? Twelve months ago last Queen's Birthday morning.
3394. Did Sergeant J. J. Trenery honor any other gentleman by coupling his name with Captain Rossi's? Yes, he noticed them on the platform—"There are Belcher and Rossi—a damned pair of snobs."
3395. Have you heard Messrs. Clarke and Martyr also speak offensively of Captain Rossi? I have not heard them speak altogether offensively, but I have heard them make use of words in reference to this investigation.
3396. Unfavourable to Captain Rossi? Yes.

Examination by Mr. Davies, through the Court :—

3397. Were you dismissed by Captain Rossi? I was; not by Captain Rossi—I beg your pardon—by the Colonel; through the Colonel's orders.
3398. How do you know that the Colonel ordered your dismissal? Because the captain told me so the night I was dismissed.
3399. Did Captain Rossi act as an officer and a gentleman when he dismissed you? I believe he acted in that capacity as a gentleman and an officer.
3400. Do you think you deserved dismissal? Well, I hardly thought so at the time, without an inquiry into my case.

3401.

J. H. Woodhill. 5 Jan., 1874.

3401. Why were you dismissed? It was for insubordination.

Mr. Davies asked that the Court should request Captain Rossi to produce the letter written to him by Colour-sergeant Trenery which caused the dismissal of the witness.

Captain Rossi explained that he had not got the letter. He would produce it instantly if it were in his possession. It was at the Brigade Office.

3402. You have heard other people speak against Captain Rossi. Will you be good enough to say what you have said against Captain Rossi? There is no doubt that when the Volunteer fever was raging against Captain Rossi I took the same part as anybody else.

Examination by the Court :—

3403. On the occasion of those remarks made by Trenery, was the Corps in uniform and on duty at the time? We were all in undress uniform.
3404. Was the Corps in uniform and on duty? On the railway station.
3405. You spoke of Trenery making some remarks on Captain Rossi? We were in uniform then.
3406. And on duty? On our way to Sydney.
3407. Under Captain Rossi's command? Yes.
3408. What act of insubordination were you dismissed for? Towards Sergeant J. J. Trenery, for the words he had made use of to Captain Rossi about the examinations in reference to Sergeant Hayley. As we were just getting into the train it came up about this examination.
3409. What were the words which led to your dismissal? I called him a crawler, a two-faced fellow, a double-dealer, and so forth, and that led to my dismissal.
3410. Did you apply those remarks to Captain Rossi? To Trenery.
3411. And did Trenery report them to Captain Rossi? Yes.
3412. And was it on that report that you were dismissed? Yes.
3413. That was without an investigation? Without an investigation.

Private Hurley was duly sworn.

Pt. Hurley. 5 Jan., 1874.

3414. What is your name? Michael Hurley.
3415. Are you a private in the Goulburn Corps of Volunteer Rifles? Yes.

Examination by Captain Rossi, through the Court :—

3416. Do you know anything of Captain Rossi's manner to the members of his Company, on parade and off parade? During the time that I have been connected with the Company—eighteen months. I can only speak for myself, of course. On two occasions Captain Rossi spoke offensively to me.
3417. What is Captain Rossi's usual manner in addressing the Company generally—not individuals? I have nothing to say wrong in his manner in that way.
3418. What are the two occasions that you complain of yourself? One evening when we were at drill—skirmishing; and another time was the presentation of badges.
3419. Explain the first? The first evening we were skirmishing, and it was dark at the time. One of the men on my left fired towards the officer, and shortly afterwards I made the same mistake myself. Captain Rossi said—"What is that fellow doing? He will shoot me down."
3420. What was the next occasion? At the time of the presentation of badges. It may have been about a year ago. I had then been about six months in the Company. I won one of the badges in 1872, and when I did not find my name called out, I meant to ask Captain Rossi whether I was to receive my badge from him or from my officer in East Maitland. I presented my arms and advanced; and the moment I did that, Captain Rossi shouted out—"What does that fellow want?—What does that fellow want? Go back." We were not up to these formalities in Maitland.
3421. Do you remember an occasion, following upon what you have said, of Captain Rossi going to ask you what had taken place? I remember the time.
3422. Did not Captain Rossi say that he had been charged with those who gave evidence before the Select Committee with having said "fellow" to you? He told me that he had been charged; but I told him that I did not prefer the charge myself.
3423. Did not Captain Rossi say that the first he heard of it himself was from those who had been down to the Parliament? I knew nothing of the matter being reported. They told me that it had been reported. It was done without any orders from me.
3424. Did not Captain Rossi then ask you the question,—"Did I ever say the word 'fellow' to you on that occasion?" and did you not say to him—"No, you did not"? [*Question disallowed.*]
3425. What reply did you make to Captain Rossi? Not anything to that effect, certainly. I told him that I could not exonerate him from using the word. He said, upon his word he could not remember using the term, and I said he did it on a previous occasion.
3426. Did you not say—"You did not use the word 'fellow' on that occasion, but you did say it on a former occasion when we were skirmishing"? I certainly did not say that. I did not then say it. To confirm it the more I said,—"You also said it a fortnight before," when he did not seem to recollect it himself.
3427. Did you not offer to write Captain Rossi a letter to the Committee saying that he had not said it? I declined to take any part whatever in the matter, as I said I did not myself prefer the charge against him.
3428. Did you offer to write that? Certainly not; not to say that Captain Rossi did not use the words.
3429. Did you not on the same day go to the Deanery and leave a message for Captain Rossi? Yes. Captain Rossi asked me would I write to the committee, when he first met me at my school. I said—"I do not want to be compromised in any way about this." Then he asked me would I go to see him at the Deanery. I did call, and he was not in. I said that I wanted to see him about some Volunteer matters.
3430. Did you leave a message for him at the Deanery? Only that I called to see him at his request. That is the only message.
3431. Then you left no message? Nothing more than that I called to seen him on Volunteer matters.

3432. Did you not leave word with the Dean of Goulburn that if Captain Rossi would send for you to the committee, you would help him much more than by letter? Certainly not.
3433. Did you write me this letter? It is my writing.
3434. Is that your letter also? Yes, that is my letter. *(The documents were received in evidence and read by the Court. Vide Exhibit* AA.)
3435. Between the time of writing these two letters, did any members of the Company wait upon you? Yes; on one occasion two or three of them met.
3436. Will you describe what took place? They asked me was I going to the committee to give evidence. I said—"I am unwilling to do anything in the matter." I was a stranger in Goulburn. I did not like to say anything in the matter then. I was vexed on the evening when the words were used, but I was not willing to bring the matter forward. It was brought forward without any connivance on my part whatever.
3437. Did they not ask you not to go to Sydney? No.
3438. For what purpose did they go to you? They asked me if Captain Rossi had not called upon me to ask me to go down to give evidence.
3439. Did they say anything about your not going? They did not try to influence me not to go.
3440. Are those the only two occasions that have come under your notice of anything offensive in Captain Rossi's manner? Yes.
3441. Have you not reason to be thoroughly satisfied with Captain Rossi as commanding officer in every respect, excepting what you have named? Yes, indeed.

Examination by Mr. Davies, through the Court:—

3442. Do you remember what day of the week it was this second occasion on which Captain Rossi called you "fellow" occurred? No, I do not remember the day or date.
3443. On what day was it that Captain Rossi went up to your house to have a talk with you about the matter? It was in the evening.
3444. The day of the week? I could not be positive as to the day of the week—about Tuesday or Wednesday perhaps.
3445. Do you remember how many days after the occurrence it was? Some weeks after then, because the matter was reported to the Select Committee in Sydney.
3446. But early or late, had you ever any idea that you were mistaken on the subject of what Captain Rossi said? After the matter occurred I gave no more thought of it.
3447. At the time when Captain Rossi waited upon you, had you any doubt then? No doubt whatever. I tried to confirm Captain Rossi himself. He seemed not able to think of it.

By Captain Rossi, through the Court:—

3448. Was not the first time Captain Rossi spoke to you on the subject after he had attended the Parliamentary Committee? I believe so. He told me that he had just been to Sydney, and had heard that this evidence had been given against him.

Examination by the Court:—

3449. What is the general feeling of the Company in reference to Captain Rossi? I have heard a great many of the Company complain much against him, and I have heard some speak in favour of him also. I should think that the majority of the Company, as far as I can judge, would be against him.
3450. Do you consider that they have got good reason for objecting to him? They are much annoyed.
3451. Do you consider that the Company would be likely to be disbanded if Captain Rossi were to remain in command? I could not vouch for that.
3452. Do you think it likely? It is possible, but I could not give an opinion.
3453. Do you think it would suffer much if ten or twelve of the oldest members were to resign in consequence of Captain Rossi being continued in command of the Company? From my knowledge of Captain Rossi I do not think they could get a better captain. I do not think that they could get as zealous or as energetic a man in every way as he seems to me to be.

Captain Rossi applied for and obtained the permission of the Court to see the papers in Martyr's case.

The Court adjourned at ten minutes before Five o'clock p.m., until thirty minutes after Seven o'clock p.m.

The Court resumed its sittings at twenty-five minutes before Eight o'clock.

John Chisholm was called, but did not answer to his name.

Sergeant Blackshaw was called, but did not answer to his name.

President: Have you, Captain Rossi, any more witnesses to call?

Captain Rossi: No.

President: Do you intend to submit yourself as a witness in the case?

Captnin Rossi: If you please.

Captain Rossi then entered the witness-box, but having assured the Court that he had done so under a misapprehension, was allowed to withdraw.

The Court adjourned at twenty minutes before Nine o'clock p.m., until Ten o'clock a.m. to-morrow.

TUESDAY, 6 *JANUARY*, 1874.

The Court met at Ten o'clock.

Present:—

MAJOR P. L. C. SHEPHERD, VOLUNTEER ARTILLERY, President.

MAJOR J. H. GOODLET, SUBURBAN BATTALION, VOLUNTEER RIFLES.

MAJOR THOS. RICHARDS, SYDNEY BATTALION, VOLUNTEER RIFLES.

Captain Rossi read the following statement to the Court:—

Capt. Rossi. 6 Jan., 1874. IN reply to the evidence which has been procured against me, before answering such, I may be permitted to observe that no person has imputed to me the absence of zeal for the efficiency of the Corps, or of competency to command, so far as knowledge of my duties is concerned; nor is it denied that I have given time and labour without stint for the purpose of making the Corps really effective as a military body in case its services should be required, or that any injustice has been done or partiality shown, except in reference to certain promotions which I shall now show to have been based solely on superior fitness duly ascertained.

The first assertions to which I shall address myself are those which import that my Company is ruined, its numbers decreased, the respectable men eliminated, and its disbandment inevitable, all which are said to result from an imperious and insolent manner on my part and my disregard of the citizen element, and such like.

It appears scarcely intelligible how such a gross misstatement could be made. I proceed to give certain facts which not only indicate but prove the converse. At the half-yearly inspection in October, 1871, Colonel Richardson addressed the men and said, "he never expected such steadiness. Regarding the Company's drill, he would never wish to see it done better by any Company in the Colony. He felt proud in saying that the Goulburn Company were equal to any in the whole Force. The rifles and accoutrements were in splendid order, with one or two exceptions, and the uniforms were beautifully clean, having apparently been well cared for. The Company was a credit to its officers, and he had much pleasure in congratulating Captain Rossi on behalf of the officers and men."

BB. The opinion of Lieutenant Arnheim, formerly a Staff Officer in the Austrian Army, late of the Goulburn Rifles, and now of the Engineer Corps, as given in his letter which, with several others, I now hand to the Court of Inquiry, that the Goulburn Corps is equal to the best in Sydney, and in another letter, when speaking of me, he says, "that in all his life's experience he never met with an officer so desirous of doing his duty."

The *Goulburn Herald*, of which one of my accusers, Mr. Riley, is the Editor, in its leader of 5th June, 1872, speaking of me, said that "he had many of the qualities of a good officer, that he takes great interest in his Company and spares no pains to make it efficient."

Mr. Walsh, the Editor of the *Southern Argus*, and one of the framers of the charges against me, wrote, in a leader in his paper of 3rd September, 1872:—"It seems but the other day that the people of Goulburn were justly priding themselves upon the possession of as efficient a Volunteer Rifle Company as any in the Colony, and it was with no small amount of pleasure that they became acquainted with the fact that at the Queen's Birthday Review in Sydney, the soldierly appearance and manœuvres of the Goulburn Volunteer Rifle Company were subjects which elicited the universal admiration and applause of the assembled multitude in Moore Park." To which I would add that on that occasion referred to, my Company received a great and especial compliment of being cheered by the public as it marched past the saluting point. The soldierly appearance and bearing alone elicited this.

Mr. Walsh on the same date acknowledges "the painstaking endeavours of Captain Rossi to place his Corps on a footing second to none in the Colony." This indeed strangely contrasts with remarks in the same journal, on 19th November of the same year, in which it is stated that the appearance of the Corps was "sufficient to make our citizens blush with shame"—but on being questioned about this by certain of the Corps, Mr. Walsh apologized by saying those remarks were only the observations of a drunken reporter, from which I infer that so lately as November last (and subsequent to the presentation of the memorial against me) Mr. Walsh did not desire to withdraw his previous encomiums.

Even in the evidence given by Private Mawson, lately a sergeant, he says that the Corps "are well enough as regards discipline" (he was formerly in the Army), and he has stated that my efficiency as the Captain is very good indeed.

I believe that throughout the whole Service the Goulburn Corps is most highly esteemed for its discipline. The Corps has attained great distinction in rifle-shooting. Corporal, now Sergeant Blackshaw, at a New South Wales Rifle Association Contest, took the second place in the Colony, and has won the double Crown badge as the best shot in the Western Battalion; while another member, Private O'Brien, at the last New South Wales Rifle Association Meeting, obtained the highest and most coveted prize in the bestowal of the Colony—the National Prize Medal with £25.

To point to the increased interest taken by the Company in rifle-shooting, I refer to the two following extracts from Goulburn papers—one in November, 1869, the other in March, 1873. It will be seen that the competitors for a cup presented by Lieut. Arnheim in 1869, numbered seven; while for a cup which the Company provided for a match in March of the past year *eleven* competitors engaged.

Besides which, I may add, that within the last year or so friendly matches have taken place with my Company against three other Companies, viz.:—St. Leonards, which is famed for good shooting—South Sydney Rifles, and the Bathurst Rifles. The Goulburn Corps has been victorious in these contests. What I have instanced sufficiently shows progress—not retrogression.

"30 *Novr.*, 1869. *Goulburn Volunteers—Prize-shooting.*

"On Saturday last the first competition for a Silver Cup, presented by Mr. E. H. Arnheim, took place. The conditions are, that competitions shall take place every second Saturday up to 26th January next; each competitor to shoot at least four times, at 200, 300, 500, and 600 yards, five shots at each range; Hay rifles; Hythe position; the highest average scorer to take the cup. Seven members of the Corps competed.

competed. The day was not favourable for shooting, a baffling wind blowing across the range and the scores throughout were very indifferent. The following was the result" :— Capt. Rossi. 6 Jan., 1874.

	200 yards.	500 yards.	500 yards.	600 yards.	Total.
" Private H. Blackshaw ...	14	11	11	8	44
" Private E. Scanlan	14	8	11	9	42
" Private H. J. Peard ...	11	8	6	7	32
" Private Brentnall.....	9	4	9	5	27
" Private F. Hayley	7	4	6	7	24
" Private G. Field	9	3	7	0	19
" Private J. Cook	9	6	0	2	17

" *March 11th*, 1873. *Volunteer Rifle Match.*

" Competition for a Silver Cup took place on Saturday last at the Goulburn target, and proved an exciting affair, several of the antagonists being close together in their scores. The result was in favour of Private Craig, on account of his making the best average shooting, making allowance fer the handicap advantages he had, although Private Byrne placed an equal score to his name. Appended are the actual shots made :—

	Points allowed.	200 yards.	500 yards.	600 yards.	Total.
" Private Craig.....	7	15	15	12	49
" Private Byrne	8	16	17	8	49
" Col.-Sergt. Trenery	7	15	14	9	45
" Private O'Brien	0	17	16	11	44
" Sergeant Sproule	0	14	15	15	44
" Private Cleary	7	11	11	15	44
" Private Reynolds	8	13	12	10	43
" Private Sherring	3	16	16	7	42
" Private Woods	3	14	13	8	38
" Sergeant Herriott	15	13	0	4	32
" Private Clarke	8	13	2	retired	23 "

In November, 1872, the discipline and appearance of the Corps was most favourably noticed by His Excellency the Commander-in-Chief, on the occasion of his visit to Goulburn. His Excellency directed me to convey his approbation to the Corps ; and on my thereupon submitting a Company Order for that purpose for his sanction, His Excellency was pleased to say that it exactly conveyed his meaning.

That Order was at once made, and read on parade, and was subsequently published by authority of the Commandant of the Force. The Order and authority for publication are as follows :—

" Rossiville, 27th November, 1872.

" Sir,

" His Excellency the Governor has done me the great honor of requesting that I should communicate His Excellency's remarks having reference to my Corps. This I have complied with by a Company Order, which has been read and approved by the Governor ; and I now seek your permission that I may be allowed to publish, in newspapers this most gratifying mark of His Excellency's valued opinion.

" I have, &c.,
" F. R. L. ROSSI,
" Captain G.C.V. Rifles."

" To Lieutenant-Colonel Richardson."

" Approved.—J. Richardson."

" *Company Order.*

" It is the pleasure of His Excellency the Governor to say that he had carefully observed the Corps under my command during their attendance as Guard of Honor. His Excellency desires me to notify that he commends the soldierly fine appearance and bearing of the Corps.

" F. R. L. ROSSI,
" Captain G.C.Vol. Rifles."

" Rossiville, 27th November, 1872."

I append a letter from Mr. Horn, a late Mayor of Goulburn, who speaks of my desire to promote BB. the interest and the efficiency of the Goulburn Corps.

I append a letter received from Mr. Pitt, also a memo. from Mr. F. Walsh, both of Sydney, which letter gives the admission made by one of the Goulburn Corps that the Goulburn Corps " was never in such an efficient state as now" ; while the memo. of Mr. F. Walsh gives the acknowledgment of some of the Volunteers themselves " that if it had not been for Captain Rossi, they (the Corps) would not be in existence now." Also, two letters—one from Mr. Strange, a citizen of Goulburn, the other from Private Russell, a brother of Mr. Russell who prepared the charges against me. Both these letters speak in highest terms of my attention and interest in my Corps. Lastly, as collateral proof of the misstatements that the Company is ruined, I now give what fell from Messrs. Davies and Riley themselves when they were in Sydney, almost concurrently with their giving evidence before the Select Committee. In reply to a question, they admitted—" that the Volunteer movement in Goulburn would have died out but for Captain Rossi's devotion to it."

The exact words were given to me by Mr. Walsh, solicitor, lately of Goulburn, to whom they were, as he states, spoken ; and I am authorized by him to say so.

The allegation that the number of the Corps has decreased is best contradicted by the muster-roll of the Corps and the annual returns at the Brigade Office, which latter show the following facts :—

	Strength.	Efficients.
1st January, 1870	94	49
1st January, 1871	92	54
1st January, 1872	90	54
1st January, 1873	100	62
1st January, 1874	100	69

and at the present moment there are 127 (including 27 recruits awaiting admission) of which 69 are efficients ; and I may here reply to Mr. Davies' statement that the number might have been 200 but for

my

Capt. Rossi. 6 Jan., 1874.

my conduct, that 100 is the maximum number allowed, which number, as already shown, has been maintained even since I have been the object of attack.

In connection also with this branch, I may also refer to the representations made as to the alleged numerous resignations; and I may state that it appears by the registry or muster-roll that the whole number of admissions from the formation of the Company to the end of 1872 is 211, and that I find that nearly 80 of those who have left it from time to time have quitted the district altogether. Perhaps if the Court were to inquire as to other Country Corps they would find corresponding facts. Such a comparison would be the only fair way of ascertaining whether the number of resignations is in any way attributable to peculiarities in myself personally. Further, I may state that persons resigning almost invariably assigned reasons having reference to their other occupations or to their intended departure, and expressing no sort of dissatisfaction (even from members of the Corps who were in the service of Mr. Davies). Often, indeed, the expressions have been strongly the reverse; and even in cases (three) of dismissal, applications for readmission have been made.

It is perhaps difficult to meet the statement "that nearly all the respectable men have been eliminated" from the Corps; but I take leave to say that the statement is absolutely as untrue in fact as it is insulting to the existing members of the Corps. As a fact, I believe the Corps to contain as respectable a class of men as any other Corps in the Colony. I may indeed refer upon this question to some of the evidence which the Court has heard against me. For example, Mr. Martyr states "that there are those above me in social position in the ranks." Mr. Riley states, "that there are leading tradesmen in the ranks." Mr. Clarke states, on being asked if there are not many privates in the Corps who occupy good positions in Goulburn? "There are—very good positions."

Then, as to the statements which Mr. Davies has hazarded, that the Corps must soon be disbanded, and that if I go on commanding I shall soon have nothing to command; it should be sufficient to refer again to the proofs already advanced of the opinions of competent persons as to the efficiency of the Corps, and to the facts shown by the muster-roll and annual returns; but I may add this significant fact,—that within the last few months, fresh recruits of a thoroughly desirable character have offered themselves, unsolicited by me, in excess of the maximum number allowed for the Company. This it will be observed has happened in the face of the expected withdrawal of the Land Order system, which Mr. Davies and others supposed to have been the sole means of keeping the Company together.

BB. I append a letter from Private M'Carthy, the first of my Company to receive his land order, who says—"as long as he has a hand or a foot to move he has no intention of leaving the Company, being quite satisfied with me as commanding officer." Since writing that letter he has, however, left the district, and has been transferred to No. 2 Battery.

I have now given attention to those matters which more especially concern the Corps as a body.

1.—*Assault by Captain Rossi on Corporal Fuller in the ranks.*

On reading this charge I was utterly at a loss to remember the smallest particular having relation to such occurrence, and I actually had to inquire if it were known to any of my Company, and I learnt from Sergeant J. Trenery that he was present on the occasion referred to. From him I received the following, and not before could I bring my mind in the least degree to recall the incident, so transient had the occurrence been on my mind.

Copy evidence handed in, and marked CC. Sergt. J. Trenery reminded me that I had asked Corporal Fuller for an explanation why he had neglected to attend parade as orderly corporal, when he told me in reply that he would resign; that I then with one hand (suiting the action to the word) placed the palm on his breast, and said—"What! you talk to me about resigning when I call you to account."

I beg to refer the Court to the certified copy of evidence given by Sergeant Trenery on a previous occasion.

2.—*Assault by Captain Rossi on Sergeant Mawson.*

Documents handed in, marked DD to JJ. This case was heard at Police Court, but I had no opportunity of being sworn or speaking a word in my defence.

On the same day after the case was disposed of, I found then for the first time that there were two witnesses who would have been able to give material evidence in opposition to the evidence of Mawson; however, they made each a solemn affirmation before a Magistrate, as I also did likewise. These affirmations, three in number, represented facts differently to the statements of Mawson; they were read by the Police Magistrate, who volunteered to write his minute upon them, with the view of its being sent to the Commandant. That minute was to the effect that upon the hearing of the case as the facts had appeared before the Police Magistrate he was desirous to fine defendant 1s., but had the facts transpired as given by the witnesses, he, the Police Magistrate, would certainly have *dismissed the case.*

Sergeant Mawson resigned at the time his rank of sergeant in my Company, but subsequently he had expressed the desire to be reinstated. I told him I would refer his application to the Commandant, who has in reply said—"That under the circumstances of Private Mawson's resignation of his former rank of sergeant in the Goulburn Corps, the Commandant thinks it inexpedient that he should be permitted to resume it."

3.—*Resignation of two different Committees.*

Documents handed in, marked KK, LL, MM. The first in September 1869, when four members out of nine resigned because I would not permit a military matter having reference to the election of colour-sergeant and quartermaster-sergeant to be discussed before the committee, whose functions are only financial.

On that occasion the late honorary secretary had in his possession a certain official letter from the Brigade Office, which he had been ordered to give me. At a subsequent meeting of the committee the secretary commenced to read the letter, but declining, when asked, to give it to me, saying we were in committee. I then moved away towards end of room, saying to him, "I am now out of the committee; I order you to give me the letter"; and at last I received and read the letter, the honorary secretary putting the letter on the table in an ungracious manner. The honorary secretary resigned, but by letter (produced) asked permission to return, expressing the hope on his part that he himself would work amicably.

Documents handed in, marked NN. The second resignation of three members of the committee out of nine (as the fourth who had tendered his resignation resumed his duties) took place in September, 1872. The vacancies were immediately filled up. Those gentlemen assigned no reason for their withdrawal, but it was very apparent they did so

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in consequence of my not dismissing Mr. Deane, the bandmaster, though I had in the committee, as well as by written memo., apprised them that I would dismiss Mr. Deane if they put me in a position to do so. In justice to Mr. Deane, I should perhaps add that he had done nothing to justify his dismissal. Capt. Rossi. 6 Jan., 1874.

4.—*Resignation of all the Corporals save one.*

It having been represented to me that the three corporals who resigned did so in consequence of examination being required for candidates for promotion, I offered, with the view of facilitating their desires and on their behalf, to ascertain if what I did was in accordance with the Commandant's wishes. I did write to the latter, and before sending my letter I gave the three corporals the opportunity of reading it. In reply, the Commandant said I had established a very good rule, viz., examination for promotion, and that as these non-commissioned officers had no valid ground to go upon, that I had no option but to receive the resignations. Documents handed in, marked B, C.

Subsequently, and without naming it to the corporals when I did so, I wrote again to the Commandant asking if I might accept the withdrawal of resignations of corporals, if after they knew of the Commandant's opinion they so desired. The Commandant having made no objection, I intimated to the corporals that I afforded them the opportunity of withdrawing their resignations. After considerable delay, one out of the three—Corporal Blackshaw—begged to withdraw his resignation, which I allowed; he became a candidate for examination for promotion; he passed a very satisfactory examination and has been promoted as sergeant.

5.—*Dismissal, on apparently trivial grounds, of Privates Chambers and Morris.*

The charges against those members of my Company were of so aggravated a character that a Court of Inquiry was held. The examination clearly showed the insubordinate conduct of the two referred to, and I was subsequently advised by the Commandant himself, by written memo., to dismiss Chambers and Morris, and to make a Company Order to that effect and send a copy of the same to him. Abundant opportunity was allowed to Chambers and Morris to make their own statements in writing. Those letters I produce. Morris admits that he went in plain clothes to the meeting of the Company, that he might, as he said, remark upon my imperious and overbearing conduct generally, &c., &c., and to the discourteous and arbitrary manner in which (he says) I adjourned the meeting on the previous evening. Documents handed in, marked R.

6.—*Appointment as Sergeant of Private Hayley—a mere youth—over the heads of men of mature age, which appointment was therefore most distasteful to the Company.*

This is incorrect. Private Hayley was made sergeant after passing through the gradation of corporal, each step obtained after first class examinations. Documents handed in, marked OO.

Hayley having joined the Corps at its establishment in March, 1869, more than three years before, was certainly as entitled to promotion as another; but in his case I told him I would not promote him without he could pass a good examination.

I think it sufficiently marks my anxiety not to advance one who might be incompetent, much less to favour Hayley in any manner, for had I desired I could have promoted him without any preliminaries.

The fact is rather that the required examination introduced in the instance of Hayley has led to its adoption in all subsequent cases. This had appeared an unpalatable feature, and which, as the correspondence I produce shows, had disturbed some of the corporals and the Company. I would add, before Corporal Hayley came up for his second examination for a sergeantcy, I had made known by memo. shown to all the corporals, that I was willing to receive the names of those among them who were candidates for promotion. Corporals Hayley and J. Trenery presented themselves, the former passing again an admirable examination in Company drill, upon which he was made sergeant.

Corporal J. Trenery was not so successful, but, when called upon a second time, passed a good examination and was also appointed sergeant.

To show how impartially these examinations were conducted, I in the first instance went carefully through the papers, giving marks according to the character of each answer, and subsequently I requested Lieutenant Chisholm to examine the papers of the two corporals, and, that he might be in a position to give his most unbiassed opinion, I arranged that he should hear from me the questions I had put, while he (Lieut. Chisholm) wrote under the letters A and B, which were to represent each corporal, without further clue given to the answers respectively given. Most strangely it turned out when the numbers were added up, B, which not till then I named as standing for Hayley, were absolutely the same I had given, viz., 106 marks out of a possible 117, while A, which represented Corporal Trenery, had three less marks than I had given; his examination was 66 out of a possible 117; he did not then pass, but did so at a later trial.

7.—*The order to Private Robertson, when in plain clothes, to give the military salute, in contravention of Regulation* 88, *and the severe censure passed upon him by Colonel Richardson for non-compliance, without Private Robertson being allowed to reply.*

After explanations which were made, Private Robertson wrote a letter to Captain Rossi expressive of his satisfaction. Such a letter, proceeding as the spontaneous act of Mr. Robertson, and the matter being understood, no ground or occasion is left for further inquiry. Documents handed in, marked PP.

Vide extract from *Army and Navy Gazette*, which will explain what had been my object.

8.—*The dissolution of the Rifle Association, owing to the refusal by Captain Rossi of the use of the targets, notwithstanding that the rules of the Association had been sanctioned by himself.**

This is very incorrect. I *never* refused the use of targets—it was never asked for. In July, 1871, the honorary secretary had handed to me a letter conveying a challenge from No. 5 Corps to shoot with my Company, upon which letter I wrote to the effect that I could not recognize any matches with my Company which were not made through me. Immediately afterwards a similar challenge was sent by Richmond Corps. The honorary secretary, Goulburn Rifles, replied; and *also took it upon himself to suggest* that Documents handed in, marked QQ.

* At the time the rules were formed I cautioned that nothing could be done repugnant to military rule, and I recommended a rule to recognize this. I was told there was no occasion, for it would be observed.

Capt. Rossi. 6 Jan., 1874.

that Richmond Rifles *might arrange a match instead* with the Goulburn Rifle Association, which they did; and it was published as having been accepted, on 23rd August, 1871. After this, on the 25th August, I wrote to Brigade Office, stating what had taken place, and was advised that I would be justified in forbidding the carrying out of the match at the targets in my charge. I therefore, on 28th August, gave a Company Order, which I sent to quartermaster-sergeant to have posted, on 30th August, 1871, as follows:—"On Saturday, 16th September, no firing whatever at targets will be permitted."

I particularly call attention at having allowed an interval, it will be observed, of seven days before its issue, from the time the challenge had been accepted, and sixteen clear days before date of match—thus abundant opportunity was afforded, if there had been any intention to ask my permission for use of targets. Before the Company Order was posted I wrote a note to J. Chisholm, Esq., President of the Goulburn Rifle Association, saying I was sorry to have been obliged to stop the shooting, for reasons which I would be glad to explain when I could see him. On his visiting town, Mr. Chisholm came to me, and I explained that as the targets were placed in my charge, that no person could make use of them without my permission.

Mr. Chisholm then asked me if I would send the following question for him to the Commandant:—Whether Rifle Association at Goulburn can accept matches with Companies, Volunteer Force, without consent of commanding officers? The reply was—Certainly not. Everything should be done through and with the consent of commanding officers.

I told Mr. Chisholm all that was necessary for him to do was to ask me. He was indisposed to do so. This occurred several days before the 16th September.

I would have rescinded the Company order if Mr. Chisholm had asked for targets.

Mr. Chisholm, in his letter, 14th October, 1871, admitted that, as a matter of courtesy, I having the control of targets, my consent should have been asked for—but that I would not allow the opportunity. The letter is a manifest error on the part of Mr. Chisholm; for, as I have already shown, an interval of seven days had elapsed after the Association of which he was President had accepted match before my order was posted.

I carried out my instructions received from Brigade Office, and no match took place. The Commandant, by a subsequent letter, 9th October, 1871, further stated that "The Rifle Association has no right or power to make shooting arrangements with Volunteers, except by sanction of commanding officer."

I have lately received a copy of Mr. Martyr's letter to Richmond Rifles, written at the time he was secretary to my Company, and to the Goulburn Rifle Association also. His letter was written on the 14th September, 1871, two days before the match that the Association arranged for (which reached Richmond on the evening of the 16th).

Mr. Martyr apologized for his not having written to the secretary of the Richmond Corps sooner; but amongst his reasons he says, "We were also in hopes that the captain might see the folly of his proceeding, and withdraw his order not to use the targets on the 16th," and that what the captain had done would "most likely break up our Association, and also put a stop to all matches with other Companies."

9.—*The public reprimand of Corporal (now Private Clarke), for saying, at a non-military meeting, that the captain had committed an error of judgment in bringing about the dissolution of the Association.*

Documents handed in, marked F.

It appears to me that if Corporal Clarke had anything to complain of, it was the conduct of the reporter to the newspaper in giving publicity to Corporal Clarke's words, which I referred to the Commandant, who directed me to point out to Corporal Clarke that he had been guilty of a breach of discipline, and that I was to caution him against commenting upon the conduct of his superior officers in the future; and I obeyed the directions given to me by the Commandant, though it was at the cost of much personal pain to myself, for I do, and always have entertained a kind regard for Corporal Clarke.

10.—*The dismissal, unheard, of Private and Secretary Martyr, whose case is now before your Excellency, on petition from the party aggrieved.*

Documents handed in, marked RR.

This case has since been examined by the Court of Inquiry, and His Excellency has confirmed the dismissal. Mr. Martyr has been advised that he cannot be reinstated.

Vide papers of said Court of Inquiry, and opinion of Court.

11.—*Summoning Mr. Martyr before the Police Court for not returning his arms and accoutrements, notwithstanding its being known that the appeal to your Excellency was pending.*

Of the appeal I had no intimation whatever, except what had been stated in the Goulburn papers, that Mr. Martyr had appealed.

I would merely observe that, had I omitted to do what is here complained of, I should have failed in my duty as commanding officer. The proceedings against Mr. Martyr were also to recover the minute and other books, which he refused to give up, and which the committee required; and upon his application the cases were several times postponed with my consent, until His Excellency's decision was made known.

12.—*Disputes between the members of the Band and the bandmaster, and the retention of the latter in his situation, notwithstanding a unanimous vote of the committee dispensing with his services.*

Documents handed in, marked SS.

The disputes between the members of the Band and bandmaster can form no complaint against me. The second part of the paragraph is easily explained—why I did not upon the unanimous vote of the committee dismiss Mr. Deane. It was because I had told the committee, before such resolution was put to them, that if it were passed I should require to be put in a position to carry it out before I should attempt to give it effect; and after that resolution was carried in the committee, the solicitor whom the committee especially engaged, as the minute of proceedings of 25 July 1872 states, "to advise in the matter of the charges against Mr. Deane," had advised me not on any account to carry out the resolution to dismiss Mr. Deane, unless the committee individually and collectively gave me a letter of indemnity to hold me harmless in the event of my putting the resolution in force. Such a letter was never sent to me, although the members of the committee were advised by my memo. (which I had requested the late honorary secretary to show to each and have it returned to me, which he has never done), that if they gave me such a letter I was ready to carry out their wishes. Upon this followed the resignation of three members of the committee (as named in charge No. 3).

It may be well to say that the charge made against Mr. Deane was chiefly from boys, who asserted that their instructor was incompetent to teach them. They had heretofore played so well as to have received

received the highest commendations; but while they professed to desire to make progress, several of them wilfully and purposely absented themselves from Band practice—as much as 160 absences in a month were recorded. Capt. Rossi. 6 Jan., 1874.

Again, more particularly having reference to Mr. Deane, it is also just and due to that gentleman that it should be known that the committee (I do not include the subalterns, who were never present at the numerous meetings to consider the complaints preferred against Mr. Deane) had told the latter that he should have an opportunity of speaking in his own defence. With that promise Mr. Deane, by request, left the room with his solicitor, and when they were absent on that very occasion the committee determined at once to dismiss Mr. Deane (without affording him really the opportunity of saying a word). I especially call attention again to the resolution to dismiss Mr. Deane, that the solicitor advised me that I would individually and alone be liable to be sued if Mr. Deane should consider himself wrongfully dismissed, and that I would have to justify the dismissal by proving an incapacity in which I did not myself believe, and that he advised me not to dismiss, unless those who wished it were prepared to defend the act and would indemnify me from all separate responsibility. It is not true that Mr. Deane sent to me his resignation, as his letter written at the time will show, which letter I now produce. Document handed in, marked TT.

13.—*Attempts supported by threats to get members of the Band, many of them boys, to sign a document which your memoralists are informed is an acknowledgment that they had been guilty of falsehood in their complaints against the bandmaster.*

It may be as well to explain that a letter signed by several members of the Band was sent by them to the committee, complaining that Mr. Deane was incompetent. So serious a statement involved considerable responsibility upon those who made it, and Messrs. Deane & Deane, solicitors, wrote, requesting that an apology, which they had prepared for their brother, the bandmaster, might be signed by those bandsmen who had written the letter against Mr. Deane. I was requested (as the letter I produce shows) to act as a mediator between the parties, and I did my utmost as a friend between them. Eight members of the Band out of sixteen who had signed the letter against Mr. Deane signed the apology. Documents handed in, marked UU.

I did not, I positively say, use the slightest threat to any to induce them to sign. I did all in as quiet a manner as I possibly could, for I was really anxious that the reparation asked for should be given.

14.—*Increasing the weekly subscription to a higher rate than in any other Company, without taking a regular vote, and refusing recruits the right to vote, notwithstanding that they were called upon to pay the increased rate.*

The funds of the Company having become burdened with debt, arising from the falling off of subscriptions of honorary members and the irregular payments by members of the Company, the committee requested me to call a general meeting of the Company to recommend the increase of the subscription from 1s. per month to 1s. per week. After due notice given, a general meeting took place on 21st July, 1870, at which Mr. Martyr proposed that the subscription should for six months be 1s. per week, which was carried; but on reference of what had been done to the Commandant, he said he could not authorize any temporary change in rules. Documents handed in, marked VV.

I then called another meeting by published notice, which took place on 6th August, 1870, when Mr. Martyr again proposed that the subscription should be 1s. per week without limit of time; I then making a promise that I would, when the Company had paid off its obligations, inform them, when they could, although the rule would remain, make such reduction in each week's pay as might appear expedient.

The resolution of Mr. Martyr was carried, as there was no amendment and no exception taken.

The altered rule was approved by His Excellency the Governor and the Executive Council.

There is, I find on reference to minute book, no record of my refusing recruits the right to vote; but when the question had been asked me at one of those meetings, I did not consider the recruits could vote, as it happened at that time that we had about twenty in excess of regulation establishment of the Corps. These men were drilled to fill vacancies, but I conceived any members exceeding the 100 had no legal ability to take part in the business of the Company.

In September 1871, I received an application or petition, which was given to me, signed by fifty-two members, requesting that I would call a meeting of the Company for the purpose of considering the advisability of rescinding the resolution passed at a former general meeting, by which the subscription of members was raised from one shilling per month to one shilling per week. I explained I could not do this before the Company cleared off their debt, when I undertook to fulfil my promise to inform them and to consent to a reduction. When that time arrived, in April 1872, I told them that, by much personal trouble and some cost to myself, I had been enabled, besides paying current expenses, to pay off all debt. The weekly subscription was then lowered to 6d. per week, the higher rate ceasing 30th September, 1871, having continued in force one year.

15.—*Dismissal of Private Paris, who, believing the increased rate to be illegally imposed, refused to pay more than the former subscription.*

The dismissal of Paris was caused by his insubordinate conduct extended over a considerable time, which rendered it imperative for me at last to determine whether Paris or myself was to control—for he resisted every opportunity afforded him of doing right and what was required. Paris could not believe the increased rate to be illegal, for a Company Order stated it was done by the Governor and the Executive Council; neither did Paris believe it illegal, for he promised me he would pay towards it when he received certain moneys expected. When those moneys were received by him, at the very moment, I had him applied to by the colour-sergeant, to whom he said I might sue him (Paris) for the money. Documents handed in, marked O.

Subsequently I had another formal demand made for the money, which Paris refused to pay, and by the wish of the committee I had him brought to the Court, when, through the ability of Paris's solicitor, the case was given in his favour.

Paris had never at any time paid a single farthing to funds of the Company, even at the lower subscription rate. After the decision at the Court, I acted upon the advice of the solicitor, and gave Paris a notice to attend parade on a certain day and to pay me the amount due by him. To this not the slightest attention was paid by Paris, and I accordingly dismissed him from the Corps, having previously been several times assured how prejudicially the conduct of Paris was operating upon many of the Company. The Commandant, to whom I referred the matter, approved of the dismissal of Paris.

Capt. Rossi.

6 Jan., 1874.

To show how strong was the feeling of condemnation against Paris, the committee, subsequently to the trial of Paris at Police Office, passed a resolution, being in fact the last entry in minute-book made by Mr. Martyr (15th August, 1872), viz. :—"The accounts due by members were discussed, and it was determined that Paris, late private, should be sued at the Small Debts Court for the amount due by him." A letter, the receipt of which Paris has admitted, specially warned him, if he did not pay his subscription and attend parade, I would exercise the powers vested in me as commanding officer. I did exercise those powers, and in doing so, carried out strictly the provisions of the Volunteer Act. If those provisions are inexpedient, that is a matter for which I am not responsible.

16.—*Police Office cases.*

There were, exclusive of the repeated occasions on which I was obliged to appear against Mr. Martyr for the recovery of arms and accoutrements, four Police Office cases conducted by me on the recommendation and particular desire of the committee of my Company, against Messrs. Paris, Hunt, Bowtell, and King. The circumstances, as briefly as I can describe, were as follows :—

Paris had not—in fact he has not at any time—paid any of his subscription to the Company. His statement that he had paid 2s. 6d. to some person not named I never heard until made to this Court, and the payment of such sum was never notified to me or entered in the book. Upon being several times applied to for payment, he said he would pay some. I then spoke to him myself. He told me when he obtained certain money expected he would pay towards it. That money reached him, and on the instant of his receiving it, I directed the colour-sergeant to ask him for what was due, when Paris told him (speaking of me)—"Let him sue me for it." The case came into Court and was dismissed on technical grounds only, and without reference to the weekly subscription. As Paris had never paid one penny to the Corps, I was then to give notice to Paris to attend the parade on an early day, and to pay the money, otherwise I would exercise the power given to me as commanding officer by the Volunteer Act. I did give him such notice to attend parade on a day named, and a similar notice was sent to others who were indebted to the Company, but Paris and a man named Martin failed to attend or to make any explanation, whereupon I dismissed them both and reported the case of Paris to the Commandant, who, after explanation, said that I had done right. To show how singularly strong has been the conviction on the minds of the committee representing the Corps, of the evasive and improper conduct of Paris, I would mention that there is in the Minute Book of the Company (and in the handwriting of Mr. Martyr, being the very last entry of the proceedings of the committee made by Mr. Martyr, who was the honorary secretary) that the captain should institute further legal proceedings against Paris for the recovery of the amount. This resolution was agreed to in August, 1872, and subsequent to his dismissal. I have, however, forborne even to the present from putting a further pressure upon him.

Martin, whom I had dismissed for the same reasons as Paris, afterwards told me I had done quite right, and gave me a promissory note for the amount he owed, *and asked permission to rejoin the Corps.*

Hunt was summoned to the Police Office on the 15th September, 1871, to pay the sum due by him. Before saying further at present, I would like to refer to the statement made by Mr. Hunt that he resigned from the irregular manner in which he describes the rule as having been passed or altered raising the subscription to 1s. per week. But what are the facts? That Hunt actually remained for twelve months in the Corps after the resolution was passed, and did not resign instantly, as the Court has been led to believe; while for the first three months after the passing or alteration of the rule he actually did pay without demur the increased rate of 1s. per week.

On the 14th September, 1871, I had issued a summons against Hunt when I afterwards received his resignation; and, to point to my readiness and desire not to prosecute, I sent a memo. to him as follows :—"A summons had already been issued against you, but if you pay on this my demand the £1 16s. due to present date, and costs of summons, 4/10—£2 0s. 10d., summons will be withdrawn and resignation accepted, on compliance with the conditions of the Volunteer Act." Hunt completely disregarded this. The case was determined against him, after which he left the Corps. I may further add that having a really kind feeling to Hunt, I took the trouble to explain to him the obligation which rested with me, and, from what he said in reply, I believed that Hunt was relieved of the effect of certain impressions, and was satisfied with the course I had been called upon to adopt.

Bowtell and King were two bandsmen who, in consideration of the instruction they would receive, were under a bond for their good behaviour and obedience, also undertaking not to absent themselves at any time from the required services of the Band without leave of absence. The former (Bowtell) was non-military. I dismissed him for disobedience of orders, by the request of the committee themselves; and again, upon the especial request of the committee, which included Mr. Martyr, I summoned Bowtell for the penalty of £10 in terms of the bond. The case received no decision of the Court, as the Magistrates were divided in their opinion. However, to show that Bowtell himself considered that he had suffered no injustice, nor thought I had been harsh towards him, he applied to me by letter, 13th November, 1871, saying that he was very anxious to be allowed to rejoin the Band, and promising faithfully to attend all the required duties. I laid his letter (which see) before the committee, who recommended that he (Bowtell) should not be again received.

With reference to King, I proceeded against him, as in the other cases, at the instance of the committee. He had twice before given trouble as a bandsman, and at the request of the committee he was reprimanded by me on the first occasion, and on the second occasion he was, at the recommendation of the committee, fined.

What led to King's being summoned on his bond for this third offence was that, without giving any notice or obtaining leave, as required, he had gone to Bathurst with the intention of residing there, and I was informed and believe made application to be received in the Band of the Bathurst Corps. After the case had passed the Court, King asked to continue his services with the Band, and in the presence of the committee gave a written undertaking to faithfully carry out the duties required of him. So these two cases, with that of Martin and another of Private Miller, whom I had also previously dismissed—and, later still, Private Woodhill, who had been dismissed for insubordinate conduct to Sergeant J. Trenery—all desiring to return under my command, manifestly shows they did not object to my management, or consider that I had treated them in any imperious manner. And I may refer to a still more recent case of Private Mawson, who, while he was a sergeant of the Company, resigned that position at the time of the alleged

assault

assault upon himself by me, but he remained in the Corps, and has since applied to be reinstated in his former position. I told him I should be glad to recommend his wishes to the Commandant, but the latter, in reply, stated it was not expedient to restore him to his former rank. Mawson omitted in his evidence, when he told the Court of his resignation as a sergeant, to speak of his desire to be reinstated, until asked as to this fact by me. Capt. Rossi. 6 Jan., 1874.

17.—*Imperfect and unsatisfactory manner of keeping the Company accounts.*

I had never heard of any complaints in this respect, certainly not as against myself. I only had the care of moneys received, which I have always accounted for at end of March in each year. Whatever was spent was at the instance and with consent of the committee. Documents handed in, marked WW, and account book and abstracts, marked XX, minute books YY.

If there were anything to complain of, it was the conduct of the late secretary, whose culpable behaviour on two occasions I am prepared to speak of, if it is the pleasure of the Court to receive particulars, as to certain moneys which he received.

Further, for anything unsatisfactory or imperfect in keeping the accounts, the late secretary should certainly have been responsible, for I find the following resolution was in the Company's minute-book, dated August, 1870:—"The secretary was empowered to purchase a book with index, and to enter therein the amount due by each member for subscriptions and fines, and was also instructed to make out lists of members, with amount due by each, to be apportioned to the sergeants, who were to make formal demand for the same." And again, an entry in the same book on 25th March, 1872:—"It was agreed that accounts for moneys due by members from 31st December last be prepared by the honorary secretary."

Extract from minute-book, 15 April, 1872 (on presentation of accounts for 1871–72):—

"The Captain read over the balance-sheet for the past year, showing that the Company was out of debt, with a small balance of 7s. 5d. to credit, while there was £13 to credit Band fund. He (the Captain) also stated that the honorary secretary, having copies of the sheet, would show it to any member of the Company desirous of inspecting it."

From minute-book 22 April, 1872:—

"The Captain explained what steps he wished taken to get in outstanding accounts due by members, and suggested that committee meetings for financial matters should be held the second Monday in each month."

The intention of the foregoing was that moneys due on the 1st of each month might be given at that time. That suggestion has not practically been carried out, so that I now receive moneys whenever given to me through my subalterns.

Further extract from minute-book of 22nd April, 1872:—

"It was arranged that Corporal Blackshaw and Private Craig should canvass the south and centre wards of the city with a view to obtaining honorary members, and Corporal Trenery and the secretary the north ward." Also, the secretary was instructed to write to Mr. Belcher relative to his promised subscription."

A preceding minute, 12th February, 1872:—

"The secretary was instructed to apply to honorary members for their subscriptions, and to try if the members for city and country would give a prize for shooting."

Messrs. Riley, J. Chisholm, and Martyr.—On the 31st March, and subsequently to their examination against me before the Select Committee, Messrs. Riley and Martyr attended the annual meeting of the Corps, and succeeded in having themselves and Mr. Chisholm elected as members of the committee, although they were but honorary members, and Martyr having been previously dismissed. I stated at the time my doubts as to their qualification to fill such office, and have since ascertained that their election was illegal, and that they cannot be permitted to discharge the offices of members of the committee. To show the attempt to take the control of affairs which pertained to me, out of my hands, I have to state that, in compliance with the wish of the Corps, made at the annual meeting on the day above mentioned, I took steps to have collected the musical instruments of the Band belonging to the Company, and requested Senior-sergeant Fenton, of the Police, to receive them for me; whereupon Messrs. Riley, Chisholm, and Martyr, went to that officer and told him that he was not to receive the instruments as I had requested, adding that they were on the committee, and objected to what I had done. The Attorney General has since advised these gentlemen that they can take no part whatever in the management of the affairs of the Corps.

Mr. Martyr—(Memo. to him).—At the time it was in contemplation of the Rifle Association to have a match with the Richmond Corps, finding Mr. Martyr disposed to cause me much trouble, I addressed a letter about him to Captain Baynes, asking his advice. That letter and its reply I now produce. The memo. which I wrote was copied into the *Goulburn Herald*, and the remarks made upon it shows that exception was taken to it. The memo. was very kindly prepared by the Commandant himself to help me, and Captain Baynes told me if I followed it I should have Mr. Martyr safe. Document handed in, marked ZZ.

Mr. Martyr's social position, &c.—It has been asserted that I degrade men in the same social position as myself. I can only guess to what it refers to, viz., the following:—On one occasion, being in uniform, Mr. Martyr also in uniform, he came up to speak to me, touching me with his hand on my shoulder. At the time I said "You must not so address me," Mr. Martyr replied, "We are not on parade now." I said, "On parade or off parade I cannot have you address me in that manner."

Mr. Martyr.—In the report furnished against Chambers and Morris, I had mentioned the unseemly conduct of a member which had caused me to adjourn the meeting—that member was Mr. Martyr.

Resignation of recruits.—The recruits being at drill wished to speak with me about their not having been allowed to vote upon the question of the 1s. per week (why this was disallowed I have explained); and I, after listening to what the spokesman had to say, was giving my reply, but receiving repeated interruptions while explaining, I was obliged, after giving a caution, to place that recruit under arrest, which I may observe he must have recognized as due to him, for he, after having resigned, withdrew his resignation.

Clarke's son.—It was the manner in which he presented the letter to me on parade which led me to require him to bring it in a proper manner, which he afterwards did.

Colours.—I should not advert to the subject at all, but for the offensive way in which it was attempted to be shown that it is my fault that the public, who are the subscribers and presenters, have failed to make up the required amount. The committee of my Company are for some time past aware of my having,

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Capt. Rossi. 6 Jan., 1874.

with the help of friends, given the sum of £12 5s. 9d., being half the balance which was due; and I had further informed them that I would, when the subscribers, whose business it is, had paid the remaining balance, that I would present four silk camp colours.

Mr. Riley.—This gentleman has continuously and persistently written articles calculated in the strongest degree to create a feeling of dissatisfaction in the minds of members of my Company; and for months past scarcely an issue of his paper has appeared which has not contained remarks reflecting upon my character and conduct. Nor has he confined his criticisms to matters connected with the Corps, for he has also commented on what he is pleased to consider my unfitness for the Government office which I hold; and he has even touched upon private matters, asserting that I do not require a land order, as I had land which he said I was prepared to sell.

Hurley.—I never said "fellow" to him on the occasion referred to. The fact that I asked him to go to Sydney confirms my statement, and his (Hurley's) letters to me show that at one time he had a willingness to go to the Select Committee. Had I used the term I should not deny it. I have heard the term applied by the Commandant when commanding the Volunteer Force—thus: "Take care, you fellows, you will be down on the Engineers directly." The term is also used by Mr. Martyr (*vide* his evidence before the Select Committee), that he had joined the Force in the beginning to induce the "young fellows" to do so.

"*Sir.*"—I deny using the word at any time to any one, except to Mr. Martyr, at a general meeting of the Company, when I adjourned that meeting on his account; and at the occasion of his being present at the inquiry held before Captain Baynes, when I told him, *before Captain Baynes*, that I would not allow him to speak, as he was doing so at the wrong time, and Captain Baynes told him (Martyr) that he must do as I told him. Captain Baynes had just before told Martyr if he had a complaint he must put it in writing; and in committee I may also have used the word sir to Mr. Martyr when he behaved discourteously to me. On one occasion I reached forward my hand to take up one of the books. He said to me—"How dare you? Those are my books."

Accounts.—There is nothing to show that the accounts were unsatisfactory. I produce my own books, from which abstracts were furnished, as required by the Act, at end of each year, and to the correctness of which not a single member ever disputed. The only irregularity particularized is the accounts sent to members by the secretaries, with which I had nothing to do; while the only thing that ever I knew to be wrong was that for which Mr. Martyr was responsible. As an instance, I produce papers before the Court which show Mr. Martyr's carelessness. He had received moneys from members of the Corps, and instead of paying it to me he gave me a cheque of his own, which was dishonored. I had applied to him for an explanation, which he never gave me, and I felt it my duty to report the circumstance to Major Brown, Commanding Western Battalion. That letter I hand in. I could only recoup the amount by deducting the value of cheque from moneys which were afterwards paid to Mr. Martyr's son, as marker at the targets. Further, Mr. Martyr was paid by me a cheque, about £7, to settle accounts of the Corps. The greater sum was due to Private Byrnes, who long after made repeated applications for that money. Private Byrnes reported to me that he could not get the money from Mr. Martyr; the latter, he said, had told him that he had spent the money. Whereupon I gave Mr. Martyr a written notice, that if he did not at once satisfy me on this point I would call for a Court of Inquiry. I hand in a copy of that notice. This was followed by a letter from Mr. Martyr to say that he had paid the account.

Roll.—I am unaware of the names thereon of persons who have resigned. The names which were not taken off were persons who have not resigned, and as to whom it was uncertain whether they had left the district permanently. Some paid subscriptions after they had left. Not knowing exactly what to do in such cases, I applied to Colonel Richardson, at the last inspection, who advised me to take off such as did not make themselves efficient for the year; for which purpose I requested Quartermaster-Sergeant Sproule to furnish me with a list, which is now before the Court. The roll-book was in the custody of Mr. Martyr. The entries from 1870 were made by me, to supply omissions on his part. The book is required to be kept by Quartermaster-Sergeant. Clarke and Sproule, in evidence, said they would leave the Company if I were retained. Rogers' evidence show that, anticipating Mr. Chisholm's resignation, both intended to remain if appointed Ensign under my command.

"Eggo's letter" is contradicted by that I give in my defence from Hayley, while the letter of "Mr. Diamond" is easily explained. I told Sergeant Trenery long ago how so. It was thus:—Having occasion to go to the Bank on business, I asked Hayley to come to the hall for a moment. I then said,—"I have examined your papers for a corporal, and I shall to-night, on parade, name you as such. I would like to see you give them a little drill, but be careful as to the way in which you give the words of command," and I gave him a word of command in explanation of what I meant. Those are the words quoted as marked, that I was drilling Hayley, which has led to the misapprehension. I merely state I never drilled or instructed Hayley on any occasion, unless with the members of my Corps; had I done so, I should not hesitate to say so. I would add, as Hayley has been spoken of as receiving such quick promotion, that the examination papers handed in will show that Trenery's examinations followed nearly twice as quick as that of Hayley, and that he was made a sergeant in *half the time* which elapsed in the promotion of Hayley.

Manner of addressing the men.—A large number say it is all that could be wished; those who say I have offended, all point to occasions when I had to find fault with their conduct, such as talking in the ranks. No disturbance for the last six months, as stated by Wilkie, Mawson, and Sproule. Clarke says things are greatly improved during the last twelve months. There has been no unpleasantness since Mr. Martyr quitted the Corps; no witness has mentioned any disagreement since then, but one, when pressed, said King's case, which the committee concurred should be prosecuted; and the other the interference of Messrs. Riley and Martyr with an order I had given to my Quartermaster-Sergeant about the Band instruments—an order which I made to him in compliance with an expressed wish of the Corps to get the instruments into my care, where they are at present, and have not been out of my possession. They were simply in the hands of Senior Sergeant Fenton for my convenience; I had no other secure place wherein to keep them, my own rooms being accessible by all. I say I have had unpleasantness with no one, but others have mistaken my attention to the course required by duty as opposing them.

Mr. Teece, the Chairman of the Select Committee, himself told me that the more this matter was inquired into the better I should come out of it, and that I should be more respected. On another occasion, seeing me in command, he told me that he had heard persons speaking against me, but he admired the way in which I carried out discipline.

Recruits.—

Recruits.—I may state that the number of recruits at present surpasses the highest number the Corps has had at any one time. I have sought for none of them to join, but have in all cases asked if they were aware of my bad reputation as commanding officer, to which they have expressed they are perfectly satisfied. One man said he had read the evidence before the Select Committee, and that he came to me on that account, for he saw therein that I was right.

The two undersigned recruits spoken of were only admitted on the expressed approval of the Commandant. The ages extend from sixteen to thirty-two years. All are very eligible, and I am scrupulously careful never to admit any one unless after due inquiry.

Opinions.—I may say that I have received the repeated assurances from members of my Company of *their entire confidence* in me as commanding officer. These men are, however, deterred from actively saying so. Those to whom I allude I have *not had as witnesses;* they represent some of the very best men in the Corps; they cannot afford to make enemies by openly appearing to support me, though they have spontaneously given me their assurances of thorough confidence and satisfaction, including my manner. I know if they were to do so openly, their interests would be affected thereby. In the face of so much opposition by persons whose business it is not, I am conscious of having never forfeited the respect of my Company; and I am equally confident that nothing would have ever been done by a member of my Company against me had it not been from pressure from without.

The circular I addressed to my Corps before the public meeting will clearly show that I had suggested a safety-valve for what the papers have called the chronic disagreements, and the Company did accept it and act upon my suggestion, and represented the only grievance they appeared, in July, 1872, to have had, viz., the institution of examinations for promotion. The door was open for them to say anything.

As to my disregard of the citizen element, it is difficult to determine the point or ground of complaint, my association with the members of the Company is as soldiers—not citizens; and I would here repeat what I have at other times stated,—that I think *they would certainly make better soldiers if they sometimes* forgot their citizenship.

The greatest effort of the Imperial Government in reorganizing the military forces of the United Kingdom is directed to assimilating the Volunteers, in instruction, discipline, and practice, as closely to the regular troops as they can. If it mean, as has been mis-stated, that I degrade those who are in the same social position as myself, "not only in the ranks but elsewhere," it is utterly untrue, as the letters I refer to testify.

To all I maintain the same demeanour that I did towards them when I was a private in the Company, except that I am conscious of deeper sympathies with them in every-day life. And although it would not become me under the circumstances to advance instances of such kind feeling on my part, yet, in vindication, I may perhaps be allowed to justify myself by stating that I have invariably made it a practice in every and all cases whenever I knew of one of the Company being sick or suffering from accident personally to see him, or if unable to do so to make inquiries.

I have sacrificed my own amusements, my time, my money, and have given whatever little influence I possess for the benefit, help, and encouragement of those in the Corps, whom I repeatedly and publicly have acknowledged as being in my estimation superior to any other 100 men in the district; but in discipline, as I have said, I will not allow the Corps to degenerate into a mere careless idle association for playing at soldiers, which should be a sterling self-sacrificing preparation for the military defence of our homes in case of danger.

In conclusion, I desire strongly to urge upon the Court the fact that with reference to all the most serious charges against me, I have applied to head-quarters for advice and directions; and in the proceedings complained of, I have been always guided in my course by the instructions I have received. This course, I submit, has been consistent with the Volunteer Act, the Regulations, and Rules of my Company; and if the carrying out of what is here laid down, and of the instructions I have received, has made me unpopular, I submit that such unpopularity can form no valid ground for my dismissal from the Service.

F. R. L. ROSSI,
Captain, G. V. Rifles.

Captain Rossi handed into the Court certain documents upon which he also relied in his defence.

Mr. Davies thanked the Court for their exceedingly courteous and gentlemanly manner towards him personally, and as acting for the other memorialists; and desired that his apology might be accepted if, through ignorance or inadvertence, he had departed from the proper course in the performance of the duty which had been cast upon him.

Captain Rossi desired also, if not inconsistent with military etiquette, to express his deepest acknowledgments to the Court.

The President was glad that the action of the Court had met with the approval of parties on both sides. It was the desire of the Court to act with perfect impartiality. The Court desired to express their acknowledgments of the great kindness of the Police Magistrate in placing the Court House at their disposal for the purposes of this investigation.

The Court room was then cleared.

The Court deliberated.

The Court adjourned at 15 minutes past 12 o'clock p.m., to Thursday, 8th instant, at 7·30 p.m., at the Volunteer Artillery Office, Sydney.

THURSDAY, 8 *JANUARY*, 1874.

The Court met at the Offices of the Volunteer Artillery, Elizabeth-street, Sydney, at thirty minutes after 7 o'clock p.m.

The Court deliberated.

The Court adjourned at twenty minutes before 10 o'clock p.m., until Monday next, at 7·30 p.m.

MONDAY,

MONDAY, 12 *JANUARY*, 1874.

The Court met at the Offices of the Volunteer Artillery, at 7·30 p.m.
The President communicated the result of his interview with His Excellency the Commander-in-Chief.
The Court proceeded to draft Opinion, which was considered and finally adopted.
The Court adjourned at 9·30 p.m., until Tuesday, 13th instant, at 11 a.m.

TUESDAY, 13 *JANUARY*, 1874.

The Court met at the Offices of the Volunteer Artillery, at 11 o'clock a.m.
The Opinion which had been prepared was read over, and the President waited upon the Commandant with it, and, in his presence and by his direction, enclosed the Opinion in an envelope addressed to the Commandant, and left with him at 12·40 p.m.

WEDNESDAY, 21 *JANUARY*, 1874.

The Court met at the Offices of the Volunteer Artillery, at 7·40 p.m.
Arrangements were made for the printing of the documents, and the Court deliberated in regard to final Report.
The Court adjourned at 8·45 p.m.

WEDNESDAY, 28 *JANUARY*, 1874.

The Court met at the Offices of the Volunteer Artillery, at noon.
The Court deliberated, and agreed to draft Opinion.
The Court adjourned at fifteen minutes before 2 o'clock p.m., until Monday next at 12·30 p.m.

MONDAY, 2 *FEBRUARY*, 1874.

The Court met at the Offices of the Volunteer Artillery, at 12·30 p.m.
The final Opinion was read over and signed.
The Court, at thirty minutes after 1 o'clock, adjourned *sine die*.

The Court records its high appreciation of the services rendered by Mr. Charles Robinson, S. M. Herald, the shorthand writer who was engaged in this case.

EXHIBITS.

EXHIBIT A.

Captain Rossi to Lieut.-Colonel Richardson.

Rossiville, 5 July, 1872.

Sir,

Three Corporals, Fuller, Blackshaw, and Clarke, have sent their resignations to me of their positions as non-commissioned officers.

I am led to understand that they have done so, having the impression that in their cases they should receive promotion as sergeants, as vacancies occurred, without being required to undergo examination; their grounds for expressing such exemption being, that one of them was a corporal when other corporals were promoted without examination.

I should remark that no promotion of sergeant from corporal has been made *without* examination since that system has been established, and which test I take leave to be permitted to remind you had received your concurrence.

The non-commissioned officers, whose names are now before you have faithfully discharged their duties in those capacities, while Corporal Blackshaw has always very highly distinguished himself in shooting.

I withhold the formal acceptance of their resignations until I hear from you and obtain direction.

I have, &c.,
F. R. L. ROSSI,
Captain, G. C. V. Rifles.

Captain Rossi has established a very good rule, viz., examination for promotion. Seniority, however, should not be overlooked, provided the candidate passes a creditable examination. These non-commissioned officers have no valid ground to go upon; and Captain Rossi has no option but to receive the resignations.—J.S.R., Lt.-Col., B.C., 9/8/72.

EXHIBIT B.

Exhibit B.

Company Order.

Any member desiring promotion to rank of corporal will be good enough to give to me without delay, his name, and to state when he will be prepared for the necessary examination.

F. R. L. ROSSI,
Captain.

13 May, 1872.

Exhibit C.

Goulburn, July 22, 1872.

To Lieut.-Colonel Richardson, Commanding Volunteer Force, New South Wales,—

Sir,

As members of the Goulburn Corps, Volunteer Rifles, we beg leave respectfully to express to you our dissatisfaction at the rule lately introduced by Captain Rossi, to the effect that all men desirous of promotion as non-commissioned officers must undergo an examination.

The reasons for our dissatisfaction at this rule are because it did not exist at the time the Corps was formed or for some time after,—

Because men who were appointed in the first instance as corporals and sergeants by the votes of the Company, and who have done the duties since, were not subjected to this examination; and some of the present sergeants raised from the corporals, and corporals promoted from the ranks, had not to undergo the ordeal.

Because, while the oldest members of the Corps are, if wishing for promotion, compelled to compete with men just dismissed from recruit drill, the examination is no real test of efficiency; a schoolboy, or one just left school, from his recent training, is in a better condition to learn off the drill-book, and repeat his lesson by rote, than men of more mature years. At the same time the latter, especially those who have been several years in the Corps, and who have attended drill and made themselves efficient, are for all practical purposes the better adapted to perform the duties of non-commissioned officers.

Because the only true test of efficiency is the capability of men to take charge of the Company, and to drill either recruits or Company; and this can best be tried by observing the actions of non-commissioned officers on the parade ground.

We have the honor, therefore, respectfully to submit, that this system of examination should be done away with.

We have, &c.,

B. Mawson, sergeant
A. Sproule, sergeant
W. Trenery, colour-sergeant
Hy. Herriott, sergeant
Charles S. Fuller, corporal
Henry Blackshaw, corporal
H. S. Clarke, corporal
W. F. Robertson, private
John Eggo, private
M. Buckley, private
T. Wilkie, private
F. Sherring, private
J. B. Craig, private
J. Lumsden, private
George Martyr, private and hon. sec.
Terence O'Donnell, private
W. Riley, private
Thos. Byrne, private
Joseph Reynolds, private
John W. Hollis, private
E. Gillespie, private
Thos. Russell, private
J. H. Woodhill, private
James Morris, private
Patrick Joseph Fitzgibbon, private
John Horton, private
Gottlieb J. Trump, private
Thos. Connor, private
William Kingsel, private
Henry J. Peard, private
T. O'Brien, private
Daniel Keily, private
R. M'George
H. B. Monkley, private
R. J. Davis, private
W. C. Duke, private
P. R. M'Kean, q.-m. sergeant
Denis Cleary, private
D. J. Donnelley, private
W. H. Wilson, private
Thomas F. Moss, private
C. Holt, private
Jas. O'Sullivan, private
Private Wood
William M'Carthy, private

Exhibit D.

Major Fitzsimons to Captain Rossi.

Brigade Office,
Sydney, 30 July, 1872.

Sir,

I have the honor, by direction, to acknowledge the receipt of your letter of 24th instant, covering a communication from various non-commissioned officers and members of the Corps under your command, requesting that the examination to the rank, and for the promotion of non-commissioned officers, be dispensed with—and to state in reply thereto, that the Commandant highly approves of a system of examination, both practical and theoretical, in these cases; at the same time he wishes it to be distinctly understood that the senior non-commissioned officer of any rank should be promoted, provided he passes a creditable examination and is otherwise eligible.

I have, &c.,
A. F. FITZSIMONS, Major,
Major of Brigade.

Exhibit E.

Captain Rossi to Lieut.-Colonel Richardson.

Rossiville, 13 July, 1872.

Sir,

I have the honor to acknowledge your memo. relating to the acceptance of the resignations of the three corporals in my Company, which shall be communicated to them. It occurs to me that they may, upon seeing the purport of memo., desire to withdraw their resignations; should they propose to do so, I shall be glad to learn if you consider it would be expedient to allow withdrawal?

I have, &c.,
F. R. L. ROSSI,
Captain, G. C. V. Rifles.

I see no objection.—J.S.R., Lt.-Col., 17/7/72.

Exhibit F.

EXHIBIT F.

Captain Rossi to Colonel Richardson.

Rossiville, 6 October, 1871.

My dear Colonel Richardson,

I have just seen a report of the dissolution of the G. R. Association. It appears strange that a corporal should have the liberty of animadverting upon my conduct in the discharge of my duty. I have done nothing whatever, except as laid down for me, and as advised from Brigade Office. Cannot Corporal Clarke be called to account? If so, perhaps you will very kindly instruct me how to proceed.

The weather at present is very wet. I hope it may be fine at the time you have been pleased to fix for the inspection. Can the officers wear the blue trousers?

I am, &c.,
F. R. L. ROSSI.

GOULBURN RIFLE ASSOCIATION.

A GENERAL meeting of members of the above Association was held in the Committee-room of the Mechanics' Institute, on Wednesday evening last, to consider the purpose of receiving the committee's report, and to consider the advisability of dissolving the Association. The attendance was not numerous, probably owing to the fact that it is more than a week since the advertisement appeared calling the meeting.

The chair was occupied by the Vice-president of the Association, Mr. H. S. Clarke, corporal.

The chairman, in opening the meeting said, those present were no doubt aware of the reason they had met that evening. He regretted they were compelled to adopt such a course. Had the matter been allowed to go on in the right way it would have been the best thing possible to improve the shooting of the Volunteers and the members of the Association. Goulburn possessed good shots, having already proved themselves. The Club started very successfully, having contested in two good matches. He did not wish to find fault with any person; but he *considered Captain Rossi was guilty of great error of judgment in interfering with the working of the Association.* Their President, Mr. J. W. Chisholm, had in consequence resigned; and such being the case, he did not see how the Club could be carried on successfully without his services.

The secretary, Mr. G. Martyr, read the report, which we regret not being able to insert on account of its length. The whole misunderstanding arose out of a challenge being sent by the Richmond Company to shoot against the members of the Goulburn Rifle Association, which was accepted. The day was appointed for the match, when Captain Rossi objected to any shooting taking place at the targets on that day, as the matter was irregular, and his sanction for the use of the targets, of which he has the sole control over, had never been obtained. The Colonel Commanding the Volunteers had also been consulted to ascertain whether matches could be arranged between the Rifle Association and any Volunteer Company without the sanction of the Captain, and he replied "certainly not." This we believe to be the principal reason for Mr. Chisholm sending in his resignation, considering as he did that the Association was only a myth.

Mr. H. Peard moved the adoption of the report, which was seconded by Mr. W. H. Wilson, and carried unanimously.

The secretary then read the balance sheet, as follows:—

THE TREASURER IN ACCOUNT WITH THE RIFLE ASSOCIATION.

1871.	£ s. d.	£ s. d.
To Subscriptions of members	5 5 0	
„ Sweeps	0 17 0	
„ Sale of rules	0 3 0	
„ Entrance fees	0 9 0	
„ Sighting-shots	0 3 6	
By Cash-book		0 1 0
„ Minute-book		0 3 6
„ Scoring-pad		0 1 6
„ Prize paid Blackshaw		0 15 0
„ Prizes, Quarterly Prize Meeting		3 0 0
By Balance		2 16 6
	£6 17 6	£6 17 6
To Balance brought down, in hand	2 16 6	
By Unpaid Bills, W. R. Riley		2 14 0
„ „ Daniel and Gray		0 3 6
„ „ Rent room, Mechanics'		0 5 0
To Balance	0 6 0	
	£3 2 6	£3 2 6
By amount not provided for		0 6 0

Mr. W. Dignam moved that the balance sheet now read be adopted.

W. Sproule begged leave to second it. Carried.

Mr. W. R. Riley said, he saw by the balance sheet that the Association was 6s. in debt. The rules were printed by him, and as they were not likely to be required again, or be of any further use to the members, he would make them a present of the 6s., which would square accounts.

The secretary said the most important question of the evening was to consider what was to be done in reference to the Association for the future. He considered after all that had transpired they were not in a position to carry on matters as they would have liked, therefore considered the best thing to do was to dissolve. He proposed that they dissolve.

Mr. Sproule seconded the proposition, which was put from the chair and unanimously carried.

The chairman said he felt it his duty to thank those who had placed him in the position of Vice-president. He felt sorry and regretted having to leave them; Mr. Chisholm's resignation was a fatal stroke to the Association, as that gentleman had always shown a degree of interest in rifle shooting, and had on previous occasions given prizes to be competed for, and would have, no doubt, done the same again; he had also, some time previous, made the Volunteer Band a present of £40. Without his assistance in the Association the matter would be a failure.

Mr. W. R. Riley moved a vote of thanks to the president, vice-president, and officers, who had carried on things successfully. He felt sorry the matter was brought to an end. Put and carried.

A vote of thanks was also accorded to J. D. Hay, Esq., for giving the first prize to be shot for; also to the secretary, Mr. G. Martyr, who had worked so assiduously while holding his honorary office.

The meeting then broke up.

Lieut.-Colonel Richardson to Captain Rossi.

Brigade Office, October 9, 1871.

Dear Captain Rossi,

I should point out to Corporal Clarke that he has been guilty of a breach of discipline in commenting on the conduct of his superior officer, and caution him to refrain from such a course in future. The Rifle Association has no right or power to make shooting arrangements with *Volunteers*, except by sanction of commanding officer.

The blue trousers with narrow red stripe may be worn.

Yours, &c.,
JOHN S. RICHARDSON.

EXHIBIT G.

Exhibit G.

Registry or Muster Roll of the Goulburn Volunteer Rifle Company.

Number	Registry Number	Names.	Country.	Date of joining.	Height.	Age.	Profession, trade, or calling.	Residence.	Signature.	General Remarks.
				1869.	ft. in.	Years.				
136	1	Alexander, Charles Somerville	St. Helena	20 Mar.	5 11	42	Clerk of Petty Sessions	Goulburn	Signed	Resigned.
116	2	Anderson, Alexander	England	22 „	5 6¼	35	Bank manager	do	do	do 1 November, 1869.
117	3	Allman, Percy	Australia	22 „	5 7½	21	Bank clerk	do	do	do 8 April, 1870.
118	4	Allman, Edward Close	do	23 „	5 9	18	do	do	do	do February, 1870.
	5	Byrne, Thomas	Ireland	22 „	5 8½	32	Baker	do	do.	
	6	Bickley, John	England	22 „	5 6	40	Stonemason	do	do.	
	7	Blackshaw, Henry	do	22 „	6 0½	31	Saddler	do	do.	
119	8	Brentnall, Abmoriel G.	do	22 „	5 6½	29	Draper	do	do	do 12 May, 1870.
See 101	9	Benson, Robert	Australia	22 „	5 9½	21	do	do	Not signed	do 9 April, 1869.
113	10	Byrne, John	Ireland	22 „	5 11	25	Baker	do	Signed	do 25 August, 1869.
	11	Benyon, Edward William	Australia	22 „	5 5¼	26	Saddler	do	do	do
	12	Cleary, Denis	Ireland	22 „	5 11½	30	Draper	do	do.	
120	13	Conolly, William Henry	Australia	22 „	5 8½	16	Gentleman	do	do	Left the district; resigned.
145	14	Cummins, J. L'Estrange	Ireland	22 „	5 9	26	Schoolmaster	do	do.	
	15	Cutler, George	N. S. Wales	22 „	5 10½	18	Drapers' assistant	do	do	Withdrew resignation.
121	16	Codrington, Hamilton Osbert	England	22 „	5 6	24	Bank clerk	do	do	Resigned, 27 October, 1869.
122	17	Chambers, Richard	do	22 „	5 10¼	27	Printer	do	do	Dismissed, 28 April, 1870.
123	18	Cook, James	Australia	22 „	5 7½	20	Clerk	do	do	Resigned, 1 February, 1870.
	19	Clarke, Hugh Savage	Ireland	22 „	5 7¾	43	Watchmaker	do	do.	
	20	Chisholm, Walter	Australia	22 „	5 9	23	Grazier	Kippilaw W., Goulburn	do.	
	21	Cleary, John	Ireland	22 „	5 7	21	Draper	Goulburn	do	Transferred to Bathurst.
	22	Cooper, John Jasper	Australia	22 „	5 8¾	22	Confectioner	do	Not signed	Left the district; still on the roll.
138	23	Donaldson, Stuart	do	22 „	5 6	16	Gentleman	do	Signed	Resigned.
	24	Dignam, William John	do	22 „	5 6	20	None	do	do.	
	25	Dunn, Joseph	do	28 „	5 7¾	18	Law clerk	do	do.	
141	26	Fowler, John Bede	do	22 „	4 10½	16	Draper	do	do	Bugler—resigned, rejoined; resigned, 7 July, 1870; rejoined, 27 April, 1871.
103	27	French, John Russell	India	22 „	5 8½	22	Bank clerk	do	do	Resigned, 23 June, 1869.
	28	Field, George	Australia	22 „	5 8¼	19	Ironmonger	do	do	Left the district.
	29	Fitzgibbons, Patrick Joseph	do	22 „	5 6	25	Road contractor	Ifield, Goulburn	do.	
	30	Fuller, Charles Sydney	England	22 „	5 6½	31	Saddler	Goulburn	do.	
104	31	Finlay, Andrew Gibson	Scotland	22 „	5 9	34	Commission agent	do	do	Resigned.
	32	Finneran, William	Ireland	22 „	5 8	18	Plasterer	do	Not signed	Left the district.
	33	Gaskell, Henry	Australia	22 „	5 9½	20	Bootmaker	do	Signed	Resigned.
115	34	Gash, Thomas	Ireland	22 „	5 8½	30	Draper	do	do	Left the district. Resigned, October 18, 1869.
	35	Gillespie, Edward	Australia	22 „	5 6¼	17	None	do	do.	
	36	Gale, William	do	22 „	5 9½	22¼	Clerk	do	do	Disrated from corporal by Capt. Rossi, for non-attention as orderly corporal, February 17, 1870.
	37	Hunt, Arthur Moses	N. S. Wales	22 „	5 8	24	Grocer	do	Not signed	Discharged at his own request, 23 October, 1871.
114	38	Hadfield, Joseph	England	22 „	5 10	45	Storekeeper	do	Signed	Resigned, October, 1869.
	39	Herriott, Henry	do	22 „	5 6½	48	do	do	do.	
	40	Hollis, John William	Australia	22 „	5 6	16	None	do	do.	
	41	Harris, John Lancashire	England	22 „	5 10	34	Printer	do	do	Left the district.
	42	Hayley, Frederick Ernest	Australia	22 „	5 5½	16	None	do	do.	
105	43	Holmes, George	England	22 „	5 8½	25	Saddler	do	do	Left the district. Resigned.

Number	Registry Number	Names.	Country.	Date of joining.	Height.	Age.	Profession, trade, or calling.	Residence.	Signature.	General Remarks.
				1869.	ft. in.	Years.				
	44	Holt, Christopher	England	22 March	5 10½	32	Porter	Goulburn	Signed.	
	45	Hart, Phillip	Australia	22 „	5 5¾	26	Wheelwright	do	do	Left the district.
124	46	Kelly, Crosby	England	22 „	5 7	22	Surveyor	do	do	Resigned. Left the district.
	47	Kirke, Tom	Australia	22 „	5 8½	18	Draper	do	Not signed	Resigned—rejoined, and resigned.
125	48	Kershaw, Joseph Jerome	do	22 „	5 8	24	Storekeeper	do	Signed	Left the district. Resigned, 16 October, 1869.
106	49	Kingsell, William	do	22 „	5 8½	20½	Tinsmith	do	do	Resigned, 1 June, 1869. Rejoined.
	50	M'Gowan, William Henry Joseph.	do	22 „	5 7¼	25	Printer	do	do	Resigned.
142	51	Morrow, Frederick	Ireland	22 „	5 8¼	27½	Bank clerk	do	do	Resigned. Left the district.
	52	Maybury, Cecil	Sea	22 „	5 8	16	None	do	do	Left the district. Resigned.
126	53	Morris, John	Australia	22 „	5 6	27	Storekeeper	do	do	Dismissed, 28 April, 1870.
	54	Morris, James	Portsmouth	22 „	5 8	38	Tarpaulin maker	do	do.	
107	55	Middleton, Albert Ernest	Australia	22 „	5 8½	24	Telegraph Station Master.	do	do	Left the district.
	56	M'Govern, James	do	22 „	5 6	18	None	do	do.	
	57	M'Govern, Joseph	do	22 „	5 6½	16	do	do	do.	
	58	M'Govern, William	do	22 „	5 8½	19	Soap manufacturer	do	do.	
	59	M'Connell, George	do	22 „	5 8	28	Blacksmith	do	do.	
	60	Martyr, George	England	22 „	5 10¾	49	Surveyor	do	do	Dismissed for insubordinate conduct. 2/9/72.
	61	M'Kean, Peter	Australia	22 „	6 1½	22	Clerk	do	do	Resigned.
108	62	Martyr, George Pentland	do	22 „	5 5¾	16	None	do	do	Left the district; resigned, 20 August, 1869.
	63	Moss, Thomas	England	22 „	5 6	21	Saddler	do	do	Resigned; rejoined, 14 May. Resigned, 19 June, 1873.
	64	M'George, Robert	Australia	22 „	5 6½	17	Printer	do	do.	
127	65	Mandleson, Joseph	do	22 „	5 6	24	Innkeeper	do	do	Resigned. Left the district.
	66	Nowlan, Charles	do	22 „	5 8½	20	Draper	do	do	Retired.
109	67	Newman, James Alexander	do	22 „	5 11½	22	Printer	do	do	Resigned. Left the district.
	68	O'Brien, Thomas	do	22 „	5 6	21	Compositor	do	do.	
	69	O'Donnell, Terence Joseph	Ireland	22 „	5 9½	18	Butcher	do	do.	
	70	Peard, Henry Joseph	Australia	22 „	5 9½	25	Printer	do	do.	
	71	Perry, John	do	22 „	5 10½	29	Water-carrier	do	do.	
	72	Paris, John Spicer	England	22 „	5 7	30	Bailiff	do	do	Dismissed, 30 October, 1871.
110	73	Phillips, Spencer	Australia	22 „	5 7	19	None	do	do	Resigned.
111	74	Riley, Adam Bernard	do	22 „	5 8¼	21	Draper	do	do	Resigned, 6 September, 1869.
128	75	Russell, William Murray	do	22 „	5 6¼	32	Storekeeper	do	do	do 5 July, 1869.
	76	Rossi, Francis Robert Lewis	Mauritius	22 „	5 7¼	46	Gentleman	Rossiville	do.	
	77	Riley, Thomas	Ireland	22 „	5 7½	27	Bootmaker	Goulburn	do	Resigned.
	78	Riley, Philip Thompson	Australia	22 „	5 5¾	27	Draper	do	do.	
	79	Rowbottham, Isaac	England	22 „	5 6	26	Butcher	do	do	Left the district.
	80	Smart John	Australia	22 „	5 6	31	Tailor	do	do	Transferred to Sydney.
	81	Sprowle, Arthur Andrew	do	22 „	5 8½	24	Surveyor	do	do.	
129	82	Sharpe, John Frederick	do	22 „	5 6	16	Saddler	do	do	Resigned. Left the district.
	83	Smith, John	do	22 „	5 11	20	Labourer	do	do.	
139	84	Scanlan, Edmund	England	22 „	5 5½	20	Grocer	do	do	do do 22 June, 1870.
	85	Toose, Henry Thomas	do	22 „	5 11½	22	Draper	do	do	Left the district.
	86	Trenery, John Joseph	Goulburn	22 „	5 6	22	Storekeeper	do	do.	
	87	Trenery, William	Australia	22 „	5 6	26	do	do	do.	
143	88	Topham, Benjamin George	do	22 „	5 6½	18	Saddler	do	do	Resigned.
130	89	Trump, John	Germany	22 „	5 5½	17	Tanner	do	By mark	do 31 December, 1869.
	90	Webster, Joseph Nehemiah	Australia	22 „	5 6½	42	Chemist	do	Signed	Left the district. Resigned.

Number	Registry Number	Names.	Country.	Date of joining.	Height.	Age.	Profession, Trade, or calling.	Residence.	Signature.	General Remarks.
				1869.	ft. in.	Years.				
	91	Willans, Richard Conolly	Ireland	22 March	5 9¾	17	.....	Goulburn	Signed.	
137	92	Waugh, Lindsay	Australia ...	22 „ ...	6 2	18	Bank clerk	do	do.	
140	93	Welby, Oswald	England ...	22 „ ...	5 7¼	43	Schoolmaster	Norwood, near Goulburn ...	do ...	Left the district. Resigned, July, 1870.
112	94	Whiting, Joseph	Australia ...	22 „ ...	5 7½	27	Storekeeper	Goulburn	do ...	do do 8 September, 1869.
	95	Wilson, William Henry	do ...	22 „ ...	5 6½	20	Printer	do	do.	
131	96	Whiteman, George	do ...	22 „ ...	5 7½	21	Draper	do	Not signed...	do do 12 May, 1870.
	97	Wood, William	do ...	22 „ ...	5 6	18	Clerk	do	Signed.	
	98	Whilkie, Thomas	Scotland ...	22 „ ...	5 5½	17	Carpenter	do	do.	
132	99	Zouch, Richard Essington	Australia ...	22 „ ...	6 1½	21	Bank clerk	do	do ...	Resigned, 8th April, 1870.
	100	Windeyer, Louis A.	do ...	.....	.....	.....	Solicitor	do	do ...	Left the district. Resigned.
101	9	Miller, James	Scotland ...	17 April	6 0	31	Tinsmith	do	do ...	Dismissed February 17, for drunkenness, by Captain Rossi. Asked to be received again in the Company.
102	48	Monkley, Bagent Henry	England ...	24 „ ...	5 7½	.....	Blacksmith	do	do.	
103	27	Kelly, Daniel	.....	13 July ...	5 11¼	.....	Painter	do	do.	
104	31	West, Henry Isaac	.....	13 „ ...	5 9	.....	Bank Manager	do	do ...	Resigned. Left the district.
105	43	Robertson, William Foxton ...	.....	14 „ ...	5 7	.....	Assistant Clerk of Petty Sessions.	do	do.	
106	49	Mawson, Benjamin	.....	21 „ ...	5 8	.....	Railway watchman	do	do.	
107	55	Walshe, Christian Luke	.....	21 „ ...	5 6½	.....	Journalist	do	do ...	Resigned.
108	62	Reynolds, Joseph	.....	21 „ ...	5 7	.....	Fruiterer	do	do.	
109	67	Dickson, William Henry	England ...	29 „ ...	5 10	38	Painter	do	do.	
110	73	Hall, Thomas	Ireland	11 August	5 7	41	Gardener	Rossiville	do ...	Dead.
111	74	O'Brien, Adam John	do ...	6 Oct. ...	5 6	36	Bootmaker	Goulburn	do.	
112	94	Connor, Thomas	N. S. Wales	6 „ ...	5 6	20	„	do	do.	
113	10	Pooley, Arthur Robert	England ...	19 October	5 9	19	Labourer	do	do ...	Left the district.
114	38	Austin, Thomas Service	U. States ...	8 „ ...	5 7½	27	Hairdresser	do	do.	
115	34	Clegg, Hugh Gibson	Scotland ...	... „ ...	5 8¾	36	Builder	do	do.	
116	2	Whitcombe, William	England ...	9 Nov. ...	5 9½	19	Teacher	do	do ...	Left the district; resigned.
1870.										
117	3	Kelly, Michael	N. S. Wales	15 Feb. ...	.....	23	Labourer	do	Not signed...	Left the district.
118	4	Davis, Richard Joseph	do ...	15 „ ...	5 11	24	Currier	do	do.	
119	8	Dennett, William	do ...	15 „ ...	5 8	18	Labourer	do	do ...	Quitted.
120	13	Woodhill, John Henry	do ...	15 „ ...	5 8½	26	Blacksmith	do	do.	
121	16	Bourke, John	Ireland	15 „ ...	5 10	25	„	do	Signed.	
122	17	M'Donald, John M.	Australia ...	4 March	6 1½	23	Surveyor	do	do.	
123	18	Arnheim, E. H.	England ...	16 „ ...	5 6½	.....	„	do	do ...	Transferred.
124	46	Martin, James, jun.	do ...	18 „ ...	5 6½	36	Bricklayer	do	do ...	Dismissed, 30th October, 1871. Asked permission to rejoin.
125	48	Stuce, George	do ...	16 „ ...	5 6½	20	Butcher	do	Not signed...	Left.
126	53	Dalgarno, John Peter	N. S. Wales	4 „ ...	5 8	26	Telegraph Dept. ...	do	do ...	Left for Sydney.
127	65	Brown, Benjamin	do ...	1 „ ...	5 6	31	Bootmaker	do	do ...	Left.
128	75	Craig, John Bessland	do ...	5 May...	5 10	24	Auctioneer	do	Signed.	
129	82	Ayliffe, Joseph	England ...	5 „ ...	5 8	23	Bootmaker	do	Not signed...	Left the district.
130	89	Kelly, Thomas	Ireland	5 „ ...	5 7¾	24	Blacksmith	do	do.	
131	96	Horton, John	N. S. Wales	5 „ ...	6 1	22	Mail-driver	do	Signed.	
132	99	O'Brien, Thos.	do ...	5 „ ...	5 7	17	Coachmaker	do	Not signed...	Apprentice. Resigned November, 1870. Wishes to rejoin.
133	9	O'Brien, Robt.	Ireland	5 „ ...	5 6½	24	Labourer	do	Signed.	
134	31	Poidevin, Peter	N. S. Wales	19 „ ...	5 8	24	Carpenter	do	do ...	Left the district.
135	55	Cunningham, Edward John	England ...	19 „ ...	5 6	25	Stonemason	do	do ...	Resigned, a recruit.
136	1	Clewett, Richard Benjamin	do ...	19 „ ...	5 9	21	„	do	Not signed...	Resigned.
137	92	Cole, William	do ...	19 „ ...	5 10	22	Farmer	Malton	do.	
138	23	Booth, Chs.	do ...	16 „ ...	5 7	32	Stonemason	Goulburn	do.	
139	84	Whalan, George	N. S. Wales	23 „ ...	5 6	21	Labourer	do	Signed	Quitted immediately after being sworn in.
140	93	Blackshaw, Edwd.	England ...	23 „ ...	5 7½	36	„	do	Not signed...	Quitted.

Number	Registry Number	Names.	Country.	Date of joining.	Height.	Age.	Profession, trade, or calling.	Residence.	Signature.	General Remarks.
				1870.	ft. in.					
141	26	Byrne, John	Ireland	29 April...	5 11	25	Innkeeper	Goulburn	Not signed.	
142	51	Wright, Edw. Geo.	England	29 „	5 9	36	Chemist & druggist	do	do ...	Left district. Resigned June, 1870.
143	88	Munoz, Frederick	N. S. Wales	23 May ...	5 9	25	Drover	do	do ...	Quitted immediately after being sworn in.
144	82	Sibbald, Francis	Scotland	6 June...	5 9	17	Carrier	do	Signed.	
145	14	O'Connell, Michl.	Ireland	6 „ ...	5 6	25	Labourer	do	Not signed.	
146	...	Miller, John	N. S. Wales	6 „ ...	5 9	25	Printer	do	do ...	Resigned October, 1870. Quitted ; never did any drill.
147	...	Trump, Gotb. John	Germany	6 „ ...	5 6	17	Labourer	do	do ...	*Vide* No. 89.
148	...	Rootes, Fredk.	N. S. Wales	6 „ ...	5 8	17	do	do	Signed ...	Left the district.
149	...	Passmore, Geo.	do	6 „ ...	5 7	20	do	do	do ...	Dead.
150	...	Mitchell, Jno.	do	6 „ ...	5 9	19	do	do	Not signed...	Left the district.
151	...	M'Garvey, Chas.	do	6 „ ...	5 8	20	Blacksmith	do	do ...	do
152	...	Horan, Patrick	Ireland	9 „ ...	5 8	18	Labourer	do	do.	
153	...	Donelly, Danl.	do	9 „ ...	5 7	28	do	do	Signed.	
154	...	Bishop, George	England	9 „ ...	9 6½	30	Carpenter	do	Not signed...	Still on the roll. Left the district.
155	...	Nicholson, Wm.	N. S. Wales	9 „ ...	5 6½	31	Labourer	do	Signed ...	Left the district.
156	...	Johnson, William	do	9 „ ...	5 11	30	Shopkeeper	do	Not signed...	do
157	...	Brown, William	do	9 „ ...	5 5	16	Shopkeeper's assist.	do	do ...	Rejoined 16 May, 1871, after having quitted previously as he could not attend the required number of drills.
158	...	Buckley, ——	.....	.....	.....	...	.....	.....	.....	Transferred June.
159	...	M'Carthy, —	Ireland	.....	.....	.....	Plumber	Goulburn	Not signed.	
160	...	Cole, John	N. S. Wales	15 August	5 10	16	Farmer	Malton, near Goulburn	do.	
161	...	M'Donald, J.	do	15 „ ...	5 9	17	do	Tarago	do.	
162	...	O'Brien, E.	.....	29 April...	.....	...	.....	.....	do ...	Entered before.
163	...	Kelly, Michl.	N. S. Wales	15 Feb. ...	.....	23	Labourer	Goulburn	do.	
164	...	Dennett, Wm.	do	15 „ ...	5 8	18	do	.....	do ...	Entered before.
165	...	Brown, Benjn.	do	1 March	5 6	31	Bootmaker	.....	do ...	do
166	...	Dalgarno, Jno.	do	4 „ ...	5 8	26	Telegraph Dept.	.....	do ...	do
				1871.						
167	163	Kennedy, Robt.	Ireland	14 April...	5 8	50	Farmer	.....	do ...	Quitted from recruit class.
168	164	White, Jno.	England	25 „ ...	5 7½	34	Soldier	.....	do ...	Quitted. Went to Permanent Force.
169	...	Whalan, Geo.	N. S. Wales	25 May ...	5 6	21	Labourer	.....	do.	
165	...	Rush, W. C.	Sydney	6 „ ...	5 8½	19	Draper	Goulburn	do ...	Transferred to Battery in Sydney.
				1870.						
166	...	Bennett, G. C.	London	28 Oct. ...	5 7¾	29	Grocer	do	do ...	Resigned. Left the district.
				1871.						
167	...	Kingston, W.	N. S. Wales	1 April...	5 6	18	Labourer	do	do ...	Left at once after joining.
168	...	Fernandez, J.	London	3 May ...	5 5	22	Servant—domestic	do	do ...	Left district. Resigned.
169	...	Rush, W. C.	Sydney	6 „ ...	5 8½	19	Draper	do	do ...	Left district. Transferred.
170	...	Russell, Thos.	N. S. Wales	12 „ ...	5 10	29	Piano Tuner	do	do.	
171	...	Frewin, T. N.	do	17 „ ...	5 8	18	Draper's assistant...	do	do.	
172	...	Cannon, C.	do	11 „ ...	5 9	17	Painter	do	do.	
173	...	King, T.	Scotland	25 Sept....	5 8¾	25	Bootmaker	do	do.	
174	...	Massingham, W. G.	England	6 May ...	5 9¼	30	Grocer	do	do ...	Left the district. Resigned.
				1872.						
175	...	Burnell, T. C.	N. S. Wales	1 Feb. ...	5 7	26	Banker	do	do ...	Left the district. Resigned.
176	...	Fife, George	Ireland	19 „ ...	5 10	22	Farm labourer	do	do ...	Resigned ; rejoined ; resigned.
177	...	Eggo, John	Scotland	2 March	5 10	24	Coachman	do	do.	
178	...	Miller, John	At sea	4 „ ...	5 7	21	Horse-shoer	do	do.	
179	...	Duigan, Patrick	N. S. Wales	4 „ ...	5 8	20	Bootmaker	do	do ...	Resigned ; too much business on hand.
180	...	Helleman, W.	do	4 „ ...	5 6	18	Labourer	do	do.	
181	...	Monkley, H. A.	do	7 „ ...	5 5	17	Blacksmith	do	do ...	Resigned 22nd November, 1873 ; paid in full.
182	...	Chard, E. R.	England	7 „ ...	5 10	28	Butcher	do	do ...	Resigned ; not paid.
183	...	Cambey, M.	Ireland	11 „ ...	5 6	28	Labourer	do	do.	
184	...	Sherring, F.	England	18 „ ..	5 7	26	Bootmaker	do	do.	
185	...	O'Brien, A. J.	Ireland	19 „ ...	5 6	37	do	do	do.	

Number	Registry Number	Names.	Country.	Date of joining.	Height.	Age.	Profession, trade, or calling.	Residence.	Signature.	General Remarks.
				1872.	ft. in.	Years.				
186	...	Taylor, W.	N. S. Wales	27 March	5 7½	21	Tanner	Goulburn	Not signed...	Quitted.
187	...	Kingsell, W.	do ...	28 „ ...	5 8½	23	Tinsmith	do	do	
188	...	Adams, J.	do ...	5 April...	5 6	19	Painter	do	do	
189	...	Hogg, S.	Madras ...	5 „ ...	5 8	23	Banker	do	do ...	Left the district. Resigned.
190	...	Percival, S.	N. S. Wales	10 „ ...	5 6	35	Tailor	do	do	
191	...	Sullivan, James	Ireland ...	10 „ ...	5 9	40	do	do	do	
192	...	Cole, James	England ...	10 „ ...	5 6	40	do	do	do ...	Left the district without leave.
193	...	Lumsden, John	Scotland ...	13 „ ...	5 9	18	Teacher	do	do	
194	...	Carveth, L. R.	England ...	13 „ ...	5 8½	39	Carpenter	do	do ...	Quitted without any drill.
195	...	Shelley, G. W.	N. S. Wales	17 „ ...	5 8½	28	Grazier	Baw Baw	do ...	Left the district. Resigned.
196	...	Kerry, J. T.	do ...	18 „ ...	5 9	19	Draper	Goulburn	do ...	Resigned, 12/6/73 ; leaving the district.
197	...	Mason, Alex.	do ...	24 „ ...	5 7⅜	25	Labourer	do	do	
198	...	Curtis, F.	England ...	13 „ ...	5 6	16	Wheelwright	do	do	
199	...	Curtis, Fred.	do ...	30 „ ...	5 6	17	Miller	do	do	
200	...	Mason, W.	N. S. Wales	30 „ ...	5 10	16	Printer	do	do	
201	...	Thoroughgood, J. W.	do ...	6 May ...	5 6	18	Apprentice to blacksmith.	do	do ...	Quitted almost at same time.
201	...	Weatherby, J. H.	do ...	14 „ ...	5 6	23	Bootmaker	do	do	
202	...	M'Intyre, R.	do ...	16 „ ...	5 11	17	Labourer	do	do ...	Left without leave.
203	...	Goulden, J. W.	Ireland ...	17 June...	5 8½	44	Tailor	do	do	
204	...	Hurley, M.	.....	27 July ...	.....	.....	.....	do	do ...	Transfer from Maitland.
205	...	Ryde, F. E.	England ...	16 Dec. ...	5 10½	22	Draper's Assistant	do	do	
206	...	Rogers, A.	N. S. Wales	23 „ ...	5 9½	23	Coachman	do	do	
207	...	Wilson, Alex.	England ...	30 „ ...	5 7	16	Labourer	Near do	do	
208	...	Hampshire, E. K.	do ...	31 „ ...	5 11	17	Tinsmith	do	do	
209	...	Bickley, J. T.	do ...	31 „ ...	5 5¾	18	Apprentice to saddler	do	do	
210	...	Nunn, —	.....	.....	.....	.....	Bugler	do	do ...	Transferred from Sydney.
211	...	Deacon, —	.....	.....	.....	.....	.....	do	do ...	do do
				1873.						
		Pedley, John	N. S. Wales	12 August	5 8	.....	Gardener	Goulburn	do	
		Robinson, William	England ...	12 „ ...	5 6	.....	Carpenter	Goldsmith-street, Goulburn	do	
		Jessop, James	do ...	20 May ...	5 7½	.....	General dealer	Auburn-street, Goulburn ...	do	
		Anderson, John	N. S. Wales	22 Sept....	5 5¾	.....	Salesman	Goulburn	do ...	Had served in the Volunteer Artillery.
		Wheeler, Charles	London ...	16 „ ...	5 8	23	Coach painter	Auburn-street, Goulburn ...	Signed.	
		Hines, Ellis Elijah	N. S. Wales	13 Oct. ...	5 7	18	Saddler	Bradley-street, Goulburn ...	do	
		Topham, Frederick	do ...	14 „ ...	5 7	18	Wheelwright	Auburn-street, Goulburn ...	do	
		Horan, Rodey	Ireland ...	17 „ ...	5 7	19	Shoemaker	Lithgow-street, Goulburn ...	Not signed...	Cannot write.
		Kingston, George	N. S. Wales	16 „ ...	5 8	16	Shoemaker	Victoria-street, Goulburn ...	do ...	do
		Kenan, Patrick A.	do ...	20 „ ...	5 6	17	Compositor	Auburn-street	Signed.	
		Lacey, John	England ...	21 „ ...	5 7	20	Quarryman	Run of Water	Not signed...	do
		Walker, Andrew	N. S. Wales	21 „ ...	5 8	18	Painter	Clifford-street	do	
		Feltham, Joseph	do ...	21 „ ...	5 6	17	Ostler	Auburn-street	do	
		Kingston, W.	do ...	22 „ ...	6 0	19	Farmer	do	do ...	do
		O'Donnell, T. P.	do ...	27 „ ...	5 6½	17	Beamsman	do	do	
		Fischer, Joseph	do ...	27 „ ...	5 6	17	Grocer	Goulburn	Signed.	
		Johnson, Robert	do ...	30 „ ...	5 4½	18	Light porter	Grafton-street	do	By special permission of the Commandant.
		White, Frederick	do ...	30 „ ...	5 7⅓	18	Baker	do	do	
		Turner, James	do ...	31 „ ...	5 6	16	Mason's apprentice	Sloane-street	do	Father's consent.
		Bulger, William	do ...	4 Nov....	5 7	18	Carter	Auburn-street (Mr. Hoins)...	do	
		Baxter, Henry	do ...	5 „ ...	5 4	16	Apprentice—(bootmaker).	do (Mr. Teece)...	do	With consent of the Commandant, and employer, Mr. Teece.
		Carritt, William	London ...	25 „ ...	5 7	31	Gardener	Lansdowne	do	
		Sinclair, Edmond John	Ireland ...	1 Dec. ...	5 6	33	Tailor	Clifford-street	do	
		Hogan, John	do ...	1 „ ...	5 7½	32	Tailor	Cole-street	By mark ...	Witness—Edmond John Sinclair.
		White, Henry	N. S. Wales	6 „ ...	5 5½	16	Baker	Grafton-street	Signed	Received as bugler.
		Dickson, William	England ...	9 „ ...	5 6	18	Painter	Auburn-street	do	
		Carlton, Robert	N. S. Wales	9 „ ...	5 7	21	Mason	Towrang	do	

Exhibit H.

26 August, 1872.

Memo.—On Tuesday, the 20th instant, Mawson was playing piccolo carelessly, and on Mr. Deane's remark to him, "If you make so much trouble in playing piccolo, you won't be able to do much with the bugle"; he (Mawson) replied, "The old man is only 'gassing'; I would not play it." Mr. D. said it was the second bugle. Mawson said he would not take the second bugler's place.

I, William Mawson, beg to express my regret at having used the above words, and beg that Mr. Deane will be so kind as to accept this my apology.

W. B. MAWSON.

Witness—J. H. Weatherby.

Exhibit I.

Acting-Major Baynes to Major Hales, Bathurst.

Brigade Office,
Sydney, 10 December, 1872.

Sir,

With reference to Captain Rossi's letter of the 4th instant, I am directed to acquaint you, that under the circumstances of Private Mawson's resignation of his former rank of sergeant in the Goulburn Corps, the Commandant thinks it inexpedient that he should be permitted to resume it.

I have, &c.,
THOS. BAYNES, Capt.,
Act.-Major of Brigade.

Memo.—Forwarded for Captain Rossi's information.—F. B. Hales, M.W.B., Bathurst, 13 December, 1872.

Exhibit J.

To the Officers, Non-Commissioned Officers, and Members of the Goulburn Corps, Volunteer Rifles,—

Gentlemen,

I have thought it might probably lead to a good result if I were to make some remarks to my Company with reference to certain recent occurrences in connection therewith. Having that hope, I avail myself of the first opportunity afforded, and I ask you kindly to accept what I shall address you in that spirit which may induce a better understanding and be productive of mutual confidence.

I assume that most of the circumstances have become known to you, relative to a member of my Company, who lately declined to give me the military salute. It may not therefore be necessary to make any other allusion to this case than to name that as soon as possible after the parade on the 18th ultimo, I requested to see Private Robertson, and during explanation upon the subject of the salute, I told him that what I had done "was not a reprimand," and in reply to a question from him I said I did not claim the military salute as a right at all times. Now, had Private Robertson been willing to have accepted these my two statements, there was no necessity for the matter to have proceeded further, as after that interview his difficulties ought to have been removed and himself satisfied if he had been contending for any principle.

I here give my reply to a subsequent question put to me in writing by Private Robertson as to "Whether it was a mistake his being reprimanded on parade." My answer was—"In reply to your query contained in letter of 8th instant I have to say, that the communication to you on parade was merely an expression of opinion on the part of the Commandant," being in the very words of the Commandant after reference of the question to him. While unknown to the Commandant, those words correspond with my previous statement to Private Robertson that it was not a reprimand.

I repeat that which I have so frequently intimated, that every one of my Company is at liberty to withhold or render the salute to his commissioned officers (unless as provided in regulations), and I include also the recruits who, although they had expressed their ready compliance to the request to give the salute on all occasions, are still as the rest of Company, under no *legal* obligation to conform to my views in this respect; nor is the observance of my wishes in this particular more pressed upon you all than the adoption of many other things which I have pointed out as tending to give a more military bearing and character to the Corps.

Several of the newspapers of the Colony have commented on the subject; but with the exception of the Sydney *Herald*, and for the reasons given in my letter therein published, I have not noticed any remarks or statements which any of them have been pleased to make, neither do I purpose now to allude to them, for the conclusions frequently arrived at by these publications are based upon a partial knowledge of all the attendant circumstances; besides, all the powers of argument or persuasion of journals are as impotent to heal misunderstandings in the Corps when such arise, as would be found to be the case if similarly applied to the disagreements of private families. I cannot, however, resist the impression that what others cannot do for us we can do for ourselves. First, we should bring ourselves to believe in the *bonâ fide* of each other. With that view I have, as it is well known, over and over again invited you, when misapprehension exists, to inquire of me, when I shall be too glad to explain if possible whatever might appear a difficulty to any of you. Again, instead of seeking redress of troubles elsewhere, I have invariably suggested a remedy which can be better obtained and in a legitimate manner by application for a Court of Inquiry. I am not irresponsible in my position as commanding officer, but subject to as much control to my superior officers as any member of my Company is to me. Although I strive through good report and evil report to do my duty (and if I err I shall be happy to be set right), I fear my actions are too frequently misconstrued, and lamentable perversions of facts arise which I could make clear if the opportunity were given me.

I have now but to express the earnest hope that you will one and all endeavour with me, for you certainly have the power, if you will exercise it, to make our Company honored above all in this land.

I am, &c.,
F. R. L. ROSSI,
Captain.

Rossiville, 4th July, 1872.

Exhibit K.

Having reference to a resolution passed by the committee of the G. C. V. Rifles, on Monday, the 29th ultimo, to the effect that Mr. Deane should be dismissed from his engagement on 1st August,—In accordance with what I stated in committee last evening, I have to request you to be good enough to inform all the members of committee that I shall be fully prepared to carry out that resolution on receiving a properly executed indemnity, signed by all the committee, undertaking the responsibility of holding me harmless in the event of legal proceedings being instituted against me by Mr. Deane.

F. R. L. ROSSI,
Captain.

Rossiville, 2 August, 1872.

Exhibit L.

Exhibit L.

Sergeant Sproule to Lieut.-Colonel Richardson.

Goulburn, 1 June, 1872.

Sir,

I have the honor to call your attention to a case, the details of which will, I believe, show that I have just cause to complain of the conduct of Captain Rossi.

I bring this matter before you as I, through Captain Rossi, am empowered to do by the provision of the regulation of the Volunteer Act, as laid down in clause 78; and I appeal to you because I see no other means of obtaining redress.

I joined the Goulburn Corps Volunteer Rifles at its formation, and subsequently became also a member of the Band—(still remaining on the strength of the Company).

On April 4th, 1870, I was appointed *Band* sergeant by Captain Rossi.

On November 3rd, 1870, I was detailed off to act as orderly sergeant *for the Company*, and did the duties for that month and the following month as well, at the same time attending to my practice as a bandsman, and fulfilling all the duties inherent to my position as sergeant of the Corps.

For some unexplained reason, late in 1870, or early in 1871, Captain Rossi named me supernumerary sergeant of the *Company*, ignoring my status as *Band sergeant*, though as such I had previously done duty as sergeant of the Company.

On April 4th, 1871, I was again told off to act as orderly sergeant for the month.

In a Company order, dated August, 1871, I was again termed sergeant, and have always acted as sergeant, even to being told off to collect the monthly subscriptions of the Company, *and without me* the number of sergeants would have been incomplete.

After all this, having done my regular routine of duty as a sergeant of the Company, and also attending my practice and other duties in the Band, I am suddenly told by Captain Rossi that I do not rank as a *sergeant* of the *Company*, but that I may take rank as a junior sergeant, provided I agree to pass an examination (this examination being an institution of Captain Rossi's himself).

My appointment as sergeant, apart from the Band, is a fact well known to the old members of the Corps, and to our late lieutenant, E. S. Arnheim, among the number.

I have not done anything to forfeit my position, and it is degrading me in the eyes of the Company to compel me to return to the ranks, particularly when the same power which raised me exerts itself to reduce me without any adequate cause.

I object to undergo an examination, because, after having been deemed worthy of promotion before any such ordeal was necessary, my compliance with such would be equivalent to acknowledging that I had hitherto held the position of sergeant, not being entitled to it.

To this position I was raised by Captain Rossi, and I believe all the members of the Corps will testify to my efficiency.

In asking your interference to prevent my being unjustly used, I may add that, while connected with the Company, besides being considered worthy of being made a sergeant by Captain Rossi, I have done much to enhance its reputation at the rifle range, hold my badge as a marksman, and have been elected by the Company to act on its committee; and I beg you will give this matter your serious attention, and should you elect that I maintain my position as sergeant of the Corps, I will always endeavour to fulfil it worthily, and do my duty honorably to the Corps and myself.

I have, &c.,
A. SPROULE,
Sergeant, G. C. V. Rifles.

Before giving an opinion on this case I should wish to have Captain Rossi's remarks.—J.S.R., Lt.-Col., Comdt., B.C., 13/6/72.

Captain Rossi to Lieut.-Colonel Richardson.

Goulburn, 17 June, 1872.

Sir,

In accordance with your wish, requesting my remarks upon the letter of Sergeant Sproule, I have to say that in 1870 Private Sproule was made, with your approval as supernumerary sergeant, sergeant of the Band, and Private Perry as corporal of the same, without those positions in Company.

I had occasion to employ Sergeant Sproule frequently with duties as a sergeant of the Company. He was never promoted thereto, but on being reminded that his real position continued as originally as private, he expressed disappointment, and, to use his own words, he said, "that he would rather be a sergeant in the Company than colonel in the Band, if there could be such a thing," and added that he wished to be appointed, and volunteered at that time to pass an examination if required.

You will remember, some time before present letter was written by Sergeant Sproule, how warmly I urged, on many grounds, his claim to be appointed sergeant, and to obtain for him the advantage of seniority equal to date of appointment as Band-sergeant. You were good enough to tell me, which I took the trouble to explain, that this was impossible—that Band-sergeant Sproule, though entitled as such to precedence of some sergeants in the Company, must, if appointed to Company, take junior rank to them.

I am utterly at a loss to know what grievance Sproule can possibly have against me, for it is known to yourself how highly I have always mentioned his name, and how anxious I have truly been, if possible, to accede to his wishes.

I have, &c.,
F. R. L. ROSSI,
Captain, G. C. V. Rifles.

Am I to understand that Sergeant Sproule has performed continuously the regular Company duties? If so, I think his claim should receive consideration in preference to filling vacancies by juniors.—J. S. R., Lt.-Col., B.C., 26/6/72. To be returned.

Captain Rossi to Lieut.-Colonel Richardson.

Rossiville, 5 July, 1872.

Sir,

There is a part of Sergeant Sproule's letter I find I had omitted to notice before, wherein he says I had ignored his position as Band-sergeant. I need hardly say more on this point, except that this is simply a grievous misapprehension of Sergeant Sproule, for I never, in thought, word, or deed, have done so.

With reference to Sproule having been engaged in the duties of the Company, he has done so whenever required. He has fulfilled faithfully those duties.

If it is your pleasure that Sproule should be appointed sergeant of the Company, I shall be glad, as I have throughout said, and under the special circumstances, if you think it expedient, he could be promoted without the usual examination. If appointed, can he take rank at date equivalent to his having been made *Band*-sergeant?

I have, &c.,
F. R. L. ROSSI,
Captain, G. C. V. Rifles.

An examination is unnecessary in Band-sergeant Sproule's case, as it appears he has been performing the duties of a Company-sergeant entirely to Captain Rossi's satisfaction. A transfer only is necessary, and Sergeant Sproule will date his seniority from his appointment as Band-sergeant.—J.S.R., Lt.-Col., B.C., 9/8/72.

Exhibit M.

Exhibit M.

B Adams
Brown (uniform only)
Cooper
B Deacon
Dunn
Davis
Gale
M'Govern, W.
M'Connell (uniform only)
M'Garvey
Perry
B Ryde
Russell
Smith
Waugh

Exhibit N.

RIFLE VOLUNTEER CORPS.

Record of attendance at Parade and Drill of Goulburn Rifle Corps, for the nine months ending 30th September, 1873..

Rank and Names.	Quarter ending 31 March.	30 June.	30 Sept.	Musketry Instruction.	Total Parades and Drills.	Rank and Names.	Quarter ending 31 March.	30 June.	30 Sept.	Musketry Instruction.	Total Parades and Drills.
1 Capt. Rossi*	8	3	10	*	21	49 Private Helleman*	7	5	8	*	20
2 Lieut. Chisholm*	7	4	7	*	18	50 „ Holt*	5	9	8	*	22
3 Ensign Dignam*	10	10	8	*	28	51 „ Kelly*	5	5	9	*	19
4 Col.-Sergt. Trenery*	6	8	10	*	24	52 „ Kingsell*	4	4	7	*	15
5 Q.-M.-Sergt. Sproule*	9	9	8	*	26	53 „ King*	9	3	9	*	21
6 Sergt. Herriott*	10	14	11	*	35	54 „ Lumsden*	8	9	7	*	24
7 „ Trenery*	8	7	9	*	24	55 „ M'Donald, Jno.*	4	6	6	*	16
8 „ Blackshaw*	10	14	9	*	33	56 „ M'Donald, J. M.	...	...	...	...	...
9 Corpl. Wilkie*	5	9	11	*	25	57 „ M'Govern, W.	...	...	...	...	...
10 „ Hayley*	...	...	8	...	8	58 „ M'Govern, Jos.*	7	4	3	*	14
11 „ Hollis*	3	7	5	*	15	59 „ M'Carthy	5	7	...	...	12
12 „ Cleary*	...	6	5	*	11	60 „ M'Connell	...	...	...	...	...
13 „ Fitzgibbon*	5	8	10	*	23	61 „ M'Garvey	...	...	...	...	...
14 Private Adams	1	1	1	*	3	62 „ M'George	...	...	...	...	...
15 „ Bickley*	5	8	5	*	18	63 „ M'Hugh*	4	5	8	*	17
16 „ Bickley, junr.	...	...	9	*	9	64 „ Monkley, H. B.*	8	8	6	*	22
17 „ Benton	...	...	7	*	7	65 „ Monkley, H.	...	...	...	...	...
18 „ Buckley	7	6	...	...	13	66 „ Miller	...	...	...	...	...
19 „ Byrne, Thos.*	6	4	7	*	17	67 „ Morriss*	8	14	8	*	30
20 „ Byrne, Jno.*	5	5	4	*	14	68 „ Mawson*	7	8	8	*	23
21 „ Brown	...	...	...	...	...	69 „ Mason, A.*	6	9	11	*	26
22 „ Clarke, H. S.*	8	8	6	*	22	70 „ Mason, W.*	9	8	8	*	25
23 „ Clarke, Jno.	...	...	6	*	6	71 „ Munroe	...	...	4	*	4
24 „ Clegg	...	...	...	...	...	72 „ Nunn	5	4	...	...	9
25 „ Cooper	...	...	...	...	...	73 „ O'Donnell*	1	6	6	*	13
26 „ Cole, W.	...	...	9	*	9	74 „ O'Brien, Thos.*	9	8	7	*	24
27 „ Cole, Jno.	...	...	9	*	9	75 „ O'Brien, A. J.	2	7	...	...	9
28 „ Coleman*	6	6	7	*	19	76 „ O'Sullivan*	5	5	7	*	17
29 „ Connors*	10	9	6	*	25	77 „ Peard*	6	3	6	*	15
30 „ Craig*	8	5	7	*	20	78 „ Perry	...	...	...	...	...
31 „ Cannon*	9	5	4	*	18	79 „ Percival	1	...	...	...	1
32 „ Camby*	5	4	4	*	13	80 „ Reynolds*	6	7	8	*	21
33 „ Cleary, D.*	7	9	6	*	22	81 „ Ryde	...	...	4	*	4
34 „ Curtiss, Frank*	6	11	9	*	26	82 „ Robertson*	8	10	7	*	25
35 „ Curtiss, Fred.*	10	9	10	*	29	83 „ Rogers*	...	...	10	*	10
36 „ Deacon	2	2	1	...	5	84 „ Riley*	5	5	5	*	15
37 „ Dunn	...	...	...	...	...	85 „ Russell	3	...	1	*	4
38 „ Davies	1	...	1	...	2	86 „ Sibbald*	9	6	10	*	25
39 „ Dickson*	4	3	4	*	11	87 „ Sherring*	8	5	6	*	19
40 „ Donnolley*	5	1	6	*	12	88 „ Smith	...	...	...	...	...
41 „ Duckett	...	...	5	...	5	89 „ Trump*	5	7	9	*	21
44 „ Eggo	...	...	...	...	...	90 „ Topham	...	...	6	*	6
43 „ Fuller*	7	5	8	*	20	91 „ Wilson, H.*	8	6	9	*	23
44 „ Goulden	3	3	2	*	8	92 „ Woods*	8	9	9	*	26
45 „ Gale	...	...	...	...	...	93 „ Waugh	...	...	...	...	...
46 „ Gillespie*	7	7	6	*	20	94 „ Wetherby	...	...	...	...	...
47 „ Hurley*	7	11	5	*	23	95 „ Wilson, A.	...	...	9	*	9
48 „ Horton*	6	11	8	*	25						

Exhibit O.

Captain Rossi to Private Paris, G. C. V. Rifles.

I request you at once, on this my demand, to pay the sum of £2 7s. to Corporal Blackshaw, being the amount due by you for subscription from 1st October, 1870, to 31st August, 1871. If not instantly complied with I shall take proceedings against you.

F. R. L. ROSSI,
Captain.

Goulburn, 5th September, 1871.

Captain

Captain Rossi to Major Brown.

Rossiville, 21 November, 1871.

Sir,

I have the honor to report that I have had occasion to dismiss from my Company Privates Paris and Martin, in consequence of the persistence with which they had refused to pay any sums due by them to funds of Company, and the effect of their example was operating most seriously upon the other members.

I have, &c.,
F. R. L. ROSSI,
Captain, G. C. V. Rifles.

MEMO.—Colour-sergeant Trenery, G. C. V. Rifles,—Please to examine attendance rolls of 1869, and report, as soon as possible, number of occasions on which Corporal Perry and Private G. M'Connel attended during that year.

F. R. L. ROSSI,
Captain.

21/11/71.

Major Brown to Captain Rossi.

Parramatta, 22 November, 1871.

Sir,

I have the honor to acknowledge the receipt of your letter dated yesterday in which you state that you have dismissed Privates Paris and Martin in consequence of their not having paid certain sums due from them to the funds of the Corps.

I fear that you have exceeded your authority under section 28 of the Volunteer Act, as your remedy is given you in section 46.

This has been done more than once in the Parramatta Corps with satisfactory results.

I would recommend you to reconsider the dismissal, and put the recovery of the debt into the hands of an attorney.

I have, &c.,
WALTER BROWN, Major,
Commanding Western Battalion.

Captain Rossi to Major Brown.

Sir,

1. I have the honor to acknowledge your letter, 22nd instant, wherein, having reference to the dismissal by me of Privates Paris and Martin from my Company, I am told you fear that I have exceeded my authority under section 28. I request leave to explain more fully the circumstances in connection therewith.

2. In the case of Martin it may not be necessary to say more that immediately following upon his dismissal he came to me and said *I had done quite right*, and that if I would not bring him before the Court he would pay, and he gave me a pro. note for what he owed, but this will not be available as he appears on this day to have called his creditors together.

3. With reference to Paris I would point out that his conduct for months past has been most improper, and was doing infinite harm to the Company by the effect of his resistance and by the character of his remarks, producing extreme unwillingness to pay in the minds of others.

Paris never has paid a single farthing to funds from the time of his first joining in 1869. I have tried every means to obtain money from him,—it has been repeatedly demanded. I then spoke to him myself and he promised when he received certain Government money expected, he would pay some. At the moment that money he (Paris) referred to was given to him I had him again applied to and he refused, saying to the applicant, C.-Sergt., let him (meaning myself) summon me. I did so, employed an attorney, and lost the case in the Police Court.

4. Acting upon subsequent advice of attorney I gave him a notice, a copy enclosed, which he failed in any way to regard, and I then felt it absolutely necessary for the discipline of the Company to dismiss him, with the intention of following my demand again before the Court.

5. I trust my explanation will be considered satisfactory.

I have, &c.,
F. R. L. ROSSI,
Captain, G. C. V. R.

Captain Rossi to Private Paris.

Goulburn, 1871.

To Private Paris, G. C. V. Rifles,—

You are requested to attend parade on 30th October and to bring with you and pay to me the sum of £4 1s., being the amount due by you as per enclosed account.

I desire to warn you that if this be not complied with, I shall be obliged summarily to carry out the powers vested in me in Volunteer Act, section 28 (1).

F. R. L. ROSSI, Captain.

Captain Rossi to Mr. John Spicer Paris.

Volunteer Office,
Goulburn, 22 November, 1871.

Sir,

I do hereby, in terms of the 22nd section of the Volunteer Force Regulation Act of 1867, call upon and require you to deliver up to Quartermaster-Sergeant M'Kean on demand, in good order and condition (reasonable wear and tear only excepted) all arms, accoutrements, clothing, and appointments, being public property, or the property of the Corps to which you belonged, and issued to you, as I dismissed you on 30th October last from Goulburn Corps Volunteer Rifles; and I further purpose to institute legal proceedings against you for moneys due by you to my Company.

I am, &c.,
F. R. L. ROSSI, Captain.

Copy given to J. S. Paris, 23/11/71.—P. R. M'KEAN, Q.-M. Sergt., G. C. V. Rifles.

Major

Major Brown to Captain Rossi.

Sir, Parramatta, 27 November, 1871.

In reply to your letter of the 24th instant, received to-day, in which you give an additional reason for your dismissing Private Paris, and also state that you were unsuccessful in suing him, I have only to state that my object in saying what I did was, that you may not find yourself in a wrong position should any litigious person take the case up.

When Captain of the Parramatta Corps, I sued three or four and gained my cases, and Captain Byrnes now finds no difficulty in the matter, and has his moneys paid regularly. Should you have any *other* reason as well, which could come fairly under section 28, clause 1, by all means discharge the man, for he appears to be a nuisance to you all; but my opinion still is that non-payment of fines, &c., is not cause sufficient *of itself* for dismissal, as you have your remedy in sec. 46.

I have, &c.,
WALTER BROWN, Major,
Commanding Western Battalion.

Captain Rossi to Major Brown.

Sir, Rossiville, 5 December, 1871.

1. With reference to your letter of the 27th ultimo, *re* Private Paris, I beg, in further explanation, to add, that the fact of his (Private Paris) not having paid the amount he was indebted to my Company, formed but an ingredient in determining me upon his dismissal.

2. It will be observed that I had requested Paris' attendance at parade on a certain day by the notice (a copy of which I had forwarded to you); he disregarded that notice; he made no explanation or excuse; neither did he apply for leave of absence.

3. Paris, I before intimated, had quite disaffected my Company by his demeanour; he professed to be willing to pay 3d. per week, but he never paid a farthing since his connection with Corps; in fact, matters had reached that point when I found it absolutely necessary to show whether Private Paris or myself had control of the Company, while the course I pursued was by the advice of an attorney, after failure in trying the case before the Police Court, and believed to be in accordance with the spirit of clause No. 28, Volunteer Act, for I conceived Paris had shown an utter contempt of my authority, and I had deemed the sufficiency of the reason for his dismissal to have been abundantly exhibited.

I have, &c.,
F. R. L. ROSSI,
Captain, G.C.V. Rifles.

I think Captain Rossi would be justified in dismissing Private Paris from the Goulburn Corps under the circumstances above stated, and recommend this to be forwarded direct to the Commandant for his approval.—W. BROWN, Major.

Major Brown,—I think Captain Rossi has acted well in dismissing Private Paris from the Corps; at the same time I think it would be well in all cases to call upon the men themselves to show cause why they should not be dismissed.—J.S.R., Lieut.-Col., Comdt., B.C., 12/12/71.

Captain Rossi to Lieut.-Col. Richardson.

Sir, Rossiville, 9 December, 1871.

I have the honor to forward accompanying papers relative to dismissal of Private Paris, to the Commandant, by direction of Major Brown, Commanding Western Battalion, for approval.

I am, &c.,
F. R. L. ROSSI,
Captain, G. C. V. Rifles.

EXHIBIT P.

Private J. B. Craig to Captain Rossi.

Sir, Goulburn, 2 May, 1872.

I beg respectfully to resign the office I hold as a member of the committee of the Goulburn Volunteer Rifles, as I find that my conduct, in common with the other members of the committee, fails to give satisfaction to many of the men.

In parting, allow me to acknowledge the courtesy *I have at all times* received at the hands of yourself and other members of the committee.

I have, &c.,
J. B. CRAIG,
Private.

EXHIBIT Q.

Captain Baynes to Captain Rossi.

Brigade Office,
Sydney, 19 December, 1872.

MEMO.—The undermentioned letters are forwarded to Captain Rossi pursuant to his request of the 18th instant, viz.:—

Letter from Captain Baynes, 21 April, 1870, forwarding
Do. Captain Rossi, 7 April, 1870.
Do. Private Chambers, 9 do.
Do. J. G. Morris, 9 do. and
Do. Captain Rossi, 11 do.

The letter inquiring whether the Goulburn Rifle Association could accept matches without consent of Commanding Officer, dated 8th September, 1871, was returned to Captain Rossi on the 11th same month, with following minute, viz.:—
"Certainly not—everything should be done through and with the consent of the commanding officer.—J.S.R., Lieut.-Col."

The memo. of the 16th instant apprised Captain Rossi that the letters of resignation of members of committee could not be traced in this office.

By Command,
THOS. BAYNES, Capt.,
Acting Major of Brigade.

Captain Rossi to The Honorary Secretary, G.C.V. Rifles and G.R. Association.

MEMO.—I have to inform you that you have no power to interfere in military matters, and I request that you will forbear, in future, from arranging for rifle matches with Volunteers without my direction.

Rossiville, 31 August, 1873.

F. R. L. ROSSI,
Captain.

Captain

Captain Rossi to Lieut.-Colonel Richardson.

Rossiville, 1 April, 1870.

Sir,

On the evening before last I called the annual meeting of the Goulburn Corps, for the purpose of electing the new committee, and to give to the meeting the abstract of accounts for the year. While engaged on the occasion I met with such unseemly interruption on the part of a member of the Company, that I deemed it expedient to adjourn until the following evening (yesterday), with orders *that the Company should at that time appear in uniform.*

That meeting took place, where I had the muster roll called, when the following occurrences took place, which I have the honor to lay before you.

Private Chambers desired to engage in discussion and to make certain propositions, when I inquired if he were in uniform. He replied—"No, I was not here last night, but had heard something about it." I said—"If you tell me you really did not know it was an order, I will excuse you." He replied—"He would not say that." I then said—"If you wish to take part in the proceedings, I will delay them if you will return home and put on uniform." He declined. I then said—"If you will make an exchange of garments with any of the Company in the room, I will hear you." He declined; but he took up, shortly afterwards, a uniform-cap, and placed it on his head, saying—"Now I am in uniform." I said that was disrespectful. He insisted upon taking part, when I told him I could only permit him to do so with the understanding that I should make a note of it and refer the same to Colonel Richardson. He continued.

Following upon this, *Private John Morris* addressed me, and taking also part in the proceedings, he being likewise in plain clothes. I cautioned him that the remarks I had made applied equally to him, and that I could not consent to his taking part. He replied—"He had read the Act, and that it was not required to appear in uniform, and that he was as good if he came in his shirt-sleeves." I told him if he persisted I should report it to the Colonel. He did so.

I beg respectfully to remark that I had made it an order to *appear in uniform*, from the improper tone of proceedings while several of the Company had attended the previous evening in *plain clothes*. On the second occasion I was myself in uniform. I had conceived it to be irregular that a response could be made by a private to the roll call (unless in uniform), and I had been led to think a disobedience of order was shown by the two privates named, by their knowing the order (of which ignorance was not pleaded) and not attending thereto, which misconduct was aggravated by resisting the latest opportunities I was willing to afford of compliance with my wishes.

Under the circumstances, I earnestly seek that you will be pleased to take such steps as will for the future deter any member of the Company from obstructing me in the discharge of my duties.

I am, &c.,
F. R. L. ROSSI,
Lieut. and Captain (elect), G.V. Rifles.

Captain Rossi to Lieut.-Colonel Richardson.

Rossiville, 2 May, 1870.

Sir,

I have the the honor to state that, in accordance with the recommendation from the Colonel Commanding Volunteer Force, I dismissed Privates Chambers and John Morris from the G. C. V. Rifles, on Thursday, 28th ultimo, and this evening at parade I have had read the Company Order to that effect, a copy of which I beg herewith to forward.

I have, &c.,
F. R. L. ROSSI,
Lieut. and Captain (elect), G.V. Rifles.

Company Order.

In consequence of the insubordinate conduct, on 31st March, by Privates Chambers and John Morris, I dismiss them both from the Goulburn Corps Volunteer Rifles.

F. R. L. ROSSI,
Lieut. and Captain (elect), G.V. Rifles.

28 April, 1870.

Exhibit R.

Captain Rossi to Lieut.-Colonel Richardson.

Rossiville, 1 April, 1870.

Sir,

On the evening before last, I called the annual meeting of the Goulburn Corps, for the purpose of electing the new committee, and to give to the meeting the abstract of accounts for the year. While engaged on the occasion, I met with such unseemly interruption on the part of a member of the Company that I deemed it expedient to adjourn until the following evening (yesterday), *with orders that the Company should at that time appear in uniform.*

That meeting took place, where I had the muster roll called, when the following occurrences took place, which I have the honor to lay before you.

Private Chambers desired to engage in discussion and to make certain propositions, when I inquired if he were in uniform. He replied—"No, I was not here last night, but had heard something about it." I said—"If you tell me you really did not know it was an order, I will excuse you." He replied—"He would not say that." I then said—"If you wish to take part in the proceedings, I will delay them, if you will return home and put on uniform." He declined. I then said—"If you will make an exchange of garments with any of the Company in the room, I will hear you." He declined, but he took up, shortly afterwards a uniform cap and placed it on his head, saying—"Now I am in uniform." I said that was disrespectful. He insisted upon taking part, when I told him I could only permit him to do so with the understanding that I should make a note of it and refer the same to Colonel Richardson. He continued.

Following upon this, *Private John Morriss* addressed me, and taking also part in proceedings, he being likewise in plain clothes. I cautioned him that the remarks I had made applied equally to him, and that I could not consent to his taking part. He replied—"He had read the Act, and that it was not required to appear in uniform, and that he was as good if he came in his shirt-sleeves." I told him if he persisted I should report it to the Colonel. He did so.

I beg respectfully to remark that I had made it an order *to appear in uniform, from the improper tone of proceedings while several* of the Company had attended, the previous evening *in plain clothes*. On the second occasion I was myself in uniform. I had conceived it to be irregular that a response could be made by a private to the roll call (unless in uniform), and I had been led to think a disobedience of orders was shown by the two privates named, by their knowing the order (of which ignorance was not pleaded) and not attending thereto, which misconduct was aggravated by resisting the latest opportunities I was willing to afford of compliance with my wishes.

Under the circumstances, I earnestly seek that you will be pleased to take such steps as will for the future deter any member of the Company from obstructing me in the discharge of my duties.

I have, &c.,
F. R. L. ROSSI,
Lieut. and Captain (elect), G.V. Rifles.

I should recommend Captain Rossi to dismiss Privates Chambers and Morriss from the Corps, for *insubordinate conduct*, and to issue a Company Order to that effect, forwarding a copy of the same to this office.—J.S.R., Lt.-Col., B.C., 27/4/70.
To be returned.

Private

Private Chambers to Captain Baynes.

Goulburn, 9 April, 1870.

Sir,

At your request I make the following statement:—

1st.—That at the first meeting of the Corps (on the 30th March), Captain Rossi took his seat as Chairman, without uniform, therefore virtually sanctioning it, and only ordered the members of the Corps to come (on the following evening, the 31st) with uniform when he found them determined to express their opinion upon matters coming before them.

2nd.—That not being present at the meeting on the 30th, I was not officially made aware of the order to appear in uniform, but I admit that I casually heard of it out in the city, of which I submit I had no right to take cognizance of.

3rd.—That the election of a committee is an unmilitary proceeding, and not *provided for in the Volunteer Act;* it being appointed simply to assist in matters of detail. This being the case, I held it was not necessary to appear in uniform at the meeting.

4th.—I believe that it is necessary for the orderly-sergeant or corporal to have the order-book at parade, "that the same may be read by an officer present, for the information of the members of the Corps." This was not done, and consequently, I, with others, was not aware that we were to appear in uniform.

5th.—With reference to a part of Captain Rossi's statement, I may say it is incorrect. I refer to the part about the cap. I did not put the *cap on my head* at all—I simply held it up; and I also beg to state that I did not make use of the words "*Now I am in uniform.*" What I said was, "*that I was under the immediate control of my officers if I had a portion of my uniform on,*" and unless I had a part I could not be considered under his command. Captain Rossi did not say in my hearing, that he "*would make a note of it,*" but that he would "*write to Colonel Richardson,* asking whether my taking part in the proceedings of the *meetiny without uniform,* would *invalidate* the business transacted by such meeting."

6th.—I said nothing disrespectful to Captain Rossi, nor did I in any way obstruct the meeting, or Captain Rossi in the discharge of his duties. Moreover, members of the Company have (while Mr. Finlay was captain) attended a meeting without uniform. Further, that in the advertisement convening the meeting, no mention is made of uniform whatever.

7th.—The reason I did not go home, as mentioned by Captain Rossi, to get my uniform, was that it was raining heavily, and I had some distance to go; and the reason I did not change my coat was that if I had done so, the person I borrowed the coat from would have been in the same position that I was before getting the coat.

RICHD. CHAMBERS,
Private, G.V.Rifles.

Private Morris to Lieut.-Adjt. Baynes, N. S. W. V. R.

Goulburn, 9 April, 1870.

Sir,

With reference to the charge preferred against me by Captain Rossi, I have the honor to make the following remarks.

And first, I beg to state that I was not aware of the fact of which you put me in possession this afternoon, namely, that Volunteers, whether in uniform or not, are under the command of the captain while attending the annual general meeting of the Company, or indeed any meeting held for Volunteer purposes.

The advertisement calling the meeting did not state that members were expected to appear in uniform, and the captain and most of the members present on the first evening in question were in plain clothes.

I had no official intimation of the captain's order to appear in uniform on the second evening, that order only having been given to the few present on the first occasion, and therefore did not feel bound to so appear.

My reason for appearing in plain clothes was, that I might, as I supposed, remark upon the captain's imperious and overbearing conduct generally, and refer particularly to the discourteous and arbitrary manner in which he had adjourned the meeting on the previous evening.

With reference to my remarks about appearing in my *shirt-sleeves,* I beg to say that they have been misstated. They were as follows:—"As there is nothing in the Act or regulations requiring me to appear in uniform, and as no official order to so appear has reached me, I could, if I choose, appear in my shirt-sleeves, or without a coat."

When I asked the captain whether I might proceed to take part in the meeting, he said—"I will not prevent you, but will write to the Colonel asking whether your doing so will invalidate anything that may be done this evening."

I have, &c.,
JOHN G. MORRIS.

Captain Rossi to Captain Baynes.

Rossiville, 11 April, 1870.

Sir,

I was much pained on reading the statements of Privates Chambers and John Morris, to find their maintenance of the propriety of their conduct, after the clear and very kind explanation of Captain Baynes as to the duties. To me, the letters referred to indicate a spirit which, if not completely checked—I hope I may be excused from so saying—will I fear lead to further disturbances.

I have the honor to observe that I have proved the entire facts as represented in my report to be *more than substantially correct,* they are so *literatim et verbatim,* my statement having received (as Captain Baynes is aware) the fullest and unqualified ratification by the large number of my Company present at the investigation, before whom my report was read, and upon whom I had called, in the presence of both privates, to point to any part if it was not *strictly* accurate. The question was also put by Captain Baynes to Private Morris, if I had in any way "overstated the case." To all these invitations to refute my statements, not a breath of exception was uttered.

Most abundant corroboration has been thereby adduced on my part, and both the privates have failed to avail themselves of the opportunity afforded by Captain Baynes to have any confirmation of contra-statements supported by any of the Company.

Perhaps I may be permitted to observe that I conceive these recent incidents to be an important crisis in the career of the Goulburn Corps Volunteers, and I respectfully repose the case in the hands of Colonel Richardson, again praying that such effectual and certain measures may be adopted as to give a more healthful character to my Company, by the observance of implicit obedience, and to strengthen the position of the commanding officer in his responsible position.

I have, &c.,
F. R. L. ROSSI,
Lieut. and Capt. (elect), G. V. Rifles.

Memo. upon the two letters. Private Chambers.

Paragraph No. 1 has no reference to Private Chambers.

2. Admission of Private Chambers that he had heard of the order.
3. This is simply Private Chambers' opinion of the Act, and comment upon my order.
4. This was impossible, as no drill followed the occasion of giving the order to appear in uniform, preceding the meeting. A "*Captain's Order*" is not of more force than the same order given direct by the captain.
5. I have asserted the truth as to cap, &c., &c., which had been perfectly uncontradicted by any of the Company, or even by Private Chambers, when in my presence, although I read my letter reporting him *twice* over before him.

6. I remember to have stated the contrary at the meeting—that I believed members had always appeared in uniform on such occasions, and asked if it were not so, which was not denied.
7. The commanding officer was not prevented from going in uniform, although "raining heavily." The latter part of paragraph wherein Private Chambers gives his reason for not borrowing a uniform coat in the room, evidently marks greater consideration for his comrade than for his commanding officer.

Memo. upon letter of Private Morris.

There is nothing to remark beyond the fact that my own verified statements are without any disproof whatever from Private Morris, and an expression of surprise on my part at the startling admission made by Private Morris in paragraph 5, wherein he virtually states that he went in plain clothes to animadvert upon "the captain's imperious and overbearing conduct generally, and refer particularly to the discourteous and arbitrary manner in which he had adjourned the meeting on the previous evening." (An obliging act for the Company, as Private Morris was not present on the occasion he refers to), and Private Morris failed to notice the peculiar characteristics of the captain in his presence, before Captain Baynes and the Company.

F.R.L.R.,
11/4/70. Lieut. & Capt. (elect) G.V.R.

Captain Baynes to The Officer Commanding Volunteer Force.

Sydney, 21 April, 1870.

Sir,

I have the honor to report that, in accordance with your instructions, I proceeded to Goulburn, on the morning of the 9th instant, to inquire into the charge preferred by Captain Rossi against two members of the Corps under his command, named in the margin. Prvt. Chambers. „ Morris.

Having read Captain Rossi's letter to the accused, in presence of the captain and his lieutenant elect, and asked them (the accused) individually, what they had to say in reply, neither Chambers nor Morris denied the statement of Captain Rossi, but argued that they had a right to bring forward other matter than that for which the meeting was called, and thought it was an arbitrary order for Captain Rossi to adjourn the meeting and direct them to appear in uniform the following evening. I pointed out to them, in presence of a number of members of the Corps, who had been permitted to be present at the latter part of the investigation, that Captain Rossi had not exceeded his duty at either of the meetings. And finding there was no likelihood of my coming to any conclusion from their mode of argument, I directed them to furnish me with a written reply to Captain Rossi's statement, which I received the following morning and enclose herewith, as also one from Captain Rossi in reply, also his former letter.

I have, &c.,
THOS. BAYNES, Capt.,
Brigade Adjutant.

Captain Rossi to Colour-sergeant Trenery.

Colour-sergeant Trenery will be pleased to see that the arms and accoutrements, together with such clothing as may have been issued to the Privates Chambers and J. Morris, dismissed from the Corps, are given up to the quartermaster-sergeant in good order.

Colour-sergeant Trenery will give to each of these privates dismissed a correct copy of the Company Order.

F.R.L.R.

Company Order.

In consequence of the insubordinate conduct on 31st March, by Privates Chambers and John Morris, I dismiss them both from the Goulburn Corps Volunteer Rifles.

F. R. L. ROSSI,
Lieutenant and Captain (elect),
28 April, 1870. G.V. Rifles.

A true copy—F. R. L. Rossi,
Lieutenant, G.V.R.

Captain Rossi to Lieut.-Colonel Richardson.

Sir,

Rossiville, 2 May, 1870.

I have the honor to state that, in accordance with the recommendation from the Colonel Commanding Volunteer Force, I dismissed Privates Chambers and John Morris from the G.C.V. Rifles, on Thursday, 28 ultimo, and this evening at parade I have had read the Company Order to that effect, a copy of which I beg herewith to forward.

I have, &c.,
F. R. L. ROSSI,
Lieutenant and Captain (elect), G. V. Rifles.

EXHIBIT S.

Sir,

Wingello, 26 May, 1873.

Having noticed in the *Goulburn Herald* of Saturday the 24th instant, a letter signed by you which embodies two other letters, one from Mr. F. Diamond and another from Mr. G. Martyr, having reference to Capt. Rossi drilling Mr. F. E. Hayley in the Bank in Bank hours,—Without having interest one way or the other, I beg to state, for your information, that I too distinctly saw Capt. Rossi drilling Mr. F. E. Hayley in the hall of the A. J. S. Bank prior to the examination for sergeantcy taking place. I can state further, from my own personal knowledge, that I have seen Capt. Rossi giving Mr. F. E. Hayley instructions at the rear of his father's house, during the time I was engaged there; and further, was told by Mr. F. E. Hayley that the captain was giving him private instructions at the Court House daily, and on more than one occasion was shown the drill-book with marked sentences, which was represented by Mr. F. E. Hayley to me as being the portions of drill the captain had marked for him to learn. I have no interest in the matter beyond what I know to be true, and consequently reduce this to writing impartially.

JOHN EGGO.

MEMO.

MEMO.—F. Diamond to J. J. Trenery, Esq.

Sir,

What you have stated with reference to Capt. Rossi instructing Hayley, in the hall of the A. J. S. Bank, is perfectly correct.

I distinctly saw and heard Capt. Rossi instructing young Hayley relative to his examination for a sergeantcy in the Goulburn Volunteer Rifles. The occurrence took place in the hall of the A. J. S. Bank, and I told you of the same immediately afterwards and advised you to go at once and see for yourself, which you accordingly did.

F. DIAMOND.

EXHIBIT T.

Corporal Trenery to Captain Rossi.

Goulburn, 10th May, 1872.

Sir,

With respect to my late examination, I respectfully offer a few suggestions for your consideration.

If you think me worthy of promotion, would it be advisable, on the night you apprise the Company of it, to mention that in my first examination I had put some of the answers in too brief a form, which did not carry as much weight as they would have if put in more words. For instance, the left of the right half ———, and a marker giving a point, and the omission of "doubling out," or leaving the latter as understood.

I think it would be wise to mention this and I could afterwards indorse it; for I know that not one of the members who attended drill the night of Hayley's promotion but what said that I was cheated out of it.

I only suggest this thinking it may unravel the mystery for them. They may further say—why be plucked to-day and pass to-morrow, so to speak. Answer,—by knowing the error I have corrected it. I have not any motive than the above in this my suggestion.

I remain, &c.,

CORPORAL TRENERY,
G.C.V. Rifles, Goulburn.

EXHIBIT U.

Colour-Sergeant Trenery to Captain Rossi.

Dear Captain Rossi, Goulburn, May 10th.

Many of the men are anxious to be present at the Review on the 24th instant in Sydney, and I promised to write to you on the matter.

Of course you must be pretty well tired of the Sydney Court by this time. I need hardly say that I am not only disgusted with the evidence, but in many instances much surprised with the whole of it, particularly with that given by those related to me. My position prevents me from moving at all—that you are doubtless fully aware of; but I could contradict the evidence given by nearly the whole of the witnesses,—not the whole of it, but portions.

I have been away a good deal of late on business, and have not had much time to attend many drills. The unfortunate blow which I received on the nose is coming against me in a very serious form; in fact, I have been afraid I will have to leave my business.

I need hardly add that personally I have still the same confidence in you as captain. I am pleased on account of being in no way implicated with the Court of Inquiry. I take a certain amount of credit to myself on account of doing what you required to be done and *no more*.

If there is anything you wish to be done in connection with the Company as formerly, please consider me at your command.

Trusting soon to see matters quite settled and yourself back in Goulburn again,—

Believe me, &c.,

W. TRENERY,
Colour-Sergt.

I have written this hurriedly, but will feel obliged by an answer, as most of the men are anxious to know if they are to go to Sydney on the 24th.—W. T.

EXHIBIT V.

Military Salute.

CAPTAIN ROSSI's compliments to Editor of the *Goulburn Herald*, and begs to forward enclosed letter, if he would desire to re-publish it, as the subject had engaged the attention of the latter.

Rossiville, 24th June, 1872.

To the Editor of the S. M. Herald.

Sir,

As you have called attention to a circumstance which lately occurred between a member of my Company of Volunteers and myself, I beg you will allow me the opportunity of refuting an impression which might otherwise prevail, and which indeed has been rather industriously circulated—that I had exceeded the due limits of my authority by seeking to make the military salute compulsory when not required by law, and that I improperly suppressed a portion of the Commandant's memo. on the subject.

The facts were as follows:—While I was in uniform, and engaged on duty at the rifle ranges with some of my Company, the member in question came up to me in plain clothes, with his hands in his pockets, and in a manner apparently indicating a deliberate desire that my attention should be directed to him. I said to him—"Will you not give me a salute?" He answered—"I said 'Good evening' (which I had not heard); what salute do you want?" I said—"The military salute." He refused to give it, saying that he "was not in uniform." I then said to him—"I request you to give me the salute"; and in so speaking I purposely used the word "request." His reply was—"I refuse to do so."

I immediately reported the matter to the Commandant of the Force, who at once sent to me the minute to which you have referred, and by his express authority and direction I communicated that part of it only which had reference to Mr. Robertson. Had I been instructed to communicate the whole, I should have done so; but this would, I believe, have been contrary to military regulations. The memo. in full was as follows:—

"I think it a pity Captain Rossi should have placed himself in a position to be refused, as I see no remedy, the Volunteer Regulations distinctly specifying that both should be in uniform, to make the salute *compulsory*. I need hardly say the action of the member referred to was in excessively bad taste, and marks him as deficient in one of the most essential attributes of a soldier."

Having communicated the latter part to Mr. Robertson on the 18th May, I received from him on the 20th the following letter:—

"Goulburn, 20 May, 1872.

"Sir,

"Having reference to your communication to me on parade, on the 18th instant, I have the honor to request that I may be informed as to what I am to look to, to instruct me in my duty as a Volunteer. Having studied the Volunteer Force Regulations now in force under that Act, and having always acted strictly in accordance with them, I am quite at a loss to know why I should have been placed in the unpleasant position in which I was placed at the rifle range on the 13th instant, and again on parade on the 18th instant.

"I have, &c.,

"W. F. ROBERTSON,
"Private, Goulburn Corps Volunteer Rifles."

Captain Rossi, G. C. V. Rifles,
"Rossiville."

To

To this I replied by a Memo., which was duly conveyed to Mr. Robertson, in the following terms:—

"MEMO.—I am quite persuaded that Private Robertson has, as he expresses himself, sought to conform to the letter of the Volunteer Act. The subject to which I had occasion to refer to is one which is left to the discretion and taste of members. The Commandant had in this particular case given his opinion, which I have conveyed to you. I may add that I only esteem the observance of my request as evidencing a higher military feeling, though it is not compulsory.

"F. R. L. ROSSI, Captain."

"20th May, 1872."

On a previous and similar occasions I had observed that Mr. Robertson had failed to salute me on the ground; but, as he did not then appear to have any particular object in the omission, I took no notice of it. The Volunteer Regulations certainly enjoin the salute in the case only of both persons being in uniform; but whilst this protects the men from vexatious and inconvenient exactions, it does not prevent the infusion of such a spirit in any Corps as would lead the members cheerfully to concede this mark of respect towards their own officers. Still less can it have been contemplated that the letter of the regulations should be a ground for exposing officers to affronts from men of their own Company, especially when themselves in uniform and engaged on duty with other members of it. Nothing could be more calculated to impair that discipline which is so necessary to make the Service really effective for any military purpose.

Bearing the regulation in mind, I did not demand the military salute by an order, but made it a request: and with all deference, I conceive that an officer in command of Volunteers does not err in conveying such desire within those bounds. I have repeatedly expressed that desire as applied as well to the other officers of the Company as to myself, and shall continue to do so as long as I am honored with command; being convinced that a willing compliance with it is calculated to make the Corps more united in itself, and more what it ought to be for the public interests. Were positions reversed, I should not hesitate to salute my officers on all occasions.

I am happy in knowing that my view is sustained by a valuable precedent lately mentioned in the London *Times*, which contained not long ago a statement that the commanding officers of the best disciplined Volunteer Corps in England required the salute to be given both on and off parade.

Perhaps I may venture to add that, the more this Service gets to be regarded as I myself regard it—in the light of a serious reality, and as designed for public usefulness—the more readily will this formal recognition of the relations of rank be accepted on all hands as expedient, if not positively necessary.

F. R. L. ROSSI,
Captain, G. C. V. Rifles.

Rossiville, 20th June.

EXHIBIT W.

[*Subscription book handed in and examined by the Court. Not printed.*]

EXHIBIT X.

Complaint on 9 Geo. 4, c. 31, for an Assault and Battery.

New South Wales, to wit.

BE it remembered, that on the 27th day of August, in the year of our Lord one thousand eight hundred and seventy-two, at Goulburn, in the Colony of New South Wales, Benjamin Mawson, of Goulburn, in the Colony aforesaid, personally cometh before me, the undersigned, one of Her Majesty's Justices of the Peace in and for the said Colony, and upon his oath complaineth to and informeth me that Francis R. L. Rossi, of Goulburn, in the Colony aforesaid, did, on the 26th day of August, in the year of our Lord one thousand eight hundred and seventy-two, at Goulburn, in the Colony aforesaid, unlawfully assault the said complainant, contrary to the statute in such case made and provided, and against the Peace of our Lady the Queen; and thereupon the said complainant prays that I, the said Justice, will proceed in the premises according to law.

1	S...	2 6
1	I...	1 0
3	Fo...	2 0
1	A...	1 0
		6 6

Received.

B. MAWSON.

Sworn before me, at Goulburn, aforesaid, on the day and year first above written.

WM. H. HOVELL,
Justice of the Peace.

Goulburn, 28 August, 1872.

Mawson v. Rossi. On summons—Assault. Plea, Not guilty.
(Gannon for complainant.)

Benjamin Mawson, on oath, saith: I have been a soldier; I am a porter at the Railway Station, and on duty there from 6 p.m. until 6 a.m.; last Monday evening the defendant called at the station about half-past 7, where I was on duty as a porter; he spoke to me about some complaint against my son, who is in the Volunteer Band; shortly after I took my son to Captain Rossi's office; I knocked at the door and went in; I said to defendant—"I have brought the boy to have the matter investigated"; he jumped off his chair and came towards me, and said—"Go out of my office, I bid you go out of my office—you are in uniform, and I order you to go out of my office"; I said I was not in uniform, that I was in plain clothes; I was backing out of the office, and when in the doorway the defendant shoved the door to, and caught me between it and the frame; I could not get out without a struggle; defendant caught hold of my arm and shoved me out; I had not said anything; I did not resist him in any way; I did not say or do any more than I have said; it was one of the public offices in this Court-House; the whole of the Band were outside; defendant was very excited, and caught hold of me with both hands.

Cross-examined by Betts for defendant: Captain Rossi always comes to me in the same way every drill night at the station; he spoke to me first about the drill that night; after we spoke about the boy defendant said—"I'll not hear another word from you on the subject," or words to that effect; he said—"I'll take my own course"; I went to the office about this subject; the first words Captain Rossi said may have been—"I'll have nothing more to say to you on the subject," also telling me to leave the room; I was about a yard inside the door, which was partly open; I moved backwards directly the defendant told me to go out; I had my hands in my pockets; I had not time to get out of the door, unless I had turned round and run out; I did not touch the door after it was shut; I stopped in the adjoining room for some time, a minute or so; defendant never touched me after he shoved me out of the door.

B. MAWSON.

Sworn at Goulburn, this 28th day of August, 1872, before
J. ALLMAN, J.P.
W. H. HOVELL, J.P.
WM. SHEPPARD, J.P.

Convicted. Fined 5s., and 7s. 8d. costs. Paid.
J. ALLMAN, J.P.
W. H. HOVELL, J.P.
WM. SHEPPARD, J.P.

True copy—C. S. ALEXANDER, C.P.S.

EXHIBIT Y.

EXHIBIT Y.

Goulburn, 1 Sept., 1871.

Captain Rossi, G. C. Vol. Rifles.

Sir,

We, the undersigned members of the G. C. Volunteer Rifles, beg most respectfully to request you to call a meeting of the Company, for the purpose of considering the advisability of rescinding the resolution passed at a former general meeting, by which the subscription of members was raised from one shilling per month to one shilling per week.

We make this request under the firm conviction that the present high rate of subscription is more than many of the members are in a position to pay; that it deters others from joining, and acts prejudicially to the welfare of the Corps.

James Martin, private
Hugh G. Clegg, private
J. B. Craig, private
T. O'Brien, private
John Perry, corporal
Henry Wilson, private
R. M'George, private
George Martyr, private
Joseph Reynolds, private
Thomas Wilkie, private
William M'Carthy, private
Sergeant Herriott
M. Buckley, private
John Fowler, bugler
E. Gillespie, private
Will. Dickson, private
John Bourke, private
H. B. Monkly, private
Daniel Kelly, private
John Horton, private
W. M'Govern, private
Danniel Donnelley, private
A. Sproule, sergeant
Terence J. O'Donnell, private
R. J. Davis, private
James Morris, private
J. G. Trump, private
P. R. M'Kean, q.-m.-sergeant
F. E. Hayley, private
Jno. Hollis, private
H. S. Clarke, corporal
John Byrne, private
John Joseph Trenery, private
Thomas Byrne, private
Henry Blackshaw, corporal
William H. G. M'Gowan, private
Patrick Joseph Fitzgibbons, private
Christopher Holt, private
William Wood, private
Thos. N. Frewin, private
Private John Kennedy
Robert O'Brien, private
J. H. Woodhill, private
Sergeant J. Cleary
George Bishop, private
W. J. Dignam, corporal
Joseph T. Dunn, private
John Bickley
Thos. H. Russell

EXHIBIT AA.

Mr. M. Hurley to F. R. L. Rossi, Esq.

Clifford-street,
March 19th, 1873.

Sir,

In reply to yours asking would it be convenient for me to attend at the Parliamentary Committee, Sydney, on this week, I beg to inform you that I have made arrangements with my Inspector to close my school on Friday next. Should you wish to have me summoned to Sydney on that day, I would wish to go this week rather than next.

I have, &c.,
M. HURLEY.

Mr. M. Hurley to Captain Rossi.

Clifford-street, Goulburn,
March 20th, 1873.

Sir,

In consequence of my being as yet a stranger in Goulburn, and having preferred no charge against you, as also because I am unwilling to compromise myself with any differences between yourself and the Company, I must decline attending before the Parliamentary Committee.

I have, &c.,
M. HURLEY.

EXHIBIT BB.

Mr. C. S. Alexander to Captain Rossi.

Goulburn, 21 February, 1870.

(*Copy letter as received, and published in, "Goulburn Herald."*)

Dear Captain Rossi,

I cannot see the use of delaying my official resignation any longer, particularly after the conversation I had with you and Sergeant Trenery and my subsequent note to you. I therefore enclose for you information a letter to Colonel Richardson, and shall feel obliged if you will forward it for me. I shall also esteem it a favour if you will communicate the enclosed note to the members of the Company, and permit me to add I have highly appreciated the invariable kindness and courtesy with which you have treated me in our official relations.

I am, &c.,
C. S. ALEXANDER,
Ensign and Lieut. elect., G.V.R.

Lieutenant

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Lieutenant Arnheim to Captain Rossi.

Goulburn, 16 October, 1871.

Sir,

I beg to enclose you herewith my official resignation as Lieutenant in your Corps for transmission to the Commandant, and in doing so I cannot omit to express my sincere thanks for the courtesy and kindness I always received from you while connected with the Corps under your command.

I shall feel obliged by your communicating the enclosed farewell address to the members of the Corps; and trusting that your endeavours to make your Company the most efficient in the service will be crowned with success,

I have, &c.,
E. M. ARNHEIM.

Captain Rossi to Lieutenant Arnheim.

I have this morning received the official notice of the acceptance of your resignation as Lieutenant in the G.C.V.R.

Your farewell address was, as you desired, read to my Company, who appeared much gratified by the expressions of your regard; and I am sure they will appreciate the kind advice and valuable suggestions made to them.

I would desire to join with my Company in saying how truly sorry we are to lose you, for we had been led to hope to have been associated for many years, and to have enjoyed the advantage of your high military sense of duty and example.

All heartily offer their best wishes and trust that success and happiness will attend you.

4/11/71.

Lieutenant Arnheim to the Members of the Goulburn Volunteer Rifle Corps.

Goulburn, 16 October, 1871.

Gentlemen,

My removal to Sydney obliges me to resign the honorable position to which you unanimously elected me which I shall ever remember with pride and gratitude.

I need not tell you that my regret in leaving you is only counterbalanced by the advantages and benefit which will thereby accrue to myself and family.

It is only natural that during a residence of fourteen years, I have felt great interest in the welfare and prosperity of this rising city; and the formation of a Volunteer Corps was a pet idea of mine many years ago.

I have had the satisfaction of seeing it successfully realized, and, without flattery, I can congratulate you on the prominent place that you already take in the Volunteer Force.

I cannot take leave without thanking you most heartily for the courtesy and respect with which, without exception, I have been treated from the time I joined you to this day, when for the last time I had the honor of appearing on the ground as your Lieutenant, and this emboldens me to venture a few words of friendly parting advice.

Discipline is necessary, and its ready observance distinguishes the soldier. True, you are but citizen soldiers, but even such a force cannot exist without it, and the officers are in duty bound to support the authority of the Commander.

I endeavoured to set an example in this respect, and even when differing in opinion, I always obeyed and submitted to my Captain.

In justice to Captain Rossi, I deem it my duty most emphatically to say, that I never, during my life's experience, met one more enthusiastic and anxious to perform what he considers his duty, and that he has succeeded in bringing the Corps to a creditable state of efficiency is amply proved by the high and well-deserved eulogium passed on you to-day by the Commandant.

Gentlemen, in concluding this farewell address, allow me to remind you that not one of us can boast of being perfect; therefore, be lenient in your judgment on those whom you choose as your officers, and assist them in their duties by paying due regard to discipline and military rule, which will result in making the Goulburn Corps rank foremost in the Volunteer Force of this Colony.

Thanking you again for all past kindness, and assuring you that I shall never cease to take a warm interest in the prosperity of your company.

I remain, &c.,
E. M. ARNHEIM.

Mr. Arnheim to Captain Rossi..

(Replied 29/1/72.—And for application same day to Major B.)

Sydney, 24 January, 1872.

Dear Captain Rossi,

After careful consideration I decided to join the Engineers, being more in my line, and I forward you my official applications herewith, which I shall feel greatly obliged to you to submit as soon as you possibly can make it convenient, as I am anxious to be "at it" again before I start up the country.

I trust that everything goes on to your satisfaction and that *the* Ball will be *a* success.

I shall also thank you kindly to send me my efficiency certificate for 1871 to the enclosed address.

I had an opportunity to see some of the Sydney Corps, and it gave me pleasure to see that the Goulburn Corps ranks equal with the best, and *above some* of the others.

With kind regards to yourself and all my Goulburn friends,

I remain yours, &c.,
E. M. ARNHEIM.

Address—Mr. Arnheim, Holkham, Randwick, Sydney.

Mr. Hogg to Captain Rossi.

Bathurst, 7 February, 1873.

My dear Captain Rossi,

I received your letter of the 4th instant, and have to thank you for your kindness in having taken steps to procure my transfer to the Bathurst Corps.

With regard to the other subject of your letter I speak from personal experience, and can very candidly say I know of nothing in our acquaintance apart from that gentlemanly bearing and that courtesy due from one gentleman to another.

I am, &c.,
L. U. HOGG.

Mr.

Mr. Waugh to Captain Rossi.

Hillside, 10 February, 1873.

Dear Captain Rossi,

I have to acknowledge your letter of 8th instant, and have much pleasure in complying with your request.

During the time I attended drill and was under your command in the G.V.R. Corps I must say that your manner and conduct towards me was always courteous, and that out of the ranks your conduct never led me to infer that you wished our old acquaintance and friendship to be considered a thing of the past, and that henceforth we were to meet as captain and private of the G.V. Corps only.

Yours, &c.,
J. LINDSAY WAUGH.

Mr. Percy F. Allman to Captain Rossi.

Goulburn, 11 February, 1873.

My dear Sir,

In reply to your note, I am glad to have an opportunity of saying that my observation of your relations with the Volunteers under your command, has impressed me with the idea that they have been conducted on your part in the spirit and with the courtesy of a gentleman.

I am, &c.,
PERCY F. ALLMAN.

Assistant Surgeon Hayley to Captain Rossi.

Goulburn, 12 February, 1873.

Dear Captain Rossi,

As honorary assistant surgeon to the G.V.R. Corps, I have much pleasure in adding my testimony to the many other of your kind, gentlemanly, and courteous demeanor towards myself at all times, either when on or off duty, during the time I have had the honor to belong to the Corps.

Your zeal and desire to make your Company one of the most efficient in the Colony, is well known, but I have never seen it carried out offensively; on the contrary, I have known you in many instances to take great trouble, and inconvenience yourself to serve and oblige those under your command.

Believe me, &c.,
W. F. HALLEY.

Lieutenant Chisholm to Captain Rossi.

Kippillaw, 13 February, 1873.

Dear Captain Rossi,

Having heard a report to the effect that many gentlemen were deterred from joining the Corps under your command on account of the harsh treatment they expected to receive from you,—as far as I am concerned, I beg to state that during the period that I have been a member of your Corps, I have received from you the most kind and courteous treatment. Hoping you will excuse this brief epistle,

I remain, &c.,
W. CHISHOLM.

T. C. Burnell to Captain Rossi.

Araluen, 13 February, 1873.

Dear Sir,

I have your note of 10th instant with extract from memorial.

I have much pleasure in affirming that during my connection with your Company I felt perfectly satisfied with your conduct as captain. I deny that it tended to lower in any way the social position of the members. I do not understand how it can lower a man to recognize and acknowledge the officer he has himself chosen, even though both be in plain clothes; and I am not aware that you wished to extend your authority beyond the ranks further. I should certainly decline to halt, right about turn, &c., at the command of any officer, unless both he and myself were in uniform.

I would write more fully on the subject, but press of business prevents.

Yours faithfully,
THOS. CHAS. BURNELL.

H. O. Codrington to Captain Rossi.

Goulburn, 14 February, 1873.

Dear Sir,

With reference to clause 6, in the list of charges made by Messrs. Davies and others against yourself, I have great pleasure in stating that, while a private in the Goulburn Company of Volunteers, I always found you gentlemanly and impartial as commanding officer.

Yours very truly,
H. O. CODRINGTON.

L. A. Windeyer to Captain Rossi.

Rossi-street, Yass, 15 February, 1873.

My dear Captain Rossi,

I am hardly in a position to say from personal knowledge, what may be your mode of treating private members of your Company *out* of the ranks, but I do not think that any Court of Inquiry will take into consideration any question of the sort, because your relations with private individuals (which they are when out of the ranks), whether of equal social position or not, cannot form the subject of any question connected with your *military* relations, which seem to me to be the only subject for a military inquiry. I should, in my own case, object to the right of any Military Court to inquire into my relations as a private individual with private individuals. You will, of course, remember that your connection as officer commenced when mine ceased with the Goulburn Company, so that I cannot say how in my opinion you *as officer* treated your men, but I *can* say that as private your evident zeal in attending drills and parades at, in many instances, great personal inconvenience, were so well-known and recognised in the Company, that your election as officer gave universal satisfaction.

I am, &c.,
L. A. WINDEYER.

Private

Private Donkin to Captain Rossi.

Goulburn, 17 February, 1873.

Sir,

I have much pleasure in testifying that since I have been in Goulburn you have always acted towards me in a friendly spirit, and always without any regard to the position I hold as a private in your Company.

I am, &c.,
JOHN B. DONKIN,
Private No. 1 Co., S.B.V.R.

Mr. Alex. Mawson to Captain Rossi.

Goulburn, 19 February, 1873.

Dear Sir,

Having for a short time served as a private in the Volunteer Rifles now under your command, I have at your request very much pleasure in stating that during the period of my connection with the Corps I have never experienced other than the same gentlemanly treatment I should expect from yourself outside of the Corps, and I find it hard to believe that you have treated others differently from myself.

I have lived too long amid the surroundings of military life not to know that close discipline is needed to make the Volunteer Force effective, and that the Volunteers must be prepared to obey implicity (whatever may be his social position) the commands of his commanding officer, however apparently exacting they may appear to him, and also to refrain from discussing or cavilling against them.

My reason for leaving the Corps was that I found it quite impossible, in accordance with my other duties, to give that time and attention necessary to the proper discharge of my duties as a soldier.

I am, &c.,
ALEX. MAWSON.

Mr. Fredk. Horn to Captain Rossi.

Goulburn, 2 March, 1873.

My dear Sir,

Having been asked to give an unprejudiced opinion relative to your career as Captain of the Goulburn Volunteers, so far as I have been able to observe (not being a Volunteer), you always appeared to have a desire to promote the interest of the Goulburn Company, and bring it to a state of efficiency. I have been constantly brought in contact with you, both in public and private matters, for fourteen years, and have no hesitation in saying you always acted as a gentleman, rigid upon a point of honor; and, I should say, incapable knowingly of doing a dishonorable act.

I am, &c.,
FREDK. HORN.

Private Morrow to Captain Rossi.

No. 4, Rialto Terrace,
Sydney, 3 March, 1873.

Sir,

I beg to state that I have always found you extremely gentlemanly, civil, and obliging, as well as a most zealous officer.

I remain, &c.,
FRED. MORROW,
Late Private in the Goulburn Volunteers.

Mr. F. Morrow to Captain Rossi.

Sydney, 7 March, 1873.

Sir,

On the occasion of your being elected Captain to the Goulburn Volunteers, I remember Mr. George Martyr proposing you for such, and when doing so he spoke very disparagingly of Mr. Finlay, who had just retired, and then went on to eulogize you. I agreed with him in the latter, but considered his remarks about Mr. Finlay most ungentlemanly and distasteful, as that gentlemen had on several occasions been pressed to take the command but declined, saying he could not give time enough to the duties it would involve upon him. At length he accepted, but on finding he could not carry the matter out to his satisfaction, retired and received the aforesaid abuse from Mr. Martyr, although he did all in his power to promote the welfare of the Company.

I remain, &c.,
FRED MORROW,
Late private in the Goulburn Volunteers.

Mr. E. C. Allman to Captain Rossi.

Sydney, March 15th.

Sir,

With reference to my resignation (some time ago) from "the Goulburn Company V. R.," I can say that such was the result of my inability to attend the necessary drills, and not from any action taken by you as Captain of the Company. I can also state that, as far as I am personally concerned, I always received from you the courtesy of a gentleman during my connection with the Volunteers.

I am, &c.,
ED. C. ALLMAN.

Private Russell to Captain Rossi.

Yass, 17 March, 1873.

Sir,

It has come to my knowledge that certain disparaging remarks concerning you as Captain of the Goulburn Rifles, have been made in the House, and whether my information be true or not, I hope you will pardon my expressing my regret that it is so.

I have been told that it was said "you were totally unfit to fill the post you now hold." My own opinion is, that we could not possibly get a commander who would possess more zeal, and interest in the "Corps" than you do; and even the malcontents admit that you are quite willing to oblige them in any matter coming within your jurisdiction, providing your sanction is first asked.

In conclusion, I beg to say that a large number of the Company are like spoiled children, and would rebel at *discipline* under any commander.

Hoping you will refute the charges laid against you,

I am, &c.,
PRIVATE THOS. H. RUSSELL.

Mr.

Mr. W. Stronge to the Chairman of the Parliamentary Committee on the Goulburn Corps Volunteers.

Goulburn, 18 March, 1873.

Honored Sir,

Captain Rossi having asked me if I, as a citizen of Goulburn, could undertake to give an opinion of his fitness and qualification as commanding officer of the Goulburn Volunteers, I have much pleasure in bearing my humble testimony as to his fitness and qualifications in every respect for the office, and it is my firm belief from my knowledge of the district extending over a period of ten years, that a more qualified gentleman could not be found to fill the position.

I have my opinions upon what I have seen and known of officers in the home countries. When there I had daily opportunities of witnessing large bodies of troops, together with several regiments of Irish and English Militia on the march from town to town, and on drill under the charge of their officers in the cities of Dublin, Belfast, Galway, and in the towns of Athlone, Mullingar, Castlebar, Ballinrobe, Roscommon, Longford, Tullamore, &c., and I can state without fear of contradiction, that the bearing of Captain Rossi as an officer of Volunteers is equal if not superior to that of any of the officers whom I have had the pleasure of seeing in charge of regular troops in Ireland; while at the same time his information and skill in putting the men through the several motions of the manual and platoon exercises, and the different movements of a body of troops, are equal to what I have witnessed in the home countries amongst the officers of the army.

I have further to state that I underwent an examination, and volunteered my services for the Commissariat department at the time of the Crimean war, and although I did not go out with the expedition, nevertheless I mention the fact to show that my opinion with regard to military matters is far before any native of the Colony, who is not at present undergoing a course of military instruction.

I am fully conversant with all the movements of a body of troops, and know when an officer gives the right word of command, and when it is properly performed by the men or otherwise.

I may add that I have been acquainted with Captain Rossi for a period of ten years, both as a private gentleman and Officer of Volunteers, and during that time I have never known him to be guilty of one ungentlemanly act.

I have, &c.,
WILLIAM STRONGE,
Teacher, Church of England School, Goulburn.

Mr. G. W. Shelley to Captain Rossi.

Goulburn, 19 March, 1873.

Sir,

As a member of the G.C.V. Rifles, I beg herewith to tender my resignation. I am under the necessity of doing so on account of my immediate departure from this district, and not through any feeling of dissatisfaction with the Company or with yourself as commanding officer, in which capacity you have always appeared to me to have acted efficiently and most courteously to those under your command.

I have, &c.,
GEO. W. SHELLEY.

Mr. F. Walsh to Captain Rossi.

I HAVE heard some of the Goulburn Volunteers themselves acknowledge that if it had not been for Captain Rossi, they (the Corps) would not be in existence now.

F. WALSH,
Lately a resident of Goulburn.

Sydney, 28/3/73.

IN conversation with one of the Volunteers at Goulburn, in reference to the disputes in the Company, I was told that the greatest complaint the Volunteers had against Captain Rossi was, the discipline was too strict, and more like soldiering than volunteering; but the Company never was in such an efficient state as now.

R. M. PITT.

To Captain Rossi, 29/3/73.

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20. "That the Volunteer movement in Goulburn would have died out but for Captain Rossi's devotion to it." The exact words were given me by Mr. Walsh, solicitor, lately of Goulburn, to whom this was stated in reply to a question put to Messrs. Davies and Riley.

Mr. Walsh, on Saturday, 29th March, 1873, authorized my use of the above.

F. R. L. ROSSI.

Captain Rossi to Acting Brigade Major Baynes.

18 April, 1873.

Sir,

I have the honor to forward the accompanying papers, with a request that the Commandant will be so good as to have them placed for the consideration of His Excellency the Commander-in-Chief.

I am led to think that they are important at the present time, in order that it may be seen—especially by the memo. authorized by Mr. Walsh—that the two principal memorialists who had made charges against me and who had also given their evidence before the Parliamentary Committee, have both made such admissions as to negative their belief in their own assertions that I had ruined the Corps, and that I was unfit to command.

I may, perhaps, be permitted to add the following reply I am about to give to a question of the Parliamentary Committee. The numbers who have resigned and left my Company for the year preceding 9 April, 1873? The answer is 15, thus—

1 died.
2 transferred.
1 dismissed (Mr. Martyr).
8 left the district.
3 resigned, all of whom have stated that they were quite satisfied with me as commanding officer.

15

On the other hand, during the same period of time referred to, showing a reduction of 15 as explained, no less than 40 joined my Corps.

Lastly, it is important to weigh the significant fact that not a single member, who, it is said, for any cause had disagreed with me, has resigned his position, but still remains with my Corps.

I have, &c.,
F. R. L. ROSSI,
Captain, G.V. Rifles.

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4 May, 1873.

Sir,

I have the honor to enclose the within letter from Private Clarke, of my Company, whose son had been sworn in as a member a day or two before the letter was written. The young gentleman referred to is nineteen years of age. Mr. Clarke, his father, told me, when I went to see him, that his object in writing that letter was from thinking I would name to the Parliamentary Committee the fact that his son had joined the Corps after the father had given evidence to some extent against me. I explained to Mr. Clarke, senior, that persons of sixteen years of age could be received—that his son had particularly desired to join the Corps, and his name had previously been submitted to me by Sergeant Blackshaw.

I was led to understand that Mr. Clarke had no other ground of objection than the one given. I shall be glad if I may receive the Commandant's opinion.

I represented that I could not properly, as I thought, under the circumstances, strike off the name of the recruit Clarke unless by the direction from the Commandant.

I have, &c.,

I, THE undersigned, William M'Carthy, do hereby certify that I have served three years in the Goulburn Volunteer Rifles, under the command of Captain Rossi, having been transferred from No. 2 Battery, Volunteer Artillery, after two years service therein, and that I am now on the point of receiving my last certificate of efficiency prior to obtaining my land-order.

I have further to state that I have no intention of leaving the Corps as long as I have a hand and foot to move, and that I am perfectly willing to continue to serve under Captain Rossi, being quite satisfied with him as commanding officer of the Company.

PRIVATE WM. McCARTHY.

EXHIBIT CC.

COPY of the Evidence given by Sergeant Trenery before the Court of Inquiry, held at Goulburn in February, 1873, viz. :—

Sergeant J. J. Trenery having made the prescribed declaration, is questioned by the Court.

Question by the Court: What is your name and rank in the Corp?

Answer: John Joseph Trenery, Sergeant in the Goulburn Rifle Corps.

Question: Were you present on the occasion referred to in the Memorial, where Captain Rossi is accused of having committed an assault on Corporal Fuller in the ranks?

Answer: I was present, but it was after the parade when the alleged assault took place.

Question: Will you state to the Court what occurred on that occasion?

Answer: Captain Rossi was calling Corporal Fuller to account for not attending to his duties, he being the orderly corporal for the month. Corporal Fuller said he had matters of his own to attend to. Captain Rossi replied, that he must put his own affairs on one side, and attend to his military duties first. Corporal Fuller then said he could not do so, and that he had better resign; whereupon Captain Rossi placed his hand on Corporal Fuller's breast and said—"Do you dare to tell me that you will resign, sir?" repeating the words twice. I left immediately after this took place.

Question by Captain Rossi: Did Corporal Fuller resign, or is he now in the Company?

Answer: He did resign as corporal, but not for that reason, nor for a long time after, and he is still in the Company.

Question by Captain Rossi: When you say that you left, did we not all disperse at the same time, after my placing my hand on Corporal Fuller's breast?

Answer: Yes.

Question by Captain Rossi: When I used the words "Do you dare to tell me you will resign, sir?" did you not understand me to mean that he had no right to respond in such a way when I was calling him to account for neglecting his duty?

Answer: Yes, that was my impression.

Question: Have you had any conversation with Fuller since with reference to this matter; and, if so, what was it he said?

Answer: I have, and he said he did not wish the charge brought forward at all; that he had forgotten all about the matter; that others were bringing this out, and that he had nothing to do with it, and had he intended to have moved in the matter he would have taken it up at the time.

J. J. TRENERY,
Sergeant, G. C. V. Rifles.

True copy.—Major of Brigade.

COPY of Gunner Hayley's evidence before the Court of Inquiry, held at Goulburn in February, 1873.

WITH reference to charge No. 6, Captain Rossi handed in documents, as evidence in support of his written statement, with reference to this charge, which are marked O, and at his request the following witness was then examined :—

Question by the Court: What is your name and rank in the Volunteer Force?

Answer: Frederick Ernest Hayley, a gunner of No. 9 Battery, Volunteer Artillery, late a sergeant in the Goulburn Rifle Company.

Question by Captain Rossi: When in the Goulburn Rifle Corps, were you promoted to the rank of sergeant from private?

Answer: I was first promoted corporal; then, after a month or two, to the rank of sergeant.

Question: Did you not pass through an examination for each grade before being promoted?

Answer: Yes, I did.

Question: Was not yours the first instance of examination being required before promotion in the Company?

Answer: Yes, it was.

Question: Were not you a member of the Corps when it was first formed?

Answer: Yes, I was one of the original members.

Question: Did you not understand that you would have to pass a satisfactory examination before being promoted?

Answer: Yes, I understood so.

Question: Before examination was instituted, were not young men appointed over the heads of men of "*mature age*," and was it ever made a cause of complaint?

Answer: There were appointments of that nature, and I don't recollect it ever being made a cause of complaint.

Question: Are the papers shown to you your examination papers previous to your promotion to corporal and sergeant?

Answer: Yes, they are.

Question: When being examined, did I give you any aid whatever?

Answer: None whatever.

Question: Are you not aware that I instituted examination for promotion in the Company, and that I had full power to promote you without that ordeal if I chose to do so?

Answer: Yes, I am aware that you instituted examination before promotion, and that you had the power to appoint without examination.

Question: You have seen the document calling upon corporals desirous of promotion to send in their names for examination; and did they all see it?

Answer: I believe they did, as I recognize their signatures appended thereto.

Question: Was any one examined at the same time as yourself; and why did you receive promotion before the other candidate?

Answer: Yes, Corporal Trenery. I got my promotion first, having passed a better examination.

Question: Did you think your promotion was distasteful to the Company?

Answer: Yes, I believe it was.

Question: On what grounds do you think it was distasteful?

Answer: They thought I would be favoured in my examination, and said there was no use their going up, as I would be sure to get the promotion.

Question:

Question: About this time did not anonymous letters appear in the Goulburn papers attacking your promotion; and have you any cause to suspect who was the writer?
Answer: Letters did appear, and I suspect, from hints thrown out, and from a letter received by my father from Mr. Martyr, late private in the Corps, that he was also the writer of those letters which appeared in the papers; in fact, I have no doubt of it.

F. E. HAYLEY,
Gunner, No. 9 Battery.

Copy of Private Dennis Cleary's evidence before the Court of Inquiry, held at Goulburn, February, 1873.

The Court adjourned at 1·30 to 2·30 p.m. The Court re-assembled at 2·30 p.m., and Private Cleary being in attendance, after having made the prescribed declaration, is examined by the Court:—

Question from the Court: What is your name and position in the Goulburn Volunteer Rifle Company?
Answer: Dennis Cleary. Am a private in the Corps.
Question by Captain Rossi:—Were you a member of the Company committee in September, 1869?
Answer: Yes, I was.
Question: At a meeting of the committee on 24th September, 1869, you wished to speak of the appointment of colour-sergeant and quartermaster-sergeant, and I prevented you from doing so. Did not you and others resign membership of committee in consequence?
Answer: Yes.
Question: Subsequent to that have you not ascertained I was right in preventing your speaking?
Answer: I believe you were right.
Question: Have you been on committees of the Company since, and are not you now a member of the committee.
Answer: Yes.

DENNIS CLEARY,
Private, G.C.V.R.

Exhibit DD.

Telegraphic Despatches.—Australian Associated Press Telegrams.

Goulburn, Wednesday.

Volunteer Captain Rossi has been fined 5s. for assaulting Sergeant Mawson.

Captain Rossi, to Major Hales.

Rossiville, Goulburn,
31 August, 1872.

Sir,

In consequence of a telegram in the *Sydney Morning Herald*, notifying that I had been fined 5s. for assaulting Sergeant Mawson, I conceive it is my duty to offer explanation, and I have the honor to request that the report of proceedings in newspaper, together with the accompanying documents, five in number, may be placed before the Commandant for his consideration.

I have, &c.,
F. R. L. ROSSI,
Captain, G.C.V. Rifles.

Goulburn Police Court, Wednesday, August 28th, 1872.

Before the Police Magistrate, W. Sheppard, Esq., J.P., and Captain Hovell.

Assault.—F. R. L. Rossi appeared on summons to answer a charge of having assaulted Benjamin Mawson, on the 26th instant, by pushing him out of a room.

Mr. Gannon for complainant; Mr. Betts for defendant.

Benjamin Mawson, sworn, said:—I have been a soldier, and engaged in active service as such; I now reside in Goulburn, and am watchman at the railway-station; I have to work from 6 o'clock in the evening until 6 o'clock in the morning; I know the defendant; he is Captain of the Goulburn Volunteer Company; he called down at the station-house on Monday night to see me; I was on duty at the time, not as a Volunteer; the captain was in uniform at the time, and spoke to me about the bandmaster reporting my son for misconduct; subsequently I spoke to the boy, and took him down to Captain Rossi, who was then in his office at the Court; I entered, and said—"Captain, I have brought the boy over to have the case investigated"; he immediately rushed towards me, and said—"Go out of my house; I bid you to go out; you are in uniform, and I order you to go out." I replied, I was not in uniform, I was in plain clothes; I was in the act of going out when the captain came towards me, pushed the door, and completely jammed me with the door up against the frame; it was not possible for me to get out without a struggle; he caught me by the arm with both hands, and with main force pushed me out of the room; I never resisted him in any way whatever; I knew my position too well as a soldier to do so; the defendant was in the District Court's office at the time, which I believe to be a public place; a number of the Band who were there must have seen the assault committed, as they were just outside; defendant was very much excited at the time.

To the Bench: I could not have got either in or out of the room, as I was squeezed by the door.

To Mr. Betts: Captain Rossi, as a rule, calls every night at the station when there is drill; he, as usual, was there on Monday night, for the purpose of drilling the Company; he spoke on that occasion to me about my son misbehaving himself in the Band; I did not doubt what the captain said, but did the bandmaster's statement; after the captain and myself had some conversation, he did say he would hear no more on the subject; I afterwards went to the captain's office with my boy, and when I went inside he did say he would hear no more on the matter; he may have told me to leave the room immediately I went in; the door was partly open; I did hear the captain say something about leaving the room; I moved backwards a short distance; I did not turn round to go out; I am in the habit of meeting the enemy face to face; I had not time to go outside, although I was a yard from the door; I could have got out if I had ran towards the door; I think it was with both hands I was pushed; I went back again, but did not go inside the door; I remained in a room outside; I had my hands in my coat pockets the whole time.

Henry Horn, another witness, was called, but did not appear.

Mr. Betts addressed the Bench at length, and thought the case should be dismissed.

The Police Magistrate said he was in favour of fining defendant 1s., with costs of Court, but the majority thought the sum should be 5s., with costs of Court; he would therefore submit.

Fined 5s. and 7s. 8d. costs of Court.

Omission.—In our Wednesday's Police report, by accident we forgot to mention, in the case of Mawson *v.* Rossi, that a full explanation of the case was tendered by Captain Rossi, but disallowed by the Bench, on the ground that it did not come through Mr. Betts, the solicitor conducting the case for the defence.

Exhibit EE.

Exhibit EE.

I, *Francis Robert Louis Rossi*, of Rossiville, near Goulburn, in the Colony of New South Wales, do hereby solemnly and sincerely declare as follows:—I am Captain commanding the Goulburn Corps of Volunteer Rifles; on Monday evening, the 26th instant, at about half-past 7 o'clock, I went to the usual place of parade; I saw Sergeant Mawson there; I told him the Bandmaster, Mr. Deane, had complained of the conduct of his son; Sergeant Mawson doubted the veracity of Mr. Deane; whereupon I told the sergeant as he thought thus I should not say any more to him but take the matter into my own hands; I went away to my rooms at the Court-house, and was followed almost immediately afterwards by Sergeant Mawson, who said, "I have brought my son to have that matter investigated;" I replied, "I have told you I would not speak to you on the matter; leave the room;" he stood immovable within a yard of the door, which was open, presenting no appearance of the least intention to do what I requested; after a sufficient pause, to enable him to comply, I repeated the words, "Leave the room," walked across the room to him, placed my left hand on his right arm and used with a single thrust, only sufficient force to expel him, while with my right hand I closed the door; Mawson again opened the door without entering as I met him; I took about two paces into the outer room, and then for the first time asked the question if he were not in uniform, seeing in the dim light an ornament on his cap; I returned and locked the door; I am positive that Mawson had sufficient time to leave the room after I first requested him to do so.

F. R. L. ROSSI.

Subscribed and declared at Goulburn aforesaid, this 31st day of August, A.D. 1872, before me,—
W. F. Hayley, J.P.

Exhibit FF.

I, *Edward Deane*, of Goulburn, in the Colony of New South Wales, do hereby solemnly and sincerely declare as follows:—I am Bandmaster of the Goulburn Corps of Volunteer Rifles; on Monday evening last Sergeant Mawson came to me in an outer room from Captain Rossi's office, and asked me if the captain was down here; I said, "Yes," pointing to where Captain Rossi was; Mawson then went to the door, knocked, and then went in; I heard quite distinctly what occurred between Captain Rossi and Sergeant Mawson; Sergeant Mawson said, "I have come with the boy to see into this matter;" Captain Rossi replied, "I will not hear you—leave the room;" ample time was allowed Mawson to comply; Mawson said something, and I then heard Captain Rossi repeat the words, "Leave my room—leave my house," and immediately after I heard the door slammed to, and again it was opened; I then heard Captain Rossi ask Sergeant Mawson, "Are you not in uniform"? Mawson said he was not, and I heard the door again closed; my memory is quite clear that Mawson was requested to leave the room more than once; after Captain Rossi said "Leave the room" the first time, Mawson made some reply, and there was a pause during which Mawson had ample time to leave the room, and he could have done so before Captain Rossi requested him to leave the second time.

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of the Act 9th of Victoria No. 9.

EDWD. S. DEANE.

Subscribed and declared at Goulburn aforesaid, this 31st day of August, A.D. 1872, before me,—
W. F. Hayley, J.P.

Exhibit GG.

I, *Joseph Henry Weatherby*, of Goulburn, in the Colony of New South Wales, do hereby solemnly and sincerely declare as follows:—I was, on Monday evening last, in one of the side rooms of the Court-house, leading into the room used by Captain Rossi; sergeant Mawson came in and asked if Captain Rossi was about; some one directed him to the captain's room; Mawson went towards the door and after knocking went in; I heard him say, "Captain, I want to have it settled about the boy," or words to that effect; the captain said, "I do not want to hear any more about it—leave the room;" I heard Mawson make some answer, and say something to the effect that the captain was not to get into a passion; the captain then said again, "Leave the room,—leave my house," and I then heard the door closed smartly; the door was opened again, and I heard some more words between the captain and Mawson, and then the door was closed the second time, and Mawson came out into the room in which we were; I am sure Captain Rossi asked Mawson to leave the room more than once before the door was closed the first time, and I am equally sure that the door was opened a second time; if Mawson had been jammed by the door, and had had to struggle to get out I believe I would have heard it, which I did not; Mawson, I believe, had quite sufficient time to leave the room after being first requested to do so before Captain Rossi asked him to leave the last time; the slamming of the door the last time followed almost immediately upon Captain Rossi ordering Mawson to leave the room.

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of the Act 9th of Victoria, No. 9.

J. H. WEATHERBY.

Subscribed and declared at Goulburn aforesaid, this 21st day of August, A.D. 1872, before me,—
W. F. Hayley, J.P.

Exhibit HH.

With reference to the case of Sergeant Mawson against Captain Rossi for assault, Captain Rossi was unable to give evidence or make any statement of the facts, as in all such cases the defendant is an incompetent witness, and in this case Captain Rossi was not allowed (wrongly, as I contended, and still believe) even to state, though not as evidence, what the facts really were.

It will be seen that Captain Rossi's version of what took place is fully corroborated by the annexed declarations of Messrs. Deane and Weatherby. Captain Rossi was not aware until the evening of the day on which the case was heard, that there were any persons who could give such important evidence, or it would have been produced. Mawson stated in Court that at the time Captain Rossi requested him to leave, he (Mawson) was standing within a yard of the door, which was open, and that Captain Rossi was sitting on a chair on the opposite side of the room, several yards distant, and that immediately upon requesting him to leave, he commenced to retreat backwards through the doorway, but that Captain Rossi, without allowing him any time whatever, came across the room, jammed him with the door, and then pushed him through, and that unless he had ran he could not have got away before he was pushed by Captain Rossi.

Now, as Mawson admits that he was only a yard distant from the open door, and as Captain Rossi, after making the request, had to rise from his chair and walk across the room, there cannot be a doubt that Mawson *had* sufficient time to leave the room before Captain Rossi came up to him, and had he taken two steps (even backwards as he says) he would have placed himself out of the room before Captain Rossi could have left the chair upon which he was sitting. Leaving Captain Rossi's account out of consideration, the statements of Mr. Deane and of Weatherby, however, show most clearly that Captain Rossi's request to leave the room was repeated two or three times, and that after the first request was given Mawson had ample time to leave the room had he chosen to do so. And as both the persons mentioned state that the door was slammed to, and that they believe had Mawson been jammed and had to struggle in the way that he describes, they would have heard him, which they did not do, this portion of Mawson's statement must be incorrect also.

I have carefully considered Mawson's evidence in this case, and accepting his own account as correct, I cannot but believe that he could easily have left Captain Rossi's room before he was interfered with by him in any way, but viewing the case with the additional evidence of Mr. Deane and Weatherby, who so abundantly confirm Captain Rossi's statement, it does

appear

appear to me that no person can doubt for a moment that Mawson's evidence was untrue; and had the Bench been aware of all the facts now disclosed, I have no hesitation in saying that I believe they would have at once dismissed the case.

There is now no process by which a re-hearing of the case can be obtained.

A. M. BETTS,
Solr., Goulburn.

31st Aug., 1872.

EXHIBIT II.

Memorandum of The Police Magistrate, Goulburn.

MEMO.—I have no hesitation in stating that had this case been heard by myself only, the fine, on the evidence *adduced*, would have been 1s. only; and if the statements contained in the declarations attached had appeared in evidence before me, I should have dismissed the case.

J. ALLMAN,
Police Magistrate.

Goulburn, 31/8/72.

EXHIBIT JJ.

Sergeant Mawson to Captain Rossi.

Goulburn, 26/8/72.

Sir,

I beg most respectfully to resign my rank of sergeant in your Company, and to return to the ranks as private, as I could not for a moment think of remaining a non-commissioned officer in a Company whose captain could so far forget himself as to insult, and not only that, but also to assault, me without a cause, in presence of a number of the Bandsmen of the Company.

I remain, &c.,
BENJAMIN MAWSON,
Sergeant, G.V.R.C.

Captain Rossi to Lieut.-Colonel Richardson.

Rossiville, 29 August, 1872.

Sir,

I have the honor to forward the accompanying letter of Sergeant Mawson. It appears to me unmilitary and insubordinate in its character that Sergeant Mawson should take it upon himself to cast a censure upon his commanding officer.

I shall be glad to obtain the advice and direction of the Commandant if he considers such a person desirable to retain in my Company.

I have, &c.,
F. R. L. ROSSI,
Captain, G.C.V. Rifles.

Captain Rossi to Major Hales.

Rossiville, 29 August, 1872.

Sir,

I have the honor to forward the enclosed for the consideration and direction of the Commandant.

I should perhaps add that the letter of Sergeant Mawson to me was written two days before the assault case was heard; the matters referred to occurred when I was in uniform, while engaged throughout on matters pertaining to my Company. It might be desirable that this should also be made known to the Commandant.

I have, &c.,
F. R. L. ROSSI,
Captain, G.C.V. Rifles.

EXHIBIT KK.

Captain Rossi to Lieut.-Colonel Richardson.

Rossiville, 11 November, 1869.

Sir,

I have the honor to transmit certain letters, &c., which had recently appeared in local journals, having reference to the Corps of the Goulburn Volunteer Rifles.

I also enclose the resignations of certain members of the committee (appointed under the rules) and my acceptance thereof (the two latter I would ask to have returned to me); together with these is a copy of minutes of proceedings which had led to such action.

I have, &c.,
F. R. L. ROSSI,
Captain elect.

(From "*Southern Argus*," of October 29th, 1869.)

TO THE CORPORALS OF THE GOULBURN VOLUNTEER CORPS.

WANTED to know why Captain Rossi did not appoint one of you *coves* to fill the vacancy of sergeant?

SUSAN JANE.

(*To the Editor of the "Southern Argus."*)

3 November, 1869.

Sir,

I crave permission through the columns of your paper to lay before the public what I consider abuse of power on the part of the captain of the Goulburn Volunteer Company. As you are aware, that body has attained to a great degree of efficiency, and will (considering the short time it has been established) bear a most favourable comparison with any country Company in New South Wales. This being the case, it is nothing but right that members should be on the alert to see that nothing arises that is calculated to impair its efficiency, or weaken it in any way. In order that a Volunteer Company may prosper, it is necessary that strict discipline should be enforced by the officers commanding, and that good will and respect should exist between officers and men. Where this is wanting, the probability is that a Company will soon fall to the ground. That the Goulburn Company will soon be a thing of the past is evident, if Captain Rossi does not alter his tactics considerably; for I consider that one or two of his actions since he has been captain have been characterised by great want of discretion, if not injustice, towards the members of his Company. The first error that he committed was in annulling the election of Sergeant Cleary as colour-sergeant, after he had been elected according to the very directions he (the captain) had given. What could have been his motive for acting in this manner is best known to himself, for I don't know. But this much I do know, that his conduct on that occasion gave very great dissatisfaction to many of the Volunteers. The next act of unfairness

and

and injustice on the part of Captain Rossi was in the appointment of a private to the position of quartermaster-sergeant. Why did he overlook the claims of men who are far superior to said private in every respect to fulfil the office of quartermaster-sergeant? Why did he not consult the sergeants and corporals about the office? But no! Private —— is superior to all these, and most fitted for the office; but wherein his qualifications lie nobody but Captain Rossi knows. I only hope that he will fulfil the office to the captain's liking. I maintain that such conduct on the part of Captain Rossi is not calculated to strengthen the Company he commands, but on the other hand is likely to cause dissatisfaction and indifference amongst the members, which will eventually terminate in a dissolution of the Volunteer body.

FAIR PLAY.

To the Editor.

[From *Goulburn Herald*, 3 November, 1869.]

GOULBURN VOLUNTEERS.

SIR,

On reading the announcement that an inspection of this Company would take place on Tuesday, November 2nd, and that a staff-sergeant would be sent up in the interim to drill the Corps prior to inspection, it was only natural to expect that members would avail themselves of the opportunity thus offered; but the attendance as shown below, viz.,—on Monday evening, 26; Tuesday morning, 11; evening, 14; Wednesday morning, 14; evening, 13; and since then even worse—is plain proof that there is something wrong—some cause for this falling off. That the Company is not dissatisfied with the sergeant sent up is too well known to need comment; no instructor could be more liked or more universally looked up to. If then his advent is not the cause of this sudden collapse, what is? Rumour is busy with its many tongues, and the blame is freely thrown on the shoulders of the officer commanding; with what justice let an unprejudiced public judge.

For a short time after his election matters went on smoothly; and nothing interfered to mar the harmony of the Corps till it became necessary to nominate a color-sergeant and a quartermaster-sergeant out of the sergeants already elected and approved of. This right of nomination undoubtedly belongs to the captain; and had he exercised that right without any reference to the sergeants themselves, however much they might have disliked an individual appointment, they would have had no right to grumble. But what was the conduct of the captain elect? He sent a circular to the six sergeants, inviting them to meet together on a certain evening to nominate their own color and quartermaster sergeants. Owing to the sickness of two of their number, and the unavoidable absence of the third, only three met together. Two were nominated, and their names given in to the captain, who refused to acknowledge the appointment, and proceeded to appoint another party as color-sergeant, thereby withdrawing the concession he had previously made. No doubt he had the power of so doing, as he had stated that the nomination would be subject to his approval; but if he intended to lay a veto on their choice, why offer them the opportunity of choosing at all? Such conduct partook very much of the nature of an insult, and as such it was looked upon by the sergeants themselves, and resulted in the resignation of one of the most efficient amongst them. Subsequent to this, when in committee, two of the sergeants (one of whom was present at the meeting of the sergeants and the other absent through serious illness) who were also members of committee, wished to say a few words in explanation and were not allowed to do so by the captain, the veto being pronounced in a most dictatorial and offensive manner. This conduct resulted in the resignation of three most efficient members of committee, men who have worked for the benefit of the Corps from its initiation, and spent their own money in preliminary expenses. Owing to the resignation of the sergeant, as mentioned above, another had to be appointed, and the corporals looked forward to a chance of promotion. But how is the vacancy filled up? Not as might have been supposed,—from among the corporals, but by the pushing forward of a private, not only to the rank of sergeant, but to that of quartermaster-sergeant, thereby giving him three steps of promotion at one coup, and placing him at the top of the list of sergeants. It is true that the captain had that power; but it certainly was most unwise to exercise it in the manner mentioned above. There could be no personal objection to Private Waugh; on the contrary, he is liked by the whole Company, and by all with whom he comes in contact; but the thus putting one of the youngest men in the Corps in so prominent a position, over the heads of the non-commissioned officers, is of itself sufficient to damp the ardour of the most enthusiastic. What has Private Waugh done to merit this distinction? A reference to the roll-book will show that he has not been too regular in his attendance, nor is he well up in his drill, while amongst the corporals more than one could be found regular in his attendance and quite qualified to fulfil the duties of sergeant. This appointment is distasteful to the Company for the reasons abovementioned, and also from the fact that at the election of corporals by the Company, Private Waugh, though nominated, was rejected. The appointment may have been made with the best intentions; but it is nevertheless a gross mistake, and, unfortunately, it appears a fatal one to the prosperity of the Company. When the appointment was read out on parade, the announcement was met with signs of disapprobation, patent to the most careless observer, and the subsequent deportment of all the members is a proof of their feeling on the subject. Complaints are also made of the demeanour of the captain to both officers and men. It must be clearly understood that the lieutenant is not alluded to in any remarks here made, for one and all look up to him as a good and efficient officer. While it is absolutely necessary that discipline should be enforced, yet every commanding officer should bear in mind that he has not to do with enlisted soldiers; that every Volunteer joined of his own free will, and can, by giving fourteen days notice, quit the Corps, and that both non-commissioned officers and privates are, in many instances, his social equals, placed under him for a time by their own act, and by so doing not giving up their individuality; willing in all matters connected with the Company to defer to his judgment, but at the same time expecting a certain degree of courtesy in return. The *sic volo sic jubeo* may be very well in its proper place, but the tone of the command should not be offensively arbitrary, and the *fortiter in re* can be easily combined with the *suaviter in modo*. Privates in a Volunteer Corps are not supposed to be destitute of feeling; and when an officer complains of this sort of thing, is it wonderful that the privates do the same? All men are keenly sensitive to slight; and both sergeants and corporals feel deeply the passing of them over in the matter of the quartermaster-sergeant, and the whole Corps the ignoring of their judgment in the appointments in the first instance. That the Corps is at present in a disaffected state cannot be denied, and the cause of it only too transparent; and unless a material change takes place in the bearing of the captain, and in the method of administering promotion, it is painfully evident that the Goulburn Volunteer Rifle Company will soon be amongst the things of the past. It is to be hoped that such will not be the issue. The members should bear in their memory all the Government has done for them, acceding to their wishes in every way; and it would be unpardonable if, owing to internal divisions, the Company should be disbanded.

I am, Sir,
VOLENS.

The Committee of the Goulburn Volunteer Corps to Captain Rossi.

Goulburn, 25 September, 1869.

Sir,

We, the undersigned Members of the Committee of the Goulburn Volunteer Rifle Corps, have the honor to inform you hereby that we resign our seats on the committee.

A committee that is denied the right of discussing the affairs of the Company—that is to be recognized only when it suits the purpose of the officer commanding the Corps—and that has no power to carry any measure, however beneficial, against the veto of the captain, is evidently useless; and we therefore have resolved to retire from a body that has existence without vitality.

We have, &c.,
DENIS CLEARY.
OSWALD WELBY.
H. S. CLARKE.
GEORGE MARTYR.

Captain

Captain Rossi to Messrs. Cleary, Welby, Clarke, and Martyr.

Rossiville, 28 September, 1869.

Gentlemen,

I do myself the honor to acknowledge the receipt of your letter, under date the 25th instant, tendering your resignations as members of the committee of the Goulburn Volunteer Rifles.

As regards your statement, to the effect that I only recognize the committee when it suits my purpose, and do not allow it to carry any measure, however beneficial, against my veto, I desire to point out to you, that the subject brought forward at the meeting on Friday evening last, and to which I objected, were matters not admissible for discussion on such an occasion, they having reference to business of the Corps, not falling within the province of the committee. (*Vide* clause 14 of the rules, which states, that the committee shall aid in the management of the finances and other matters, not provided for by the Act or Regulations, &c., &c.)

I have further to observe, that in accepting your resignations, I regret you should have thought fit to take this step, evidently with the intention of throwing difficulties in the way of my bringing the Corps to that state of efficiency and discipline which would give satisfaction to the officer commanding at head quarters. Moreover, you would deny me the support of the committee, whose obligation it is to assist in the fulfilment of my duties as principal responsible officer, but not to relieve me of the performance of functions that apply exclusively to myself.

I have, &c.,
F. R. L. ROSSI,
Captain elect.

GOULBURN VOLUNTEER RIFLES.

EXTRACTS from Proceedings of Committee, held 24th September, 1869.

Present :—Captain Rossi, Lieutenant Alexander, Sergeants Cleary, Treacy, and Welby ; Privates Waugh, Clarke, and Martyr.

"DISCUSSION arose about the handing over a certain letter, dated 31st August, 1869, relative to colour of uniform, which had been refused to be received by the captain, and which he then asked for ; the letter was eventually given to the captain, and read by him."

"Sergeant Cleary wished to make an explanation, relative to the meeting of the sergeants, for the appointment of colour-sergeant and quartermaster-sergeant, but was not allowed—the captain stating the matter was not before the committee."

"Sergeant Welby wished to make an explanation on the matter of the meeting of the sergeants for the purpose of naming a color-sergeant and quartermaster-sergeant, but was not allowed—the captain ruling that the matter was not before the committee."

F. R. L. ROSSI,
Captain elect.

Messrs. Welby, Clarke, Cleary, and Martyr to Captain Rossi.

Goulburn, 2 October, 1869.

Sir,

We have the honor to acknowledge the receipt of your letter of the 28th ultimo, notifying your acceptance of our resignations as members of the committee of the Goulburn Volunteer Rifle Corps.

In the third paragraph of your letter, you say that we resigned "evidently with the intention of throwing difficulties in the way of your bringing the Corps to that state of efficiency and discipline which would give satisfaction to the officer commanding at head quarters."

This charge is of so serious a nature, that we feel bound, in justice to ourselves, to state most emphatically that no such unworthy motive actuated us, and that we retired from the committee, feeling that our connection with it could no longer be productive of benefit to the Corps.

We were on the committee from the date of the first meeting held to initiate the movement, and we have devoted time and energy, often at great personal inconvenience to attend meetings, and otherwise forward the interest of the Corps,—the prosperity of which we have still as much at heart as any members belonging to it.

We have, &c.,
OSWALD WELBY.
H. S. CLARKE.
DENIS CLEARY.
GEORGE MARTYR.

Captain Rossi to Messrs. Welby, Clarke, Cleary, and Martyr.

Rossiville, 5 October, 1869.

Gentlemen,

I have the honor to acknowledge the receipt of your letter of the 2nd instant, in further reference to your resignations as members of the committee of the Goulburn Volunteer Rifles.

I have, &c.,
F. R. L. ROSSI.

EXHIBIT LL.

Private G. Martyr to Captain Rossi.

Goulburn, 30 September, 1869.

My dear Sir,

Yours of the 28th instant to hand. In reply I have the honor to state, in reference more particularly to the last paragraph in your communication, that there was no wish on the part of any member of the committee, who resigned, "to throw difficulties in the way of your bringing the Corps to that state of efficiency and discipline which would give satisfaction to the officer commanding at head quarters, &c., &c.;" on the contrary, one and all were actuated by a spirit quite the reverse ; believing, however, that after what took place at the last committee meeting, the business could not be carried on amicably, we thought it better to resign.

With regard to my own reasons for resigning, I feel compelled to speak more plainly, while I concur with the general tone of the joint letter of resignation.

The following is a plain statement of the facts :—

At a committee meeting held at the Joint Stock Bank on September 10th, I was unavoidably absent. At that meeting a letter addressed by me to the committee was read ; of this letter no notice was taken in the minutes till just before their confirmation on September 24th, when, on the motion of private Clarke, a paragraph having reference thereto was added.

At the same meeting (September 10th) a formal resolution of committee was adopted relative to my actions as secretary (of course I take nothing as personal), and it must be borne in mind, this was done in my absence.

With regard to the first-named matter, when the paragraph was added, I wished to make an explanation, but was not allowed, nor even to put it to the committee whether I should be heard or not, though I had reasonable grounds, from the wording of the added paragraph, to consider that my letter was misunderstood.

As to the second matter, in the first place it is unusual and a matter of courtesy not to enter upon any subject personal to a member of committee during his absence ; and in the second, even if such a course has been pursued, I never heard in all my experience on committees, which has been rather extensive, of such member being arbitrarily stopped from making an explanation upon a subject entered upon the minutes of a former meeting affecting the individual member or his office ; and perhaps the wrong was more glaring when the minute was added in that member's presence at a subsequent meeting.

Since

Since the formation of the Company, I have done all in my power to assist in carrying out all matters in connection therewith, but I am unable to understand how any members of committee can perform his duty if when, by accident or unknowingly, he slightly exceeds his power, he is not allowed to explain his reasons and motives.

It was with great pain that I came to the determination of resigning an office in which I took considerable pleasure, and I still hope that matters may go on smoothly, and the Company attain that efficiency which you desire.

I am, &c.,
GEORGE MARTYR.

Captain Rossi to Private G. Martyr.

Rossiville, 5 October, 1869.

Sir,

I have the honor to acknowledge the receipt of your letter, dated 30 ultimo, giving certain reasons for tendering your resignation as a member of the Committee of Goulburn Volunteer Rifles.

I have, &c.,
F. R. L. ROSSI, Capt. elect.

Captain Rossi to Hon. Secretary Goulburn Volunteer Rifles.

27 September, 1869.

Dear Sir,

Will you be so good as to enter in the committee book a full statement of the proceedings of last meeting, and all that transpired on that occasion, and forward to me the book?

Yours, &c.,
F. R. L. ROSSI, Capt. elect.

Private G. Martyr to Capt. Rossi.

Goulburn, 6 October, 1869.

My dear Sir,

After duly considering the matter, and believing from the manner in which my offer to continue my services as secretary of committee, *pro tem.*, was received, that such a step would not be unacceptable to yourself or the committee in general, I am induced to ask permission to withdraw my resignation.

Should you and the committee feel it conducive to the interest of the Corps to accept my services, I trust we shall be able to work together amicably.

I am, &c.,
GEORGE MARTYR.

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7 October, 1869.

My dear Sir,

I have to acknowledge your letter of 6th instant, wherein you ask permission to withdraw your resignation as hon. secretary to the committee of the G. V. Rifles, together with the expression of your desire, that if your services are accepted that you may be able to work amicably.

In reply, I beg to say that I shall be happy to accede to your wishes, and I am sure the members of the committee will have equal pleasure in acceptance of your kind services.

Exhibit MM.

Lieut.-Colonel Richardson to Captain Rossi.

30 November, 1869.

My dear Captain Rossi,

I presume, by your furnishing copies of correspondence, &c. (herewith returned), that you desire my opinion as to the action taken by yourself in the matter. With reference to the appointment of non-commissioned officers, you, as commanding officer, are alone vested with power to appoint such as you may deem fit to assist you in maintaining discipline, efficiency, and good feeling in the Corps, and from these non-commissioned officers you are entitled to exact such support as will enable you to attain that end. You are also justified in passing over non-commissioned officers by appointing any member of the Corps to a superior position, provided such member in your opinion possesses higher qualifications than those non-commissioned officers. It follows that such a course is justifiable from the fact that *you are solely responsible* for the discipline, &c., of the Corps; being so, you therefore select the best assistants in the shape of non-commissioned officers. It would no doubt have been better to have made your appointments, in the first place, without any reference to the Corps. Nevertheless, it does not follow because you adopted that course and allowed the Corps to recommend members for appointment, which proceeding was cancelled by reason of irregularities, that the Corps had acquired any right to again recommend, but it was merely a question of expediency, and, judging from the feeling displayed, I am of opinion you adopted the right course in finally making your appointments without reference to the Corps. The committee should not be permitted to intermeddle *in any* way with the military working of the Corps, but confine themselves to the non-military and financial portion. If these non-commissioned officers do not choose to assist you, reduce them, and appoint others who will. The articles from the local paper being anonymous I cannot take cognizance of, and I must remark that the most proper and manly way, also in accordance with military usage, is for anyone having complaints to prefer them in a respectful manner, through their commanding officer, for the consideration of the authorities.

In conclusion I have to remind you that some difference is required in the management of Volunteers as compared with that of soldiers, which should combine a certain allowance for minor errors, &c., with the due enforcement of discipline.

Yours truly,
JOHN RICHARDSON,
Lieut.-Col., Comdt.

Goulburn Volunteers.

To the Editor.

Sir,

On reading the announcement that an inspection of this Company would take place on Tuesday, November 2nd, and that a staff-sergeant would be sent up in the interim to drill the Corps prior to inspection, it was only natural to expect that members would avail themselves of the opportunity thus offered; but the attendance, as shown below, viz., on Monday evening, 26; Tuesday morning, 11; evening, 14; Wednesday morning, 14; evening, 13; and since then even worse—is plain proof that there is something wrong—some cause for this falling off. That the Company is not dissatisfied with the sergeant sent up is too well known to need comment; no instructor could be more liked or more universally looked up to. If then his advent is not the cause of this sudden collapse, what is? Rumour is busy with its many tongues, and the blame is freely thrown on the shoulders of the officer commanding; with what justice let an unprejudiced public judge.

For

For a short time after his election matters went on smoothly; and nothing interfered to mar the harmony of the Corps till it became necessary to nominate a colour-sergeant and a quartermaster-sergeant out of the sergeants already elected and approved of. This right of nomination undoubtedly belongs to the captain; and had he exercised that right without any reference to the sergeants themselves, however much they might have disliked an individual appointment, they would have had no right to grumble. But what was the conduct of the captain elect? He sent a circular to the six sergeants, inviting them to meet together on a certain evening to nominate their own colour and quartermaster sergeants. Owing to the sickness of two of their number, and the unavoidable absence of a third, only three met together. Two were nominated, and their names given in to the captain, who refused to acknowledge the appointment, and proceeded to appoint another party as colour-sergeant, thereby withdrawing the concession he had previously made. No doubt he had the power of so doing, as he had stated that the nomination would be subject to his approval; but if he intended to lay a veto on their choice, why offer them the opportunity of choosing at all? Such conduct partook very much of the nature of an insult, and as such it was looked upon by the sergeants themselves, and resulted in the resignation of one of the most efficient amongst them. Subsequent to this when in committee, two of the sergeants (one of whom was present at the meeting of the sergeants and the other absent through serious illness) who were also members of committee, wished to say a few words in explanation and were not allowed to do so by the captain, the veto being pronounced in a most dictatorial and offensive manner. This conduct resulted in the resignation of three most efficient members of committee, men who have worked for the benefit of the Corps from its initiation, and spent their own money in preliminary expenses. Owing to the resignation of the sergeant, as mentioned above, another had to be appointed, and the corporals looked forward to a chance of promotion. But how is the vacancy filled up? Not as might have been supposed, from among the corporals, but by the pushing forward of a private not only to the rank of sergeant but to that of quartermaster-sergeant, thereby giving him three steps of promotion at one coup, and placing him at the top of the list of sergeants. It is true that the captain had that power; but it certainly was most unwise to exercise it in the manner mentioned above. There could be no personal objection to Private Waugh; on the contrary, he is liked by the whole Company and by all with whom he comes in contact; but the thus putting one of the youngest men in the Corps in so prominent a position over the heads of the non-commissioned officers is of itself sufficient to damp the ardour of the most enthusiastic. What has Private Waugh done to merit this distinction? A reference to the roll-book will show that he has not been too regular in his attendance, nor is he well up in his drill, while amongst the corporals more than one could be found regular in his attendance and quite qualified to fulfil the duties of sergeant. This appointment is distasteful to the Company for the reasons above-mentioned, and also from the fact that at the election of corporals by the Company, Private Waugh, though nominated, was rejected. The appointment may have been made with the best intentions; but it is nevertheless a gross mistake, and, unfortunately, it appears a fatal one to the prosperity of the Company. When the appointment was read out on parade the announcement was met with signs of disapprobation patent to the most careless observer, and the subsequent deportment of all the members is a proof of their feeling on the subject. Complaints are also made of the demeanour of the captain to both officers and men. It must be clearly understood that the lieutenant is not alluded to in any remarks here made, for one and all look up to him as a good and efficient officer. While it is absolutely necessary that discipline should be enforced, yet every commanding officer should bear in mind that he has not to do with enlisted soldiers; that every Volunteer joined of his own free will, and can by giving fourteen days' notice quit the Corps; and that both non-commissioned officers and privates are, in many instances, his social equals, placed under him for a time by their own act, and by so doing not giving up their individuality; willing in all matters connected with the Company to defer to his judgment, but at the same time expecting a certain degree of courtesy in return. The *sic volo sic jubeo* may be very well in its proper place, but the tone of the command should not be offensively arbitrary, and the *fortiter in re* can be easily combined with the *suaviter in modo*. Privates in a Volunteer Corps are not supposed to be destitute of feeling; and when an officer complains of this sort of thing is it wonderful that the privates do the same? All men are keenly sensitive to slight; and both sergeants and corporals feel deeply the passing of them over in the matter of the quartermaster-sergeant, and the whole Corps the ignoring of their judgment in the appointments in the first instance. That the Corps is at present in a disaffected state cannot be denied, and the cause of it only too transparent; and unless a material change takes place in the bearing of the Captain and in the method of administering promotion, it is painfully evident that the Goulburn Volunteer Rifle Company will soon be amongst the things of the past. It is to be hoped that such will not be the issue. The members should bear in their memory all the Government has done for them, acceding to their wishes in every way; and it would be unpardonable if, owing to internal divisions, the Company should be disbanded.

I am, Sir,
VOLENS.

GOULBURN VOLUNTEER RIFLES.

THE following has been received from head quarters, by Captain Rossi:—

Volunteer Brigade Office,
Sydney, 19 May, 1870.

Brigade Order.

THE Lieutenant-Colonel Commanding is pleased to approve of the following promotions in the Goulburn Corps Volunteer Rifles:—

Sergeant M'Kean to be Quartermaster-sergeant, vice Waugh, resigned.
Corporal Herriott to be Sergeant, vice M'Kean, promoted.
Private Clarke to be Corporal, vice Zouch, resigned.
Private Dignam to be Corporal, vice Herriott, promoted.
Supernumerary Sergeant Mawson to be Sergeant, vice Welby, resigned.

By command, &c.,
THOS. BAYNES,
Brigade Adjutant.

Volunteer Brigade Office,
Sydney, 21 May, 1870.

Sir,

I have the honor to inform you, in reply to your letter of the 20th instant, that the Lieutenant-Colonel Commanding is pleased to approve of the Corps, under your command, remaining in Sydney (after the Review) until Thursday, as requested.

I have, &c.,
THOS. BAYNES,
Captain, Brigade Adjutant.

We understand altogether about seventy Volunteers went down by the two trains yesterday, to take part in the Review; considering the state of the weather it is very creditable to an up-country Corps, for the elements are enough to damp the good will of almost any one.

Captain Rossi to Lieut.-Colonel Richardson.

Goulburn, 28 August, 1869.

Sir,

I have the honor to inform you that at a meeting of the Goulburn V. R. Corps, held on Thursday last, for the purpose of reconsidering the subject of the color of the uniform, the following resolution was adopted:—

"That the Goulburn Volunteers prefer to be allowed the privilege of wearing a uniform of the same color as Her Majesty's regiments of the line, viz., red, or scarlet, and therefore desire to carry out a proper spirit of uniformity, by adopting such dress as is purposed for the Sydney Battalion."

I beg leave to enquire when the Corps can be supplied with the uniform, in accordance with their expressed wishes?

I have, &c.,
F. R. L. ROSSI,
Captain elect,
Commanding G.V.R. Corps.

Rossiville,

Rossiville, Goulburn,
7 September, 1869.

Sir,

On the 28th ultimo I had the honor to address the Colonel Commanding the Volunteer Force, informing him of the wish of the Goulburn V. R. Corps to be allowed the use of red or scarlet uniform, as had been sanctioned in other cases, and in accordance with the Regulations of the Volunteer Act, No. 78, "That all official correspondence from Volunteer Corps is to proceed from the officer commanding, or to pass through him," I addressed my letter.

I have learnt to my surprise that a communication, I believe of similar import, which did not pass through me, nor had I seen, has received a reply, while my letter is not even acknowledged.

May I request to know if a relaxation of the regulation has been permitted, and that if it is competent for any persons to correspond with the officer commanding Volunteer Force, even without the knowledge of the officer commanding Corps? I have respectfully to seek a reply to my communications.

I have, &c.,

Lieut.-Colonel Richardson to Captain Rossi.

Volunteer Brigade Office,
Sydney, 8 September, 1869.

Sir,

I have the honor to acknowledge the receipt of your letter of the 7th instant, and, in reply, to state that it is customary, until officers are gazetted, for the honorary secretary, under the direction of the proposed commanding officer of the Corps, to be the medium of correspondence with head-quarters, and as the two letters on the same subject arrived simultaneously I considered it unnecessary to reply to both. The usual course was therefore pursued, and the letter addressed to the honorary secretary for the information of yourself and members of the Corps.

I have, &c.,
JOHN S. RICHARDSON,
Lieutenant-Colonel Commanding Volunteer Force.

Captain Rossi to Lieut.-Colonel Richardson.

Rossiville, Goulburn,
10 September, 1869.

Sir,

I have the honor to acknowledge your communication of 8th instant, and to thank you for the information "that it is customary, until officers are gazetted, for the honorary secretary, under the direction of the proposed commanding officer of the Corps, to be the medium of correspondence with head-quarters."

I beg to refer to the words of my last communication (7th instant) that the particular correspondence I referred to had "not *passed through me, nor had I seen it.*" With that explanation I had hoped I should have been favoured with a reply. I trust I may be excused in declining to accept or acknowledge any correspondence by the honorary secretary, unless under my direction.

I again respectfully renew my request that you will be so good as to favour me with a reply to my first letter of 28th ultimo, for as yet no answer has reached me—even through the source you speak of.

I have, &c.,
F. R. L. ROSSI.

Captain Baynes to Captain Rossi.

Volunteer Brigade Office,
Sydney, 16 September, 1869.

Sir,

In reply to your communication of the 10th instant, I have the honor, by direction, to enclose a copy of a memo. (16 Sept., 1869) forwarded this day to the honorary secretary of the Goulburn Corps.

I have, &c.,
THOS. BAYNES,
Captain, Brigade Adjutant.

[*Enclosure.*]

Memo.

Volunteer Brigade Office,
Sydney, 16 September, 1869.

THE honorary secretary, Goulburn Corps, will be pleased to forward to Mr. Rossi letter addressed to him by the Brigade Adjutant, dated 31st ultimo, and having reference to the uniform of the Corps.

The honorary secretary is also to understand that all communications with head-quarters is to be conducted through Mr. Rossi, as Captain elect.

By command,
THOS. BAYNES,
Captain, Brigade Adjutant.

Captain Baynes to the Secretary, Goulburn Rifle Corps.

Volunteer Brigade Office,
Sydney, 31 August, 1869.

Sir,

I have the honor to acknowledge the receipt of your letter of the 27th instant, referring to a resolution passed at a meeting of the Goulburn Volunteers, asking to be allowed the privilege of wearing a uniform of the same color as Her Majesty's Regiments of the Line, viz., red or scarlet, and to adopt such dress as is proposed for the Sydney Battalion.

Having laid the same before the officer commanding Volunteers, and in reply am directed to inform you that tenders for the supply of uniforms for the Suburban and Country Corps have been taken up for grey, and it cannot now be altered, and even if it could there is not a sufficient supply of scarlet cloth (of the quality required) in the Colonies.

On inquiry I find the tweed (grey) for the Goulburn Corps has just been received from the tweed manufactory, and ready for making up at once.

I have, &c.,
THOS. BAYNES,
Brigade Adjutant.

P.S.—Mr. Rossi wrote to this office on the same subject, on the 28th instant. Please show him this reply.—T.B. Capt.

Captain

Captain Rossi to Lieut.-Colonel Richardson.

Rossiville, 9 November, 1869.

Sir,

I have the honor to transmit certain letters, &c., which had recently appeared in local journals, having reference to the Corps of the Goulburn Volunteer Rifles.

I also enclose the resignations of certain members of the committee (appointed under the rules) and my acceptance thereof (the two letters I would ask to have returned to me); together with these is a copy of minutes of proceedings, which had led to such action.

I have, &c.,
F. R. L. ROSSI,
Captain elect.

[*Enclosures.*]

Rossiville, November, 1869.

Sir,

I have the honor to call your attention to the state of discipline of the Corps of the Goulburn Volunteer Rifles under my command.

I deeply regret to say that certain influences are so operating with the Company that duty appears for the most part to be forgotten. During the week prior to the late inspection an almost total neglect of drill occurred; on two mornings only about seven attended, which rendered it impossible to proceed with drill.

I should have been slow to recur to matters which had passed, but I am pained to add that no improved disposition manifests itself. On Thursday, 4th instant, but nine attended drill and on Monday.

I enclose to you certain letters, &c., &c., which have recently appeared in local journals. The character of these publications is calculated seriously to create increased disaffection; such facts to which they allude are already known to you, having relation to the appointment of the color and quartermaster sergeants.

I also beg to forward letters of resignation of certain members of committee and my replies thereto, with copy of minutes of committee, to show what had transpired to cause resignation. (These latter marked respectively I would ask to have returned to me.)

If I have not put you in possession of sufficient data upon which to arrive at an opinion, I shall be glad to furnish you with as full explanation on any point as you may desire. I respectfully request you will be good enough to allow a Court of Inquiry. Or if my acts are approved, your confirmation thereof, together with such instructions as will enable me to restore thorough discipline and attention.

On Monday, the 1st instant, after many repeated cautions had been given to certain of the Company not to talk in the ranks, it was persisted in, when I told one of the privates, "whom I observed talking," that if not discontinued "I would take further steps;" he replied, "step out." I at once removed him from the ranks, and placed him in custody until after termination of parade, when he was released. The Company on its dismissal, and while quitting the ground, cheered the offender, when I called upon them to fall in again, and told them as they did so that I wished each Volunteer would furnish himself with the Volunteer Act, also the Regulations, when the Company would learn its duty and mine—that they should quit parade in a quiet and orderly manner, and not to express its opinion at anything I might do, by showing approval or disapprobation.

I have, &c.,

Exhibit NN.

Memo. to Honorary Secretary, G. C. V. Rifles.

Rossiville, 2 August, 1872.

Having reference to a resolution passed by the committee of the G. C. Vol. Rifles on Monday, 29th ultimo, to the effect that Mr. Deane should be dismissed from his engagement on 1st August, and in accordance with what I stated in committee last evening, I have to request you to be good enough to inform all the members of committee that I shall be fully prepared to carry out that resolution on receiving a properly executed indemnity, signed by all the committee, undertaking the responsibility of holding me harmless and free from liabilities in the event of legal proceedings being instituted against me by Mr. Deane.

F. R. L. ROSSI,
Captain.

Memo. to Honorary Secretary G. C. V. Rifles.

Goulburn, 13 August, 1872.

I request you to be good enough to have my letter recently forwarded to you, relative to Mr. Deane, inserted in the minutes of the proceedings of the committee, and when the latter had seen that letter I wish it returned to me, bearing the several signatures of committee, with dates upon which my letter was seen and read by each.

F. R. L. R.,
Captain.

A. Sproule to Captain Rossi.

Goulburn, 16 September, 1872.

Sir,

I beg leave to resign my position as member of the committee of the Goulburn Corps, Volunteer Rifles.

I have, &c.,
A. SPROULE.

Private Craig to Captain Rossi.

Goulburn, 17 September, 1872.

Sir,

I beg to respectfully resign the seat I hold on the committee of the Goulburn Volunteer Rifles.

I have, &c.,
J. B. CRAIG,
Private.

T. O'Brien to Captain Rossi.

18 September, 1872.

Sir,

I beg to tender my resignation as a committeeman of the G. V. Rifles.

T O'BRIEN.

Mr.

Mr. H. Blackshaw to Captain Rossi.

Goulburn, 17 September, 1872.

Sir,

I beg respectfully to tender my resignation as one of the committee of the G. C. V. Rifles.

Yours, &c.,
H. BLACKSHAW.

Mr. G. J. Trump to Captain Rossi.

Goulburn, 8 November, 1870.

Sir,

I beg to withdraw my resignation, and ask leave to continue as a Member of the Goulburn Corps Vol. Rifles under your command.

I have, &c.,
GOTTLIB JOHN TRUMP.

Memo.—The resignation of Trump had been returned as being informal—since within withdrawal accepted.—F.R.L.R., Capt.

Mr. John Horton to Captain Rossi.

Goulburn, 2 November, 1870.

Sir,

I do hereby tender my resignation as a Member of the Goulburn Volunteer Rifle Corps under your command, from this date, November 2, 1870.

I remain, &c.,
JOHN HORTON.

Mr. John Horton to Captain Rossi.

Goulburn, 8 November, 1870.

Sir,

I wish to withdraw my resignation, as it is my intention to remain in the Corps.

I am, &c.,
JOHN HORTON.

Mr. John Cole to Captain Rossi.

Malton, 2 November, 1871.

I HAVE the honor to inform you that it is my intention to resign from the Goulburn Corps Volunteer Rifles, and I now give you fourteen days notice as required by the Act. And I further agree to pay all subscriptions due by me to that date.

I have, &c.,
JOHN COLE.

Mr. John Cole to Captain Rossi.

Goulburn, 14 November, 1870.

I BEG for to withdraw my resignation.

I have, &c.,
JOHN COLE.

Mr. William Cole to Captain Rossi.

Malton, 2 November, 1873.

I HAVE the honor to inform you that it is my intention to resign from the Goulburn Corps Volunteer Rifles, and I now give you fourteen days notice as required by the Act, and I further agree to pay all subscriptions due by me to that date.

I have, &c.,
WILLIAM COLE.

Mr. William Cole to Captain Rossi.

Goulburn, 14 November, 1870.

I BEG for to withdraw my resignation.

I have, &c.,
WILLIAM COLE.

Mr. J. B. Craig to Captain Rossi.

Goulburn, 1 November, 1870.

Sir,

I beg respectfully to resign as a member of the Goulburn Volunteer Rifle Corps. I will pay to Colour-sergeant Trenery all subscriptions due by me to the above Corps.

I am, &c.,
JOHN B. CRAIG.

Mr. J. B. Craig to Captain Rossi.

Goulburn, 17 November, 1870.

Sir,

I respectfully beg to be allowed to withdraw my resignation from the Corps under your command.

I am, &c.,
JOHN B. CRAIG.

Mr. W. Johnson to Captain Rossi.

Goulburn, 3 November, 1870.

Sir,

I beg to resign as a member of the Goulburn Volunteer Rifle Corps.

I have, &c.,
WILLIAM JOHNSON.

Mr.

142

Mr. W. Johnson to Captain Rossi.

Goulburn, 28 November.

Sir,

Would you kindly allow me to withdraw my resignation as member of the G. C. V. R., as I particularly wish to remain in the Company?

I have, &c.,
W. JOHNSON.

Mr. Charles Booth to Captain Rossi.

Goulburn, 2 November, 1870.

Sir,

I have the honor to inform you that it is my intention to resign from the Goulburn Volunteer Rifle Corps, and I now give fourteen days' notice to that effect in conformity with law.

I also agree to pay all subscriptions due by me to the above Corps up to the date of resignation.

I have, &c.,
CHARLES BOOTH.

Mr. Charles Booth to Captain Rossi.

Goulburn, 15 November, 1870.

Sir,

I have the honor to request that you will be pleased to grant me permission to withdraw my resignation, and to remain in your Company.

I have, &c.,
CHAS. BOOTH.

Exhibit OO.

Examination.

1. Exact squareness of body and shoulders to front, heels in a line and closed, toes turned out to form an angle of 45 degrees, knees straight, hips drawn back, arms hanging easily from shoulders, hands open, palms touching thighs, chest advanced without constraint, head erect, chin drawn in, eyes looking to front.
2. (One.) Raise left arm as high as waist, palm upwards, same time raise right arm as high as right shoulder, palms to front, thumbs open. (Two.) Strike left with that of right, passing palm of right hand over back of left, thumb of left hand locked in right, drop arms to full extent, right foot drawn back 6 inches, bending left knee slightly, stand easy or attention.
3. (One.) Eyes right, dress.—All looking to right raising their right arms, palms upwards, each man not to see more than lower part of face of second man from him. (Two.) Eyes front.—Turning head and eyes to front, dropping arms to sides, without noise.
4. (One.) Right Turn.—Draw back right foot until hollow comes against heel of left foot. (Two.) Raise toes, turn upon heels. Left Turn.—Place heel of right foot against hollow of left foot. (Two.) Raise toes and turn on heels. Right half.—Draw back right foot one inch. Left-half.—Advance right foot one inch. Right-about.—Place toe of right foot against heel of left. (Two.) Turn. (Three.) Right foot back to left.
5. (One.) Right hand to be raised in circular motion one inch above right eye, palm outwards, thumb touching forefinger, shoulders to be square, elbow of right arm in line with shoulder, glancing eyes to left. (Two.) Bring arm to side, eyes looking to front. Left hand salute.—Same as right only with left arm, glancing eyes to right, judging time, salute two paces from officer, going through above without numbers. (Officers will be saluted whether in uniform or not.)
6. Slow time, 30 inches, quick, 30 inches, double, 33 inches, side step, 12 inches, stepping out, 33 inches, stepping short, 21 inches, side pace, 24 inches.
7. 75 paces in a minute in slow; quick, 116 paces in a minute; double, 165 paces in a minute.
8. (Principal.) Steadiness of body, arms not to partake of movements of legs, spring from the haunch, feet to be raised at same angles as when at attention, shoulders to be kept straight.
9. Raise left foot three inches, placing it on ground, and so on alternately,
10. Marching in double time.—Raise arms with hands clenched, raise them as high as waist, body leaning more forward, stepping 33 inches without altering cadence.
11. Turning, on march, to right on left foot; to left on right foot (command to follow), change feet by taking another pace.
12. The directing flank right, reverse flank left, by which Company will march?
13. (1.) By looking to right, feeling touch from elbow, and not retaining more or less than 24 inches. (2.) By right hand man, second man, and rear man, taking 1½ pace to front right hand man taking four paces to right, each holding right arm as high as waist, remainder will dress-up, flank men dropping their arms. All eyes front.
14. By right hand or pivot man marking time, remainder wheeling on him, all glancing to left and feeling right. (Two) File formation by wheeling to right or left, the outer foot to be well thrown out at wheeling point, command to right left or front turn.
15. On march, changing direction right, left, or right about wheel.
16. Diagonal march to right.—Make right-half turn, keeping right shoulder behind left shoulder of man on right of him.
17. Marching in file, keeping distance, not looking down, rear and front rank men stepping together.
18. Forming at halt by right-hand man halting, the remainder making left half-turn and dressing-up. In quick, right-hand man marking time; remainder, half left turn, forming on him. On march, by right-hand man continuing to move on, remainder half-left turn doubling until they get command quick. Forming to rear by man halting, the remainder making a right half-turn and forming on his right. Right form squad by right man wheeling and taking two paces to his front, remainder forming on him. Right-about form squad by wheeling to right-about, front men taking two paces to front, remainder forming on his right.
19. Forming in two ranks, each man to retain 24 inches, between ranks 30 inches. If an uneven number, the third on left will act as blank file. A file two men front and rear rank. An odd file. Odd and even numbers will be termed right and left files.
20. Formation of Fours: At fours, rear-rank men step back 18 inches; deep, the even files will take a pace of 24 inches to their rear with left foot and 24 with their right; front, even files take 24 with left foot and 24 with right, rear rank step up; fours right, rear rank back, turn to right, even files pace 24 inches to right and 24 to front; front, resume position by 24 inches in paces; fours left, turn to left, even files 24 inches with left, 24 with right, front as before; right-about, left files, after turning about, take 24 to front and 24 to left, front as before.
21. Fours will form from centre or right by the diagonal march, and by left files dropping into respective places.
22. So many files from left break off, turn to right, left wheel, front, left half turn, double up.

Skirmishing.

23. Extending from halt, turn to right, after having stepped the number of paces ordered the rear-rank man will tap front rank man on shoulder, who will halt, front, and stand at ease; the rear-rank man will move remainder of distance, halt, front. Extending on march, from right, step off, half-left turn.
24. Closing from halt, turn to left, step off, standing at ease when you come up. Closing on march, double up, after turning halt, stand at ease.
25. Turn to right.
26. Change front by right-wheel, all looking to left, retaining relative distances.
27. Turn to right, front rank taking one pace to left, rear rank one pace to right, arms at the port.

Examination

Examination in Company Drill.

1. Twenty-four (24) inches from heel to heel.
2. From flank to centre, by placing men in single rank, tallest on right, three paces to front; next three, &c., inwards close (dress); see rear rank covers off correctly.
3. The left of the right.
4. The right guide will place himself on right of front rank, covered by his marker.
5. Two paces (2) to correct all errors, &c. See that all movements are done in a proper manner.
6. The directing flank means the flank by which you march—the reverse, the opposite to directing flank.
7. The directing guide will align himself with Company; his marker in rear of the flank file.
8. In a clear and distinct tone of voice.
9. To the right.
10. He moves with them.
11. Two (2) paces.
12. On left of Company,
13. On word "line" the right guide will move up, the left guide will fall to rear—the markers will give a point for the Company to rest on.
14. By the captain, when 2 paces from marker.
15. By right-hand man turning, and remainder making a half-turn.
16. The markers, the right guide falling to the rear.
18. Right or left wheel forward by right or left when perpendicular to new direction.
19. The directing guide will be in pivot flank with his marker in front of that man. The guide not directing will be on the reverse flank with his marker on next fours. The directing guide will be on pivot flank with his marker in front of that man. The guide not directing will be on reverse flank, his marker on next file but one.
20. The directing guide will turn about and take 1 pace to his front. The left guide will take 1 pace from left on reserve flank, and turn inwards. The front rank will turn to right, the rear rank to left. On march all will step off together, wheeling *well* up to point. When front man comes up (command) halt, front, dress. On march the captain and supernumerary rank will wheel around the reserve flank.
21. Form two deep, markers moving out to give points—the right-hand man turning to right, taking two paces to his front—remainder forming on his left. At "steady" markers fall to places.

Skirmishing.

22. The captain six paces in rear of Company; the guides three paces in rear of outer sections; the sergeants in rear of inner sections.
23. At halt, from ordered flank extend by turning and stepping off at full pace; when front rank man has gone the required distance the rear rank man will tap front rank man on shoulder, when he will halt and front. On march, will make a half-turn, when arrived at required distance he will turn to front and move on.
24. Yes.
25. To order the required sections to extend and see the order of men correct.
26. Twelve (12) paces or more as ordered.
27. From the inner flank.
28. Turn inward and close on the flank extended from.
29. Extend from centre.
30. Halt and commence to fire by alternate men.
31. Those ordered to fire will front and deliver fire; then turn about and join the line of skirmishing, retiring.
32. Three hundred (300) yards.
33. Equal numbers.
34. Will run to rear, closing and forming support.
35. By running in and forming six (6) paces in rear.
36. Form rallying square, outer two ranks kneeling, inner standing.
37. No.
38. Alert (unexpected danger by halting and waiting for further word of command.)
39. Twenty-four inches to each man by multiplying one with the other and dividing into it.

Sizing a Company.

From flank to centre by placing men in single rank order, tallest three paces to the front; next tallest on to the left three paces; next in rear of right, do. on left, and so on; inwards close. See that rear rank cover off correctly.
The left of the right-half Company—The right guide will place himself on right of front rank covered by his marker, the left guide in rear of flank file, his marker in rear of second file from him.
Position of officers in column—The directing will align himself with the front rank, his marker in rear of the flank file. Supernumerary rank in rear.
A Company in column by the left—The left guide and marker moves up, the right guide with his marker falls to the rear. Supernumerary rank in rear.
In a distinct tone of voice, but sharp; each command of one word to be preceded by a caution.
When marching by the right dress by the right, if by the left dress by the left.
The supernumerary rank three paces from rear rank, the rear rank three paces from front rank.
On the left three paces.
On word line, the left guide will fall to rear, the right guide moves up, the markers run out and give a point for the Company to rest on (quick march), it being completed, left guide will dress—at word "steady" markers and guide will fall to rear.
On word "right," the left guide will stand fast, the remainder turn to the right about. On march the left guide will place himself on left of Company, turning to front of column; at halt, markers and right guide will take post in column.
Leading half-Company, right wheel forward when perpendicular to the new direction.
Form two deep, make a left half-turn, and double up, forming on right hand man as they come up, taking up the *quick*.
No.
They come to attention and close on the flank ordered, then halt, front, stand at ease.
From the directing point.
No.
The party who will relieve will advance when 20 paces from those being relieved, will lie down, the old skirmishes running through them, closing and forming support considerable distance in rear.
By clearing front, running in and forming 6 paces in rear.
They run in and form rallying square,—1. By right. 2. Left. 3. Centre.
Form file by rear rank men covering front rank men.
Form group by right and left closing on each other.
They halt.
At the last sound.

S.	F.	C.	
1	1	5	Describe position of a soldier.
2	2	7	Describe "stand-at-ease" by numbers, and judging the time.
3	3	21	How is a squad dressed, with intervals and words of command?
4	4	27	Give the turnings, and how to be performed.
5	6	41	Saluting right (or left) hand. Salute by numbers, and judging the time.
6	7	49	Give length of paces—slow, quick, and double time.
7	8	55	Cadence—state what it is—Side pace, side step, stepping out, stepping short.
8	10	59	Give the position in marching.
9	16	69	How is marking time done?
10	20	75	State position of body in "double march."
11	22	87	Turnings when on the march—how done? If to turn to right or left—when should word be given? If word of command be not given at right time—what is soldier to do?
12	23	92	What is the directing flank, and the reverse flank.
13	25	97	1 How do men dress when halted? 2 How to dress man by man?
14	28	110	1 A single rank at the halt—changing front *by wheeling.* 2 By *file formation*—and word command in latter case.
15	29	126	How to change direction on the march?
16	30	128	What is the diagonal march to the right?
17	31	133	How do men march in file? Men marching as in file forming squad.
18	33	141	Forming to the front at the halt. " " in quick time. " " on the march. Rear form squad. Right form squad. Right-about from squad.
19	37	161	Describe formation of squad in two ranks. 1 If in even number—which man on the left called a blank file? 2 What is a file, an odd file, a blank odd file, and a blank file squad with a blank file? What are odd and even numbers called? Which man is centre squad?
20	45	170	Formation of fours—what is done?
21	47	188	A squad formed in fours—how should it be closed on centre, and reformed two deep?
22	48	229	How are files broken off, and how fronted?

Skirmishing.

23	49	244	Extending from the halt, and on the march.
24	50	253	Closing " "
25	52	260	Right incline if repeated.
26	53	262	Changing front by wheeling, and by file formation.
27	54	270	Dismissing a Squad or Company.

Company Drill.

1. At what distance are the ranks at close order?
2. How is a Company sized?
3. What file is always considered the centre of the Company?
4. How are the officers and non-commissioned officers posted when the Company is in line at close order?
5. At what distance is the supernumerary rank from the rear rank and what are its duties?
6. What is meant by the *directing* and the *reverse* flank of a Company in column?
7. How are the officers and non-commissioned officers posted in a Company in column?
8. How should words of command be given?
9. When the command "dress" is not preceded by "right (or left)," to which flank do the front rank men look in taking up their dressing?
10. When a Company is ordered to close, how does the directing guide move?
11. At what distance are the ranks when at open order?
12. Suppose only one guide is present, where is he placed at open order?
13. When a Company in column, say by the left, halted is required to wheel into line, what caution is given, and how will the guides and markers move.
14. On the words "quick march" the Company will wheel—by whom and when will it be halted?
15. What is done when a Company is ordered to "left form into line"?
16. When the caution to "break into column" to the right is given, who moves?
17. When a Company in column on the march gets the caution "change direction to the right (or left)," what is done?
18. When a Company is moving in files or fours to a flank, where do the guides and markers march?
19. The Company at the halt gets the word counter-march, who moves?
20. A Company moving to the right in fours, gets the command "front form companies," how will the formation proceed?

Skirmishing.

21. On the caution "the Company will skirmish," what is done by the officers and markers?
22. When a Company at the halt is ordered to extend, what is done? and when on the march?
23. Is the number of paces it is required to extend always named, as well as the file of extension?
24. If a Company is ordered to skirmish "by sections," what will be the Captain's duty?
25. What will the intervals between sections generally be?
26. How do the remaining sections extend?
27. When a Company extended at the halt is ordered to "close" what is done?
28. How does a line of skirmishers move?
29. What is done by skirmishers when the "fire" is sounded?
30. When a line of skirmishers is retiring, and the fire sounds, does the line halt?
31. What is the distance between skirmishers and their supports on plain?
32. What is the relative strength of skirmishers and supports?
33. How do the old skirmishers proceed on being relieved?
34. How are skirmishers brought in on their support?
35. What is done by skirmishers when "Prepare for Cavalry" is sounded?
36. Does the whole Company necessarily form one square?
37. What does the bugle-sound the "alert" imply; and how is it obeyed?

38. Squad with an odd file.

— — — — —
— — — — —
— — — — —
— — — — —

Squad

145

No. 19.

Squad with a blank odd file.



Squad with a blank file.



1. The exact squareness of the shoulders and body to the front, the heels must be closed and in line, the knees straight, the toes turned out at an angle of 45 degrees, the arms to hang loosely from the shoulders, the hips rather drawn back, chest advance, but without constraint, the body to lean forward on the fore part of the feet, the head erect but not thrown back, the whole position to be without constraint.
2. On the word one raise the arms from the elbows, left hand in front of the centre of the body, as high as the waist, palm upward, and the right hand as high as the right breast, palm to the left front. On the word two strike the palm of the right hand on that of the left, let the hands fall to the full extent of the arms, the left hand to be lightly grasped between the thumb and fingers of the right hand, at the same time draw back the right foot six inches and slightly bend the left knee. The same is done, judging your own time, by giving a sufficient panse between each movement.
3. On the words eyes right, the eyes are turned to the right; and on the word dress, each man except the right hand man raises the right arm, palm of the hand upward, nails of fingers to touch the shoulder of the right hand man, then dress up by taking short steps till you can just see the lower part of the second man's face from you; and on the words eyes front, turn the head and eyes to the front.
4. On the words right turn you draw back the right foot so that the heel of the left foot rests in the hollow of the right, then raise the body on the heels and turn a quarter of a circle to the right; the same is done in turning to the left, except that the right foot is advanced instead of being drawn back. On the words right about turn you draw back the right foot until the ball touches the left heel, then raise the body on the heels and turn half the circumference of a circle, and when turned draw back the right foot in line with the left, the same is done in turning to the left except that you advance the right foot, in making a three-quarter turn to the right you turn in the given direction three-quarters in the same manner as in turning about.
5. On the word one you bring the right hand smartly in a circular motion to the head, palm to the front about one inch above the right eye, thumb close to the forefinger, elbow in line and nearly square with the shoulder and slight turn the head to the left, and on the word two smartly drop the hand to the side and turn the head to the front. The same is done, judging your own time, by giving a sufficient pause between each movement.
6. The length of pace in quick and slow time is 30 inches, except in stepping out when it is 33 inches, and in stepping short when it is 21 inches; the pace in double time is 33 inches, the length of the side step is 12 inches, and the side pace 24 inches; the side pace is used to clear or cover another man.
7. The number of paces taken in the minute in slow time is 75; in quick time 116, and in double 165.
8. Both knees must be kept straight except while the leg is being carried to the front or rear when the knee must be a little bent, the toes must be turned out at the same angle as in standing, the hands must be kept steady by the sides, and the leg moved from the haunch.
9. On the words mark time, the foot in rear is brought up to the advanced one, and the feet are raised 3 inches off the ground alternately, observing the same cadence as in marching; and on the word forward, you move off at the same pace of 30 inches.
10. The body is thrown more forward than in any other march, the arms are raised from the elbows, hands clenched, and the flat part of the arms pressed to the side—the pace being 33 inches.
11. (1) In turning to the right on the march the words right turn should be given as the left foot is coming to the ground, and in turning to the left the words left turn should be given as the right foot is coming to the ground. (2) If the word should not be given in the right time you must finish the pace and then turn in the direction named.
12. The directing flank is that by which a company is ordered to march, and the reverse flank is the opposite to the directing one.
13. (1) In dressing when halted each man will look to the flank by which he is ordered to dress, and must dress by moving the body on the feet by taking short steps, and not by leaning the body backward or forward. (2) To dress man by man two men on the right and one on the left take a pace and a half to the front and the right hand man of the three takes 4 paces to his right and the three raise their hands from the elbows, and the remainder will dress up from the right by taking a pace one after the other to the front, and when the words eyes front are given they will all look to their front.
14. (1) To change front by the right the words right wheel are given, then the right-hand man marks time and gradually turns to the right, and the rest feel the right, look to the left, and wheel to the right; the same is done in changing front to the left by making a left wheel. (2) To change the front from the halt the words right form are given, when the right hand man turns to his right, takes two paces to his front and halts, the rest make a half-right turn and form on his left.
15. If the directing flank be by the right the men make a right wheel as already described; on the word forward they step off in the direction they are then facing and turn the eyes to the front.
16. On the words half right turn each man will make a half right turn, and on the word march will step off turning the head slightly to the right and keeping his right shoulder behind the left shoulder of the next man.
17. On the word march the men step off at a full pace looking straight to their front and covering off so that they cannot see the head of the second man in front of them; no looking down or up is allowed.
18. (1) If right in front the leading man halts, the rest make a half left turn and form on his left. (2) If on the right the right hand man marks time and the rest make a half left turn, form on the left of the right hand man, and mark time until the word forward is given. (3) On the march the leading man continues to move to his front, the rest make a half left turn and double up to the left of the leading man, when they break into quick time. (4) This movement is done in the same manner, except that the men make a half right turn and form on the leading man's right. (5) On the words right form squad, the right-hand man wheels to his right, takes (2) paces to his front and halts, the others then form on his left, look to the right, and dress. The same is done to the right about, except that the leading man wheels to his right about, the rest when they come to the place where the right hand man wheels, wheel to the right about and form on him.
19. (1) The rear rank stand at a distance of (30) inches from their front rank men and cover correctly, if they consist of an uneven number, the third man from the left is a blank file, and the left hand man of the right half company is the centre of the company. (2) Odd numbers are called right files and even numbers left files.
20. (Fours deep.) On the word fours the rear rank step back a pace of 18 inches, and on the word deep the left files take a pace of 24 inches to the rear with their left feet, and a pace of 24 inches to the right with their right feet; on the word front, the left files take a pace of 24 inches to the left with their left feet, and a pace of 24 inches to the front with their right feet, and the rear rank close up.
(Fours right.) On the word fours, the rear rank move as before, and on the word right, the whole face of the right and the left files take a pace of 24 inches to the right with their right feet, and a pace of 24 inches to the front with their left feet, and on the word front, the squad will turn to the left and form two deep as described.
(Fours left.) On the word fours, the rear rank act as before, on the word left, the whole face to the left, the left files take a pace of 24 inches to the left with their left feet, and a pace of 24 inches to their rear with their right feet.
(Fours about.) On the word fours, the rear rank act as before; and on the word about, the company face to the right about, and the left files take a pace of 24 inches to the front with their right feet, and a pace of 24 inches to the left with their left feet, and on the word front, the squad will turn to the right about, and reform two deep as already described.

21. The words on the centre close, quick march, being given, the centre four stand fast, and the rest close on them to the right and left; and on the words re-form two deep, quick march, the centre files stand fast, and the remainder move off from the centre by a side step, and the left files fall into their places as they come up.
22. Generally from the directing flank, if from the right, the words left turn, right wheel will be given, the number of files named will then turn to the left, and wheel to the right, and follow the right flank of the remaining squad, and to re-form company the words right half-turn double will be given, when the named files will make a right half-turn, and double up into their places.

Skirmishing (extending from the halt).

23. (1.) If extending from the left, they turn to the right and move off a given number of paces, the front rank man will be responsible for the dressing, and the rear rank man for the distance; when they halt the rear rank men divide the given distance by moving to the front.
(2.) The front rank man of the named file will move on, the rest will make a half turn in the named direction, and will turn to the front when they gain their distance.
24. The front rank man of the named file will stand at ease, the rest will face towards him, and close in quick time, the rear rank falling to the rear.
(On the march). The front rank man of the named file will continue to move on, the rest will make a half turn and double up.
25. If the incline is repeated they move off to the direct flank.
26. (1) Changing front by wheeling, if to the right, the squad will wheel to the right as before described, and look to the centre for dressing. (2) The men are placed on the flank required and the rest form on him coming up by the nearest way by the double.
27. On the word dismiss, the front rank take a side pace to the left, and the rear rank a side pace to the right, and after a pause will break off.

F. E. HAYLEY.

On the words right form, the right hand man faces to the right, the rest make a half right turn and form on the left of the right hand man.

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1. A pace of 30 inches.
2. A company will be sized from the flanks to the centre; when a company is first sized the following is the best method, viz., order the men to fall in in single rank, the tallest on the right and the shortest on the left, then order the right hand man to take three paces to the front, the next to place himself three paces in front of the left hand man of the rank, the third man to place himself one pace in rear of the right hand man, the fourth a pace in rear of the left hand man, the two next will place themselves on the inner side of the front men of the formed files, and the two next as their rear rank men and so on to the end; the tallest man each time going to the right; then order the two half companies to close on one another, the rear rank will cover correctly; if there is a blank file it will be placed the third from the left.
3. The left hand man of the right subdivision.
4. The captain will be three paces in rear of the centre; the guides and sergeants will form a supernumerary rank two paces in rear of the rear rank, the right guide in rear of the right file and the left guide in rear of the left file, and the two markers in rear of the second files from their guides, the rest of the supernumerary rank will divide the space alternately.
5. The supernumerary rank will be two paces in rear of the rear rank and its duty is to correct mistakes, pick out awkward men, and to control the expenditure of ammunition.
6. The directing flank is the one by which the company is ordered to march and the reverse flank is the opposite one.
7. (A company in column by the left.) The captain will be 3 paces in rear of the centre, the right guide 2 paces in rear of the right file, the right marker will be 2 paces in rear of the second file from the right guide, the left guide will be on the left of the company, and his marker will be 2 paces in rear of the left file.
8. The words of command should be loud and clear, every command of only one word should be preceded by a caution, the caution should be slow, but the word of command should be given sharp.
9. To the directing flank, the flank by which they have been marching.
10. The directing guide moves with the company.
11. The ranks are 2 paces from one another.
12. Two paces in front of the second man from the left, passing round the right flank by the rear.
13. (The caution is "Company in column, by the left, left wheel into line.") The left guide will go to the rear, the right guide will move up, the right marker will double out to where the outer flank will rest facing to the rear of the column, the left marker will do the same on the left of the company.
14. The word "halt" will be given by the captain when the wheeling flank is 2 paces from the marker.
15. The company will wheel to the right in the same manner except that the left guide will not move on the caution.
16. On the words "Break into column to the right," the left guide will stand where he is, and the rest of the company will face right about.
17. (Was not given.)
18. On the words "Change direction to the right or left," the company will wheel in the named direction (the command being given by the captain), and when it comes in the required direction the captain will give the word "halt."
19. If marching by the right the right guide will march on the left of the leading fours, the left guide on the right of the rear four, the right marker in front of the left hand man of the leading four (leading the company), and the left marker on the right of the four in front of his guide (if marching in file formation).
If by the right, the right guide will march on the left of the leading file, the right marker in front of the left hand man of the leading file, the left guide on the right of the near file on the reverse flank, and his marker on the right of the next file but one from his guide.
20. The directing guide will face about and take a pace to his front, the reverse guide will place himself a pace from the reverse flank and turn inwards, the front rank will face to the right, the rear rank will face to the left, the company will then step off, each man wheeling to his right till the first man comes up to the guide; they will then be ordered to halt, front, and dress, the guides taking their places.
21. The men will form two deep, make a half turn to the left, and wheel to the right.

Skirmishing.

22. The officers will return their swords, the officers and markers will take post, the captain 6 paces in rear of the centre, the right guide 3 paces in rear of the centre of the right section, the left guide 3 paces in rear of the centre of the left section, and the markers 3 paces in rear of the centre of the inner sections; they will be under the general control of the captain, the section commander will see that the men extend the right number of paces, and move off in the right direction.
23. (The extent of the halt). If it is from right, the men face to the left and move off the given number of paces, then halt, front, and stand-at-ease.
24. No.
25. The captain will name the section and file of extension, the number of paces, and the distance between the sections.
26. The intervals between sections will generally be 12 paces.
27. The remaining sections will extend from the inner flank.
28. The front rank man of the flank on which the company is ordered to close will stand fast, the remainder will face to the direction on which they are to close, and close in moving at quick time; they will then halt, front, and stand at ease, and the rear rank will cover correctly.
29. A part of the line will be named as a guide for the rest, the centre is the part generally named.
30. On the word fire, the men will get under cover and fire as they are directed.
31. No; the men selected to fire halt, front, deliver their fire, and move on again, the skirmishers retiring all the time.
32. The distance between skirmishers and their support will be 300 yards.
33. (Equal numbers) if there are two companies, the one will skirmish, and the other will form support.
34. To relieve skirmishers, that retiring the support will halt and extend, each man will then lie down, and when the skirmishers come within about 30 paces of support they will run through them to the rear and form in rear, as support to the new line of skirmishers.

35. When the words close on support are given, the skirmishers will run in independently, and form 6 paces in rear of the support.
36. If overtaken by cavalry before they reach the support, they form rallying squares.
37. No, they may form several squares.
38. Unexpected danger, they halt and wait orders.
39. Each man occupies a space of 24 inches; therefore, to find the number of paces of 30 inches wanted by a given number of files, multiply the number of files by 8 and divide by 10 cutting off the last figure, which multiplied by 3 will give the number; 10 files require 8 paces, 100 require 80, and 1,000 require 800.

CORPORAL F. E. HAYLEY.

MEMO. to be seen by the Corporals of G. C. V. Rifles.

ANY corporal desiring promotion will at once give his name to me, in order to pass the required examination. This paper to be signed by each corporal as having read it.

F. R. L. ROSSI,
Captain, 13/5/72.

H. BLACKSHAW, Corpl.
J. J. TRENERY, Corpl.
C. S. FULLER, Corpl.
W. S. CLARKE.
F. E. HAYLEY.

Corporal J. J. Trenery to Captain Rossi.

Goulburn, 19 April, 1872.

Sir,

I beg respectfully to notify that I will compete in the forthcoming examination for the sergeancy.

I am, &c.,
J. J. TRENERY,
Corpl. G. C. V. Rifles.

Corporal Hayley to Captain Rossi.

Goulburn, 19 April, 1872.

Sir,

I respectfully beg to intimate that I will contest an examination for the vacant sergeancy.

I am, &c.,
CORPORAL F. E. HAYLEY.

Trenery's Marks.

1	0	11	1	22	3	32	3
2	1	12	1	23	2	33	3
3	2	13	1	24	0	34	1
4	1	14	3	25	3	35	3
5	3	15	0	26	3	36	2
6	3	16	1	27	3	37	3
7	2	18	1	28	2	38	3
8	1	19	3	29	1	39	0
9	0	20	2	30	3		—
10	3	21	1	31	2		32

Hayley's Marks.

1	3		19	3	
2	3	*forth?*	20	2	omitted captain and supernumerary rank.
3	3		21	2	omitted "mark time, leading man."
4	2	describes formation of company, question *in line.*	22	3	
			23	2	not enough described.
5	3		24	3	
6	3		25	3	
7	3		26	3	
8	3		27	3	
9	3		28	3	
10	3		29	3	
11	1	?	30	3	
12	2	?	31	3	
13	3		32	3	
14	3	omitted l.g. move to left company on word "march."	33	3	
			34	3	
15	2	q. not understood; same as 13. Should be a description of wheel, and omitted right g. place. On word "march" taken by rear rank pivot file.	35	3	
			36	3	
			37	3	
			38	3	
16	3	right.	39	3	
17		not given.		—	
18	2			106	

Marks for Second Examination.

	A.	B.		A.	B.		A.	B.		A.	B.
1	0	3	11	1	1	nt. put 22	2	3	32	3	3
2	1	3	12	0	2	23	3	2	33	3	3
3	2	3	13	1	3	24	0	3	34	1	3
4	1	3	14	3	3	25	2	3	35	2	3
5	3	2	15	0	2	26	3	3	36	1	3
6	3	3	16	1	3	27	3	3	37	3	3
7	2	3	18	1	2	28	2	3	39	3	3
8	1	3	19	3	3	29	0	3		0	3
9	1	3	20	2	2	30	3	3		—	—
10	3	3	21	1	3	31	2	3		65	106

Try 15 again.

These are marks as given by Lieut. Chisholm. "A" represents Trenery, "B," Hayley. The first is a little less than I had allowed, while the marks to Hayley are exactly what I had given.

F. R. L. ROSSI,
Captain, G.V.R.

EXHIBIT PP.

EXHIBIT PP.

Captain Rossi to Lieut.-Colonel Richardson.

Rossiville, 13 May, 1872.

Sir,

While in uniform, and engaged this afternoon with a portion of my Company who were firing in rifle match, another member of my Company came immediately up to me, in plain clothes, with his hands in his pockets, when the following took place:—I said, "Will you not give me a salute?" He replied, "What salute?" I told him the military salute. He said, "No, I am not in uniform." I again said to him, "I request you to give me the salute." He added, "I refuse to do so."

* * * * * * * * * * * * * * * *

I have, &c.,
F. R. L. ROSSI,
Capt., G. C. V. Rifles.

I think it is a pity Captain Rossi should have placed himself in a position to be refused, as I see no remedy, the Vol. Regulations distinctly specifying that both should be in uniform to make the salute *compulsory*. I need hardly say the action of the member referred to was in excessively bad taste, and marks him as deficient of one of the most essential attributes of a soldier.—J.S.R., Lieut.-Col., Comd., B.C., 14/5/72.

Captain Rossi to Lieut.-Colonel Richardson.

Rossiville, 17 May, 1872.

Sir,

I am much obliged by your minute respecting the non-salute of a member of my Company. I had omitted to say that following upon what I had already reported, that member obeyed a subsequent order I gave him, viz., to move from where he was standing to the right of firing party.

If this further explanation leads you to think the case in any way affected thereby, may I ask you very kindly to send me a telegram with word "Delay" thereon, when I can have the pleasure of seeing you next week. On the other hand, if the case does not appear different to my former report, I would propose to read second part of your minute, as we shall have a parade in the afternoon (Saturday), when word "Yes" in telegram would convey a reply to latter.

I have, &c.,
F. R. L. ROSSI,
Captain, G. V. Rifles.

A true copy.—F.R.L.R.

Memo.

22/6/72.

Captain Rossi begs to forward memo. inquired for, and also reply proposed to be sent by him to Private Robertson, on return of papers.

Lieut.-Colonel Richardson, &c., &c.,
Sydney.

It was merely an expression of opinion on the part of the Commandant.—J.S.R., Lt.-Col., 26/6/72.

Memo.

In explanation why I read part of Colonel's minute (*re* Robertson), which I did in compliance with a telegram received from the Commandant, I had asked the Colonel's permission to do so, and the accompanying letter of the Colonel's will show that I was right in what I did. Also, the accompanying memo. shows a question of mine and minute of the Commandant, as I wished to obtain from the latter an opinion upon the reply I was at the time about to send to Private Robertson in reference to his query whether what I had said to him at parade was a reprimand.

F. R. L. ROSSI,
Captain.

Telegram from Major Fitzsimons to Captain Rossi.

Sydney, 18 May, 1872.

YES.

Lieut.-Colonel Richardson to Captain Rossi.

Brigade Office,
13 June, 1872.

Dear Captain Rossi,

I think it would be better to take no further notice of this matter. The *S. M. Herald*, if I remember aright, gave a reason why it was not advisable to read all my "memo." As you are no doubt aware that the Queen's Regulations specify that superiors are not to be reprimanded before subordinates, therefore to have read the first portion of my memo., would to a certain extent have been contrary to those regulations. I will return an early reply to your other letter.

Yours very truly,
JOHN S. RICHARDSON.

MEMO.—I am quite persuaded that Private Robertson has, as he expresses himself, sought to conform to the letter of the Volunteer Act. The subject which I had occasion to refer to, is one which is left to the discretion and taste of member. The Commandant has in this particular case given his opinion which I have conveyed to you. I may add that I only esteem the observance of my request as evidencing a higher military feeling, though it is not compulsory.

20/5/72.

Private Robertson to Captain Rossi.

Goulburn, 8 June, 1872.

Sir,

Am I to understand from your memo of 20th May last, to the effect that I had a perfect right to use my own discretion as to whether I should give or refuse the military salute on the occasion when I refused to give it to you, that it was a mistake my being reprimanded on parade on the 18th ultimo?

I have, &c.,
W. F. ROBERTSON,
Private, G. C. V. Rifles.

Captain Rossi,—I should like to see the "memo." referred to.—J.S.R., Lt.-Col., B.C., 15/6/72.

Captain

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Captain Rossi to Lieut.-Colonel Richardson.

Rossiville, 11th June, 1872.

Sir,

I beg herewith to forward a letter, which I had purposed last evening to show you, received from Private Robertson. It appears to me to be very unmilitary that I should thus be called to account by a member of my Company, I shall therefore be glad to be guided by you before sending any reply to Private Robertson.

I have, &c.,
F. R. L. ROSSI,
Captain, G. C. V. Rifles.

MEMO.—To Private Robertson, G.C.V. Rifles.

IN reply to your query contained in letter of 8th instant, I have to say that the communication to you on parade on the 18th ultimo was merely an expression of opinion on the part of the Commandant.

F. R. L. ROSSI,
Captain.

Rossiville, 22nd June, 1872.

27/6/72.

Private Robertson to Captain Rossi.

Goulburn, 11th July, 1872.

Sir,

I have the honor to acknowledge the receipt, on 2nd instant, of your memorandum dated 27th June last, in answer to my letter of 10th June last, and to express my satisfaction therewith,—your communication made to me on parade on the 18th May last being thereby more satisfactorily explained.

With reference to the statement made to the members of the Corps by you on the evening of the 4th instant, to the effect that if I had been contending for any principle I would have been satisfied after the private interview I had with you with reference to this matter,—I submit that, as you openly, publicly, and officially declared that the Commandant was of opinion that I had acted in excessively bad taste and that I was deficient in one of the most essential attributes of a soldier, I could not recognize any private acknowledgment that there were no grounds for such opinion, as I had always acted strictly in accordance with the spirit of the Volunteer Force Regulation Act, and all the regulations and instructions afforded me.

I further submit that I have not considered this as entirely a personal matter, but as a matter affecting the position of myself and all Volunteers, and in resisting the exaction of military discipline in my civil capacity, I have acted with the object of maintaining my proper position, and not in a spirit of opposition to the requisite military discipline. And in prosecuting the matter further after you read the Commandant's opinion to me on parade, I have done so with a desire to obtain redress for what I conceived to be a grievance.

I am, &c.,
W. F. ROBERTSON.

Extract from "Sydney Morning Herald," 6 June, 1872.

WE observe from the Goulburn papers that a dispute has arisen in that city between the captain of the Volunteer Company and one of the men of his troop. The officer required a salute from the Volunteer in plain clothes, he himself being in uniform, and both being on the parade ground. This the Volunteer refused. Captain Rossi reported his alleged misconduct to Colonel Richardson. He received a reply. He read a part of it on parade, which, however, we understand he was justified in doing by a military rule, which yet forbids an officer to repeat in the presence of his inferiors a censure addressed to himself. The reply was given by Captain Rossi as follows:—"This is the memorandum of the Colonel on my letter. 'I am of opinion that the member of your Company who has so behaved himself has acted in very bad taste, and exhibited demeanour not at all becoming to a soldier.'" The whole of the memorandum was as follows:—"I think it a pity that Captain Rossi should have placed himself in a position to be refused, as I see no remedy. The Volunteer regulation distinctly specifies that both should be in uniform to make a salute compulsory." Captain Rossi may perhaps have thought that he was bound to claim this salute as a part of necessary discipline, and no soldier will censure the enforcing of rules which may be connected with a general system of high importance. A slip-shod government in any department of the State is perilous to interests often unseen and unrecognized. But if it is necessary that an officer in command should enforce discipline, he should know in what it consists, and should exact nothing as a matter of courtesy which he is not entitled to as a right. It is also assumed that the uniform of a soldier is that which is saluted, whether of an officer or a private, and that when that uniform is laid aside, all the military rights which it confers are for the time in abeyance. Officers in general would look upon a recognition of themselves, irrespective of their dress, as quite superfluous, if not very often disagreeable and even offensive. Those who demand what they have no power to enforce are subject to endless mortification and affront, from persons who consider themselves degraded by any homage they are not compelled to pay.

[*See Exhibits J and V.*]

The Volunteers and Saluting.

THE supporters of the Volunteer movement who have been residing in Brighton during the last few days, whilst admiring the general soldierlike bearing and good behaviour of our citizen soldiers when off duty, must have been pained to notice the evidence of a want of discipline in the Force, as shown in the conduct of the non-commissioned officers and men towards not only their own officers but also those of the other branches of the Military Service.

There is nothing which tends so materially to bring the Volunteers into disrepute as this system of non-saluting of officers which has grown up, seemingly unchecked, with the Force, and it is time that commanding officers took cognizance of the subject, and determined upon enforcing the salute under all circumstances, both on and off parade. In some of the Corps which attended the Brighton Review, it was pleasing to observe that for a man to pass an officer without acknowledging him was the exception rather than the rule. The Post Office, London Scottish, Artists, and the Oxford and Cambridge men were everywhere the objects of special admiration in this respect; but the good example set by them was productive of little or no beneficial effect upon the remaining thousands. We are not disposed to cast the blame entirely upon the non-commissioned officers and men, feeling confident that if commanding officers were once to draw their attention to the fact that in not acknowledging an officer they were committing a breach of military discipline, and were to call upon them to pay the proper compliment to all officers irrespective of Corps, but more especially to those holding commissions in the regular Army, the order would be strictly observed.

The Volunteer Commanding Officers have for some time been demanding further help from the War Office. An opportunity is here afforded them for helping themselves, and, at the same time, greatly raising the branch of the Service to which they belong, in the estimation of those whose good opinions it would be well for them, if possible, to earn. (*Army and Navy Gazette.*)

EXHIBIT QQ.

EXHIBIT QQ.

Captain Rossi to Mr. Chisholm.

Rossiville, 29 August, 1871.

My dear Mr. Chisholm,

As you are President of the G. Rifle Association, I have to tell you how sorry I am to have been obliged to prevent the use of targets on the 16th September, the day which I had understood it was intended to hold a Rifle Match with the Richmond Company V. Rifles.

I shall be glad if I may have the pleasure of seeing you when you come to town, and I can explain the necessity which has led to such a course.

I am, &c.,
F. R. L. R.

RULES OF THE GOULBURN RIFLE ASSOCIATION.

First held 16th May, 1871.

Name.

1.—The Club shall be called the Goulburn Rifle Association, and shall date its establishment from the 24th day of May, 1871, its object being to promote regular practice, and thereby to attain efficient shooting amongst the members of the Goulburn Corps Volunteer Rifles.

Members.

2.—The Association shall consist of enrolled and honorary members of the Goulburn Corps Volunteer Rifles.

Subscription.

3.—The subscription of members shall be ten shillings per annum, payable quarterly in advance, on the 24th days of May, August, November, and February in each year. Any member joining after the 24th day of November, 1871, to pay an entrance-fee of five shillings, except in the case of recruits who may join the Corps after the formation of the Association, who shall be exempt from such entrance-fee provided they join the Association within twelve months of their enrolment.

Payment of Subscriptions.

4.—Subscriptions shall be paid to the Secretary within fourteen days of their becoming due. Any member who shall be six months in arrear shall be deemed to have resigned, and shall not be re-admitted as a member except upon payment of the entrance fee as required by Rule 3 from members joining after the 24th November, 1871.

Penalty for being in arrear with Subscription.

5.—No member over a fortnight in arrear with his subscription or having any fine unpaid shall be allowed to fire at any practice or prize meeting or to take any part in the proceedings of the Association.

Management.

6.—The management of the Association shall be vested in a President, Vice-President, Treasurer, and Secretary, all of whom shall be *ex officio* members of Committee, with a Committee of eight, to be elected annually by ballot from amongst the members of the Association. At all meetings of Committee seven shall form a quorum; and in case of any vacancy occurring in the office of President, Vice-President, Secretary, or Treasurer, the Committee shall supply the vacancy till the next annual general meeting; and any vacancy in the Committee shall be filled up by the person who amongst the unsuccessful candidates polled the largest number of votes at the previous annual meeting. But in case there had been no contest the Committee shall supply the vacancy by the appointment of any member of the Association.

Secretary.

7.—The Secretary shall receive all moneys and pay them to the Treasurer within seven days of receiving the same, keep an account of all moneys received and expended, and produce the same when required at any committee or general meeting. He shall keep minutes of all proceedings, together with a register of all scores made by members at practice and prize meetings.

Treasurer,

8.—The Treasurer shall receive all moneys from the Secretary, and shall keep an account of the same and make payments on the order of the committee. He shall produce his books at any time if required by the committee, and as soon as possible after the 24th May shall submit a balance sheet to the Auditors, together with all vouchers and documents necessary to its verification.

Property of Association.

9.—All income, funds, and property of the Association shall be under the control of the Committee, who shall also have the entire management and superintendence of all other affairs connected therewith.

Meetings.

10.—The Committee shall meet at least once a month; but the Secretary may at any time convene a meeting, either at his own discretion or upon the written requisition of any three members of Committee: Provided that at least three days' notice of such meeting shall be given either by circular or advertisement.

Annual Meetings.

11.—There shall be an annual general meeting of members within fourteen days after the 24th day of May in each year, when the Committee shall bring up their report for the year and the Treasurer's account, with a balance-sheet duly audited. The election of officers for the ensuing year shall also be proceeded with, and any other business transacted.

Special Meetings,

12.—The Secretary may at any time call a special general meeting of members upon the written requisition of eight members, stating the object for which the meeting is desired: Provided that at least seven days' notice of such meeting shall be given by circular or by advertisement. And at any such meeting, whether annual or special, fifteen shall form a quorum.

Casting-vote.

13.—In deciding any question in Committee the Chairman, in case of an equality of votes, shall have a casting-vote an addition to his vote as a member of Committee.

Practice.

14.—Meetings for practice shall be held once a month, or oftener should the Committee so determine, and prize-meetings once a quarter.

Classification.

15.—After the first prize-meeting in each year the members shall be divided into three classes by the Committee, and separate prizes given to each class: Provided there be not less than five members in each class. Second and third class members may elect to shoot in a higher class.

Officer in Command.

16.—At all prize meetings or meetings for practice the senior officer of the Corps on the ground shall be the officer in command.

Umpire.

Umpire.

17.—In all matches the committee shall appoint an umpire, whose decision on all points referred to him shall be final.

Marking.

18.—There shall be no appeal against the marking.

Position.

19.—In all matches, except otherwise specified in the programme, competitors must fire in Hythe position, and use only rifles of the pattern issued to the Company with Government ammunition.

Large and Small Bores.

20.—In practices large and small bores may shoot together, the scores of each class being kept distinct from each other.

Weapons in Prize-shooting.

21.—In prize-shooting two classes of weapons shall not compete in the same match.

Private individuals giving prizes.

22.—Where private individuals give prizes they shall have the right, subject to the approval of the Committee, to make their own conditions, irrespective of the rules of the Association.

Prize-matches.

23.—Notices of prize-matches shall be given at least a fortnight previous to the day appointed for the competition; and entrances for each match shall be made under cover to the Secretary, enclosing the entrance-fee (if any) not later than 4 p.m. on the day preceding the matches.

Postponement of Matches.

24.—At any time previous to the day appointed for prize-shooting the Committee shall have power to postpone the matches; but after competition shall have once commenced there shall be no postponement, except in the opinion of the umpire correct shooting is impossible. In the event of such postponement the match shall commence *de novo*.

Sights.

25.—Sights may be blackened, but white, red, or any other colour must not be used. Competitors may be sheltered while firing. No competitor to cap his rifle till at the firing point, and no caps to be snapped without the consent of the officer in command.

Telescopes, &c.

26.—Telescopes and cleaning-rods will be allowed.

Sighting-shots.

27.—Competitors allowed two sighting-shots at each range (to be taken before competition at such range commences) on payment of 6d. for each shot.

Handicaps.

28.—Any competitor may be handicapped by the committee or whom they may appoint.

Competitors not in time.

29.—Competitors not firing before the completion of the third round shall lose their shots till ready to fire in their turn.

Size of Targets.

30.—The size of target shall be—from 150 to 200 yards inclusive, 6 x 4 ft., bull's-eye 8 in. square, centre 2 ft. square, outer rest of target; from 400 to 600 yards, target 6 x 6 ft., bull's-eye 2 ft. square, centre 4 x 4 ft., outer rest of target; from 650 to longer ranges, target 6 x 12 ft., bull's-eye 3 ft. square, centre 6 ft., outer rest of target.

Practice on day of Prize-shooting.

31.—No practice permitted on the day appointed for prize-shooting. Any competitor infringing this rule will be disqualified for the meeting.

Pull of Trigger.

32.—The pull of trigger of the Government rifles shall be not less than six pounds, and during the firing of any match it shall be liable to be tested by the umpire. At the conclusion of a match, when the score is called, the winners of any prizes shall hand their rifles for examination to the umpire.

Ties.

33.—Ties shall be decided as follows:—First, by the largest number of hits; second, by the largest number of centres; third, by the scores at the longest distance in the competition; fourth, by firing one shot each at the longest range in the competition until the best shot be returned. The method to be adopted to be decided by a show of hands amongst the competitors prior to commencing the prize-shooting for the day.

Penalty for Breach of Rules, &c.

34.—The Committee shall have power to expel any member who shall be guilty of unfairness, wilful breach of any of the rules, insubordinate conduct on the range, obstructing the progress of any match or practice, interfering with members, or disobeying the lawful commands of the officer for the time being in charge of the firing; or in their discretion to inflict a fine not exceeding ten shillings.

Alteration or Amendment of Rules.

35.—These rules, or any of them, may be altered, amended, suspended, or cancelled, at any annual meeting, or at any special general meeting called for the purpose, according to the terms of Rule 13; provided that the member proposing such alteration, addition, &c., shall give notice in writing to the Secretary at least eight days before such meeting; and all notices of such meetings shall mention the nature of the proposed alteration, addition, suspension, or cancellation.

The Secretary, Goulburn Rifle Association, to The Honorary Secretary, Richmond V. R. Corps.

Goulburn, 24 August, 1871.

Dear Sir,

Yours of the 18th duly received, and same laid before our Committee. The Committee decided upon accepting your challenge, according to the terms mentioned in your letter—ten competitors, five shots each, at 200, 500, and 600 yards, to be shot off on Saturday, 16th proximo. They decline, however, to shoot for more than the "honor." The senior officer on the ground to certify to correctness of score. We never count ricochet hits.

I remain, &c.,

GEORGE MARTYR,

Secretary, Rifle Association, Goulburn.

Captain

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Captain Baynes to Captain Rossi.

Brigade Office,
Sydney, 26 August, 1871.

My dear Captain Rossi,

With reference to the arrangements made by the Honorary Secretaries of the two Corps named in your note of yesterday's date, relative to a rifle match,—I laid the case before the Commandant, who agrees with me in opinion that no such matches can take place without the consent of the officers commanding the Corps in question; and the correspondence should be through these officers. Such not having been the case, you will be justified in forbidding their carrying on the match at the targets in your charge.

It would be well to inform your Secretary that he has no power to interfere in military matters, and the above is purely a military matter.

I was very busy on Wednesday looking after uniforms, &c., for our new Military Force. I am sorry I did not see you, as I had something to say to you, but it will keep until I see you again.

Very truly yours,
THOS. BAYNES.

The Secretary, Goulburn Rifle Association, to The Honorary Secretary, Richmond Corps Volunteer Rifles.

Goulburn, September 14th, 1871.

My dear Sir,

I have to apologize for not having communicated with you before this, but you will have seen by the papers that our captain put an embargo on the use of the targets, stating that the Association had no right to enter upon matches with Volunteers without his sanction. I need hardly say that our Association differ from his view, and our President, J. W. Chisholm, Esq., who was absent in Sydney at the time, upon his return dictated a letter to the "Colonel Commanding," upon the subject, to be forwarded by Captain Rossi. We have been waiting for an answer to this, which up to Tuesday had not arrived. We were also in hopes that the captain might see the folly of his proceeding, and withdraw his order "not to use the targets on the 16th."

We delayed writing till the last moment, and have now, perhaps, when almost too late, to say that we cannot shoot the match.

Our Committee are very much disappointed, not only as touching the match with you, but that the action of the captain will most likely break up our Association, and also put a stop to all matches with other Companies.

I am, &c.,
GEORGE MARTYR,
Secretary, Goulburn Rifle Association.

COMPANY ORDER.

ON Saturday, 16th September, no firing whatever at targets will be permitted.

F. R. L. ROSSI,
Captain.

28th August, 1871.

Sent to be posted by Quartermaster-sergeant on 30th August, 1871.

Quartermaster-sergeant will be good enough to post on board and have exhibited until 16 September the enclosed Company Order.—F.R.L.R.

COMPANY ORDER.

ON 16th September, no firing whatever at targets will be permitted.

Sent to be posted by Quartermaster-sergeant, on 30/8/71.

Quartermaster-sergeant will be good enough to post on board, and have exhibited until after 16th September, the enclosed Company Order.

Q.m.-s. M'K is requested to see me at office at half-past 10 a.m., on Friday.—F.R.L.R.

MEMO.—To the Hon. Secretary, G. C. V. Rifles, and G. R. Association.

I HAVE to inform you that you have no power to interfere in military matters, and I request that you will forbear in future from arranging for rifle matches with Volunteers without my direction.

Rossiville,
31 August, 1871.

F. R. L. ROSSI,
Captain.

MEMO.—To Captain Rossi, G. C. V. Rifles, &c., &c.

IN reply to your memo. of this date, I have to state that I have in no way interfered in military matters, nor have I arranged any rifle matches. Whatever I have done has been under the sanction of the Committee of the Rifle Association, and not upon my own responsibility.

I fail to see how I am to be made answerable for acts deliberately done by the committee, working under rules passed at a meeting presided over by yourself, and moreover previously submitted to you for your approval, by order of committee.

GEORGE MARTYR,
Hon. Sec., G. R. Association.

31/8/71.

No firing, rifle range. Question, &c., 8 Sept., 1871, and reply of Colonel, 11 Sept., /71.

WHETHER Rifle Association at Goulburn can accept matches with Companies Volunteer Force without consent of commanding officers?—8/9/71.

Captain Rossi to Captain Baynes.

Rossiville, 8 September, 1871.

Sir,

I have the honor to forward the following question, with a request to obtain the opinion of the Commandant, the same having been presented by the President of the Goulburn Rifle Association to me for that purpose, viz.:—

"Whether Rifle Association at Goulburn can accept matches with Companies Volunteer Force without consent of commanding officers?"

I have, &c.,
F. R. L. ROSSI,
Captain.

Submitted for the opinion of the Commandant.—T.B., Capt., Vol. Force.

Certainly not. Everything should be done through and with the consent of commanding officers.—J.S.R., Lieut.-Col., Comdt., B.C., 11/9/71.

Captain

Captain Rossi to Private Martyr.

Sir,

I have your *memo.* of the 31st ultimo. I have to request in your communications with me in military matters that you address me by letter and not by memo.

Further, I have to point out that I can allow of no interference in military matters, including the arrangements for rifle matches, by any one under my command, even under the sanction of the Committee of the Rifle Association.

You are therefore requested to submit all such matters for my consideration.

F. R. L. ROSSI,
Captain.

11 September, 1871.

GOULBURN VOLUNTEER RIFLE ASSOCIATION.

ON Wednesday evening last a special meeting of the Goulburn Volunteer Rifle Association was held in the committee-room of the Mechanics' Institute, for the purpose of receiving the resignation of the president and committee. The chair was occupied by the vice-president, Mr. H. S. Clarke.

The vice-president explained the object for which the meeting had been called. Probably all present understood the reasons which had led the committee to adopt the course they were now taking; and if any did not, the report which would be read would enable them to see whether those reasons were sufficient. He regretted the necessity of the step now forced upon them, because if the Association had been allowed to go on, he was confident they would have had among them as good shots as any in the Colony From the position he occupied in the Corps it would not be wise for him to cast censure on the captain, or to say any more than that, in his opinion, Captain Rossi had been guilty of a very great error of judgment in throwing any obstacle in the way of the satisfactory working of the club.

The Secretary, Mr. George Martyr, then read the following

REPORT of the Committee of the Goulburn Rifle Association.

"Your committee having, from force of circumstances, come to the conclusion that they are not in a position to carry on the affairs of the Association in the same spirit in which they undertook the task, and feeling that the resignation of the president has virtually left the Association without a head, are now desirous of laying before the members a statement of the facts which have led to this resignation, and of ascertaining their wishes on the subject.

"As your committee are obliged by rule 11 to give an annual report of their proceedings, they considered that it was their duty, in calling a general meeting of members, which may eventuate in the dissolution of the Association, to lay before them a report of their own proceedings, and of the state of affairs that has led to the resignation of the president.

"Soon after their appointment, your committee made all arrangements for a competition for a medal presented by G. D. Hay, Esq.

"The medal was won by Private Thomas O'Brien; and the secretary was instructed to write to Captain Rossi, asking him to present the medal to the winner.

"After the secretary had ascertained the wishes of Mr Hay on the subject, he wrote the following letter to the captain:—

"To Captain Rossi, G. C. V. Rifles. Goulburn, August 25, 1871.

"My dear Sir,—

"I have been requested by the committee of the Goulburn Rifle Association to ask you if you will be pleased to present the medal recently offered for competition by G. D. Hay, Esq., to the successful competitor—PRIVATE T. O'BRIEN.

"This communication would have reached you earlier; but owing to the absence of Mr. Hay from Goulburn, I was unable to ascertain his wishes on the subject.

"Should you fall in with the wishes of the committee, the time and manner of presentation is left entirely in your own hands.

"I am, my dear sir, yours faithfully,
"GEORGE MARTYR,
"Secretary, G.R.A.

"Before this letter reached the captain, the first quarterly prize-meeting had been held; and on the 18th August the secretary of the Association received a challenge from the secretary of the Richmond Volunteer Company, for a friendly match, to come off on the 16th September. The committee met, and it was resolved that the challenge should be accepted.

"In accepting this or any other challenge, the committee acted as they believed they had a right to do, and without any intention of impinging on the power or rights of Captain Rossi, or of infringing their own rules.

"On the 28th August the foregoing letter was returned to the secretary, with one end folded over, and the following memo. written thereon:—

"Memo.—I am unable to consent to carry out the within request, from the irregularity shown by engaging in any match without my consent having been first obtained.

"F. R. L. ROSSI,
"Captain.

"28th August, 1871.

"Prior to the reception of the above memo. by the secretary, the following Company Order was promulgated by Captain Rossi:—

"No shooting will be allowed at the targets on Saturday, 16th September.

Three days after, another document (not a letter) was sent by Captain Rossi to the Secretary:—

"Memo.—The Hony. Secretary G. C. Vol. Rifles and G. R. Association.

"I have to inform you that you have no power to interfere in military matters; and I request that you will forbear in future from arranging matters with Volunteers without my direction.

"F. R. L. ROSSI,
"Captain.

"Rossiville, 31st August, 1871.

"Upon receipt of this the secretary called a meeting of the committee; and after reading the above, brought forward a draft of a reply following Captain Rossi's own style of memo.

"This draft was at once adopted by the committee, after instructing the secretary to add the following words:—'By order of the committee.'

"Memo.—To Captain Rossi, G. C. V. Rifles. Goulburn, August 31st, 1871.

"In reply to your memo. of this date, I have to state that I have in no way interfered in military matters, nor have I arranged any rifle match. Whatever I have done has been under the sanction of the committee of the Rifle Association, and not upon my own responsibility.

"I fail to see how I am to be made answerable for acts deliberately done by the committee working under rules passed at a meeting presided over by yourself, and moreover previously submitted to you for your approval.

"GEORGE MARTYR,
"Hon. Sec. G. R. Association.

"On the 11th September the secretary received the following, addressed to him as secretary to the G. C. Volunteers Rifles, though referring to matters connected with the Rifle Association:—

"Private G. Martyr, Hony. Secy. G. C. Vol. Rifles.

"Sir,

"I have your memo. of the 31st ultimo. I have to request in your communications with me in military matters that you address me by letter and not by memo.

"Further—I have to point out that I can allow of no interference in military matters, including the arrangements for rifle matches, by any one under my command, even under the sanction of the committee of the Rifle Association.

"You are therefore requested to submit all such matters for my consideration.

"F. R. L. ROSSI,
"Captain.

"11th Sept., 1871.

"During

"During the time these matters were in progress, the president was in Sydney; and on his return the state of affairs was communicated to him. He then had one or more interviews with Captain Rossi, which resulted in his agreeing to submit the following question to the Colonel commanding, through Captain Rossi, which elicited the reply annexed:—

"Rossiville, 8th September, 1871.

"Sir,

"I have the honor to forward the following question, with a request to obtain the opinion of the Commandant, the same having been presented by the president of the Goulburn Rifle Association to me for that purpose, viz.:—

"Whether Rifle Association at Goulburn can accept matches with Companies Volunteer Force without consent of commanding officers?

"I have, &c.,
"F. R. L. ROSSI,
"Captain.

"Captain Baynes, Brigade Office, Sydney.

"Submitted for the opinion of the Commandant.—T. Baynes, Captain, Volunteer Force.

"Certainly not. Everything should be done through and with the consent of commanding officers.—J. S. Richardson, Lieutenant-Col. Commandant.

"Upon this reply being communicated to the president, he had an interview with the secretary; and on the 20th September wrote him the following letter, resigning the presidency. The vice-president also received the accompanying letter on the subject:—

"Wollogorang, 20th September, 1871.

"Dear Sir,

"Having decided on resigning the presidency of the Goulburn Rifle Association, I beg you will intimate the same to the members thereof.

"When I joined the Association, and was honored by being elected its first president, certain rules were adopted, one of which vested the sole management of the Association in the office-bearers and committee elected by the members. Part of the duties devolving on the committee I naturally thought would be the getting up rifle matches amongst the members of the Association, and arranging matches with the different Volunteer Companies and Rifle Clubs throughout the Colony by the giving and accepting of challenges, &c. My impression certainly was that the Association, which consists of enrolled and honorary members of the Goulburn Corps Volunteer Rifles, was to be guided and managed by its own rules more as a civil than a military rifle club, independent of the officers of the Company, provided that nothing was done contrary to the regulations of the Company or subversive to military discipline.

"I now find I have been mistaken. The Association may give and accept challenges, and may make arrangements for matches; but the commanding officer of the Goulburn Volunteer Rifle Company, unless he is consulted, and his consent obtained in the first instance, will not allow the use of the targets; and consequently the members cannot carry out of themselves anything in the way of rifle-shooting, and instead of realizing the object intended, viz., 'the promoting regular practice and thereby attaining efficient shooting amongst the members of the Goulburn Corps Volunteer Rifles,' the Goulburn Rifle Association is, in reality, nothing more than a myth.

"Feeling this, I now resign the office of president; and in doing so, I beg you will convey to the members of the Association my thanks for electing me in the first instance, and my regret at having to sever myself from them in this way.

"I am, dear sir, yours faithfully,
"JOHN W. CHISHOLM.

"George Martyr, Esq.,
"Hon. Sec. Goulburn Rifle Association."

"Wollogorang, September 20th, 1871.

"Dear Sir,

"I called to see you before leaving town on Monday, but you were out. I wished to speak to you on matters connected with the Goulburn Rifle Association. As I had a long talk with Captain Rossi relative to his desire to control the affairs of the Association in a manner that I believe was never intended, and as I see no chance of his giving way, I have determined on resigning my post as president of the Association. By the post that takes this I send my resignation to the honorary secretary, briefly giving my reasons for taking this step. I regret having to do this; but it appears to me that I would be wanting in self-respect and not be acting fairly to the members of the Association were I to retain the position of president, when under the circumstances the whole thing is nothing more than a sham.

"Yours truly,
"JOHN W. CHISHOLM.

"Mr. H. S. Clarke,
"Vice-president Goulburn Rifle Association."

"Upon receipt of this letter, your committee met, and after well considering the matter, it was deemed most expedient to have a general meeting of members of the Association, and a requisition duly signed by eight members was sent to the secretary.

"Your committee are of opinion that the resignation of the president was a matter of too serious a nature to allow of their continuing their functions without appealing to the members generally.

"In conclusion, your committee disclaim all intention of acting in antagonism to Captain Rossi, and declare that their sole object has been by every legitimate means in their power to induce members of the Association to attend regularly at practice, and to endeavour to raise the Goulburn Corps to that position amongst other Companies, as far as shooting is concerned, which they believe it is entitled to.

"They now leave it with the members to say whether the Association shall be carried on, or at once be dissolved; and beg leave to tender their resignation as members of committee, thanking the Association at the same time for the honor conferred on them."

The adoption of the report was then moved by Mr. Peard, seconded by Mr. Wilson, and carried unanimously.

The secretary then read the following balance-sheet, which, on the motion of Mr. W. Dignam, seconded by Mr. Sproule, was also carried:—

"The Treasurer in account with Rifle Association.

"To subscriptions of members	£5	5	0			
„ Sweeps	0	17	0			
„ Sale of rules	0	3	0			
„ Entrance-fees	0	9	0			
„ Sighting-shots	0	3	6			
"By Cash-book				£0	1	0
„ Minute-book				0	3	6
„ Scoring-pad				0	1	6
„ Prize paid Blackshaw				0	15	0
„ Prizes quarterly prize-meeting				3	0	0
„ Balance				2	16	6
	£6	17	6	£6	17	6
"To Balance brought down, in hand	£2	16	6			
"By Unpaid bills, W. R. Riley				£2	14	0
„ „ Daniel and Gray				0	3	6
„ „ rent—room, Mechanics'				0	5	0
"To Balance	£0	6	0			
	£3	2	6	£3	2	6
"By Amount not provided for				£0	6	0

Mr. Riley said that great part of his account was for the printing of the Association's rules. These would now unfortunately not be required; and as he noticed that the Association was six shillings in debt, he would make them a present of that amount so that their liabilities might be fully met.

The

The Secretary said that after what had transpired he thought it would be agreed that the Association could not be successfully carried out; and he proposed therefore that it be now dissolved.

Seconded by Mr. Sproule and carried.

The Chairman said that he must thank the members for having placed him in the honorable position of vice-president; and he very much regretted that the Association had to be broken up after having existed for so short a period. Their president, Mr. Chisholm, was the very life of the Association; and with him at its head it had had a good start, and had things gone on as could have been wished, the Association would have been a most successful one. Mr. Chisholm had in the past given good prizes to the old Rifle Club, and had shown his interest in the Volunteer Corps by subscribing £40 towards the Band.

Mr. Riley moved and Mr. J. Trenery seconded a vote of thanks to the president, vice-president, and committee for their past services. Carried by acclamation.

Mr. Peard moved and Mr. W. Trenery seconded a vote of thanks to Mr. Hay for his kindness in presenting a medal to the Association. Carried by acclamation.

Mr. W. Trenery moved and Mr. Blackshaw seconded a vote of thanks to the secretary.

The Chairman bore willing testimony to the exertions of the secretary both for the Rifle Association and for the Volunteer Company. The vote was then carried.

In acknowledging the vote, Mr. Martyr said that he had endeavoured to perform the duties of secretary as well as he possibly could; and had the Association been continued he should have been happy to have done so still. He was sorry that they were now obliged to put an end to one of the most promising Associations ever formed in Goulburn, and one which had it gone on would have been the means of bringing out some of the best shots in the Colony.

The proceedings then terminated.

J. W. Chisholm, Esq., to Captain Rossi.

Wollogorang, 14 October, 1871.

My dear Captain Rossi,

I am in receipt of your letter of the 11th instant, and am surprised that you should take exception to the tone of my letters of resignation of the office of President of the late Goulburn Rifle Association, addressed to the Vice-President and Secretary of the same, and I fail to see anything therein calculated to produce *unjust* or *unfounded* impressions adverse to your position of commanding officer of Goulburn Corps, Volunteer Rifles. Such certainly was never intended.

When the Goulburn Rifle Association was first formed certain rules were adopted for its guidance and management; those rules were agreed to at a meeting presided over by yourself, and approved of by you. A copy of same was forwarded to me before I accepted the office of President, which I did on the understanding that the Association was to be managed solely thereby, and every one (including the officers of the Goulburn Company) joining the Association was bound by its rules, and responsible for breaches of same.

I refer you to rules 6 and 9, and maintain that by those the committee of the Association were quite right in accepting a challenge from the Richmond Corps, Volunteer Rifles, which was quite different to a challenge to the Goulburn Corps. The Association had nothing, and could have nothing, to do with a challenge from the Richmond or any other Company to the Goulburn Company. The management of the Goulburn Rifle Association, and that of the Goulburn Corps Volunteer Rifles, was quite distinct; and your position as a member of the former was very similar to mine as an honorary member of the Goulburn Rifle Company—we each subscribed for rights of membership, which, in each case, entitled us to certain privileges—you had no authority in connection with affairs of the Association, or over its members, as such; but equally liable, as any other member, to fines and penalties, even to expulsion, for breach of rules, as laid down by rule 34.

You, no doubt, have the sole control of the Government targets, and have the power to prohibit their use at any time, and, if the Association required them, your consent should, as a matter of courtesy, have been asked, but you never gave the committee an opportunity of doing this; for so soon as you learned that the Association had accepted a challenge from the Richmond Rifle Company to shoot on the 16th September, you by a parade order forbid the use of the targets on that day, and then you go beyond this,—you object to the Rifle Association giving or accepting challenges from any Volunteer Rifle Company without your consent; thus usurping an authority you had no right to by the rules agreed to, and approved of by yourself; hence the difficulty that has arisen. I at once saw that the Association, without targets or rifles of its own, was useless and nothing more than a sham, and on that account I resigned the presidency.

You allude to a rule made by your predecessor, and another issued in a Company Order of 11th July, 1870, and again to section 35, Volunteer Act; but what had the Goulburn Rifle Association to do with those? It had its own rules to guide it, independent of, though in accordance with, Volunteer Act and Company's Orders, and in no way repugnant to military rule, and certainly not antagonistic to the duties appertaining to a soldier.

I cannot tell you how much I regret what has taken place, as from the first I have felt a deep interest in the Goulburn Rifle Company, which I believe is composed of material that should make it one of the finest Companies in all Australia; and the object of forming the Rifle Association was to assist the Company; instead of which, much, I fear, has been done to mar its success. You say the onus of this rests on me, but I cannot see it—other shoulders must bear the blame.

I am, &c.,

JOHN W. CHISHOLM.

Captain Rossi to Captain Holborow.

Rossiville, Goulburn,
13 December, 1872.

Dear Captain Holborow,

I am preparing materials for a Court of Inquiry, to take place at Goulburn within a few days, relative to myself and matters in connection with my Company. I write to ask if you will be so good as very kindly to help me, by allowing me to receive from the honorary secretary of your Company a copy of the letter he sent, giving challenge to Goulburn Rifle Association, and also copies of letters which preceded that challenge, sent by honorary secretary of my Company.

Your kind attention to my request will greatly oblige,—

Yours very faithfully,
F.R.L.R.

Mr. H. Elder to Captain Rossi.

Goulburn, 31 December, 1872.

Dear Sir,

I am requested by Captain Holborow, of the Richmond Volunteer Rifle Corps, to furnish you with copies of two letters relative to a proposed rifle match between the Goulburn and Richmond Companies, which I now beg to enclose. As one letter which I received on the subject is missing, I must proceed to give you a brief statement of the circumstances. Acting as secretary of the match committee of the Richmond Volunteer Rifle Corps, I sent a challenge to the secretary of the Goulburn Corps, and received a reply from him to the effect that our challenge could not be entertained in its present form, as the captain of the Goulburn Company required that all such correspondence should come from the commanding officers of other Companies, and be addressed to himself. It would therefore be necessary if we wished to shoot a match with the Goulburn Rifle Corps, that a formal challenge should be sent from our captain to Captain Rossi; but it was also suggested that we might arrange a match, instead, with the Goulburn Rifle Association. We decided on adopting the latter course, and

and I forwarded a challenge to the secretary of this Association, which was accepted, as per his letter of 24th August, 1871—enclosed. On the day appointed for the match, 16th September, 1871, we shot, at Richmond, as agreed on, but on the evening of the same day I received the enclosed letter of 14th September, 1871, informing us that our opponents had not been able to shoot the match.

I have, &c.,
HERBERT ELDER,
Late Honorary Secretary, Match Committee,
Richmond Volunteer Rifle Corps.

Mr. C. S. Guest to Captain Rossi.

Richmond, 14 December, 1872.

Sir,

In reply to your request to Captain Holborow, that the secretary of the Richmond Rifle Corps be permitted to send to you copies of all correspondence in connection with a proposed rifle match between the Goulburn and Richmond Volunteers, I much regret that there are no copies of the same in my possession, and am under the impression that the correspondence in question was conducted by the secretary of the match committee, Mr. H. Elder. This gentleman is now living in Goulburn, being Accountant in the Bank of New South Wales. By applying to him you may obtain the necessary information.

I have, &c.,
CHARLES S. GUEST,
Hon. Sec. R.V.R.C.

Exhibit RR.

Captain Baynes to Captain Rossi.

(72/771.)

Brigade Office,
Sydney, 29 November, 1872.

Sir,

I am directed to forward, for your information, the accompanying copy of the Opinion of the Court of Inquiry held to investigate the causes which led to the discharge of Mr. Martyr from the Corps under your command, and to acquaint you that His Excellency the Governor concurs in that opinion, and is in consequence unable to direct his reinstatement.

I have, &c.,
THOS. BAYNES,
Captain, Acting Major of Brigade.

Copy of the Opinion of the Court of Inquiry held to investigate the causes which led to the discharge of Mr. Martyr from the Goulburn Corps of Volunteer Rifles

Opinion.

"That Captain Rossi having the power of dismissal exercised it in the case of Private Martyr, in consequence of his impatient opposition in committee meetings, which culminated on the 1st August in an unseemly outbreak of temper; and that although he had the opportunity afforded him of withdrawing the objectionable words used to Captain Rossi on that occasion, and which were recorded in the minute-book, he declined doing so, evidently accepting the responsibility of his act.

"The Court sincerely believes that Private Martyr's action on this and on other occasions arose from the erroneous impression that when in committee he was released from all military control. The Court does not for a moment wish to imply that the opinions of members of committee must be subservient to the will of the officer under whose command they may be; but conceive that such officer is fairly entitled to be treated with the respect due to his rank, and as chairman when in committee on Company affairs; and that no justification can be advanced for the use of offensive expressions, such as 'tampering,' even giving it the comparatively mild meaning of 'meddling,' more particularly as in this instance the party using it had an opportunity afforded him of retracting in his cooler moments what he must have known could not be passed over. As Private Martyr rejected this opportunity, the Court cannot but express its opinion that Captain Rossi was bound either to exercise (as he did) the power vested in him by the Act, or to bring Private Martyr's conduct under the notice of the Commandant, with a view to the holding of a Court of Inquiry, on a charge of insubordination against him.

"With regard to the charge in the first paragraph of Captain Rossi's letter of the 13th August,—Mr. Martyr admitting that the words complained of ('all bosh') were used, the Court considers that the matter was condoned by Captain Rossi's acceptance of Mr. Martyr's apology, who also states that he did not intend his ejaculation should be overheard, and have not therefore taken it into consideration, except as an indication of a general want of respect in the demeanour of Private Martyr towards his commanding officer on the several occasions alluded to in the evidence."

R. PEEL RAYMOND,
Major, President.
THOS. BAYNES, Captain,
JNO. WELLS, Captain,
} Members.

True copy,—Thos. Baynes, Captain,
Acting Major of Brigade,

Exhibit SS.

Mr. George Martyr to Captain Rossi.

Goulburn, 23 June, 1872.

Dear Sir,

A meeting of committee of G. C. V. Rifles will be held on Wednesday, 26th inst., at 4 p.m., for the purpose of considering a letter received from the members of the Band.

I am, &c.,
GEORGE MARTYR,
Hon. Secretary.

To the Committee, G. C. V. Rifles.

Goulburn, 24 June, 1872.

Gentlemen,

We beg respectfully to call your attention, and through you, that of Captain Rossi, to the state of the Band belonging to the Company.

Many of us have been members of the Band since its first formation, while others have joined it since, either as beginners needing instruction, or as partially instructed members from another Band.

It is a fact well known to the Committee, that we have each of us signed a bond, making ourselves liable to a penalty of £10, if guilty, if not carrying out our portion of the agreement in its integrity.

It is also equally well known to the committee, that in return for our services, given for a term of three years, we were to be supplied with a uniform and instruments, and to be instructed in Band music,

With

With regard to uniform and instruments, we have nothing to say, but as to the instruction we beg respectfully to state that it is not such as we anticipated when we joined the Band.

It is notorious to the public, that after twelve months trial the Band is not what it ought to be; and we feel bound, in justice to the Company to those ladies and gentlemen who have so liberally contributed to the funds of the Band by money or instruments, and to ourselves,—to declare that the instruction imparted to us is not such as we were led to expect, as the Company is paying a large salary for.

We are painfully cognizant of the fact, that the progress made by the Band is not what it ought to be, and that, with the exception of having learnt a few more tunes, there is no real improvement.

This we attribute to the want of a teacher who has been accustomed to the teaching and direction of a brass band.

We object, that a member who, with the sanction of the Bandmaster, changed his instrument for a leading one many weeks ago, has not received a lesson since the change, and that lads who have joined lately are in the same plight, though attending regularly. We object also that when called upon to march out we are not well able to do so and play our instruments, because during practice hours we are not taught to beat time with our feet to our instruments.

We also object that pains are not taken to make the members so learn the various pieces as to be able to play without books.

We feel the present Bandmaster is not competent to instruct a full brass Band as it ought to be taught, and that it is only throwing away our time and wasting the funds of the Company to continue in the present system.

Without wishing for a moment to detract from Mr. Deane's merits as an instructor, where he is master of his instrument, or to find find fault with him, to his desire to bring the Band on to the best of his ability, we cannot but state that we do not consider him equal to the situation, in fact not equal to the instruction of a full brass Band.

We are, one and all, anxious to get on and to make the Goulburn Volunteer Band second to none in the Colony, but we feel satisfied that, as matters now stand, that hope cannot be realized.

We therefore respectfully suggest that the committee should take the matter into consideration, and put over us a master in whom we can have confidence. Our bond is held over us, and to its penalties we are liable, and we therefore submit that it is especially incumbent on the committee to see that its portion of the contract is faithfully carried out, which is not the case at present.

John A. Clarke.	J. Brander.
Thomas Wilson.	J. Martyr.
Mark O'Shaughnessy.	John Bickley.
George Raward.	H Horn.
G. A. Ward.	C. Thomas.
J. Thorne.	H. White.
F. White.	Thomas King.
W. Mawson.	John Perry.

EXHIBIT TT.

Mr. Edward S. Deane to Captain Rossi.

Montague-street, Goulburn,
6 July, 1872.

Sir,

I have heard that a complaint has been presented to you and your committee from some of the Bandsmen against me. I am quite unaware, having received no communication on the subject, what may be the nature or terms of the statements, and without the least desire to do away with the fullest inquiries I take the opportunity, if I may be allowed, to state that if the character of the complaint in any way exhibits a disinclination on the part of the Bandsmen to work with me, that on completion of my year's engagement, terminable at the end of next March, I shall be quite content to resign my position as Bandmaster, if it is the pleasure of yourself and your committee then to say I do not satisfy you.

I remain, &c.,
EDWD. S. DEANE.

EXHIBIT UU.

Messrs. Deane & Deane to Captain Rossi.

75, Elizabeth-street,
11 September, 1872.

Sir,

We have been instructed by Mr. Edwd. S. Deane, of Goulburn, to commence legal proceedings against several persons being, as we understand, members of your Band, for certain slanderous and defamatory statements contained in a certain document, dated 24th June, 1872, addressed to and placed before certain other persons, whereby such slanderous and defamatory statements have become and are generally known and commented upon to the great injury and damage of our client. As these proceedings must be instituted in the Supreme Court, and will therefore entail considerable expense, which must ultimately fall on the defendants, as they must or at least should be aware that nothing justifies a slander or libel, and that imprisonment follows nonpayment of damages and costs, our client has authorized us—showing he has no other desire than to remove any false impression as regards himself—to accept from the parties the enclosed apology and our costs, upon receipt of which he will withdraw the instructions from our hands; otherwise, we are to proceed.

We thus address you on the subject, being glad to avail ourselves of the opportunity, being anxious, from our great respect to yourself, that it should not appear we were in any way interfering with your Band, except after an endeavour to procure justice by amicable means, and are in hopes that by your acting as a mediator, and pointing out to these misguided parties the great liability they have incurred, they may see with what amount of clemency they are dealt with by one whom they have endeavoured to so seriously injure and in so unlawful a manner.

Trusting you will excuse our writing you on this subject,

We are, &c.,
DEANE & DEANE.

APOLOGY.

Goulburn, 11 September, 1872.

WE, the undersigned, exceedingly regret having been induced to sign the document addressed to the committee G. C. V. Rifles, and dated 24th June, 1872, respecting Mr. E. S. Deane's conduct and ability as our Bandmaster, being aware that the statements are without foundation, and beg to thank him for his kindness in accepting this apology for ill-advised conduct.

Henry Horn.	John Bickley.
John Thomas.	George Kaward.
William Mawson.	Thomas Wilson.
Charles Thomas.	Frederick White.

This shows the kind of application I made to all.—F.R.L.R.

Mr. Perry, Tuena,—

Dear Sir,

The enclosed is a copy of letter received by me from Messrs. Deane & Deane, solicitors, Sydney; and also a copy of an apology sent to me by those gentlemen, requesting me to act as a mediator in the matter. With that view, and at the request of Messrs. Deane & Deane, I forward the papers referred to, if you will please to avail of the opportunity of adding your signature to apology.

F. R. L. ROSSI,
Captain.

Montague-

Montague-street, 3 January, 1874.

HAVING just ascertained that Captain Rossi requires me to give evidence to the Court of Inquiry, on Monday morning, and as I have a pressing engagement at Yass, where my attendance is absolutely necessary on Monday evening, I wish to leave the following statement for the information of the Court:—My engagement as bandmaster terminated on 31st March last, and I all along disputed the right of the committee to dispense with my services on 1st August, 1872.

With reference to the written apology which the boys were asked to sign, I beg to state that Captain Rossi had nothing to do with the preparation of the document, nor was it written at his instigation, he interfered only as a mediator, and I can state most positively that no threats were used by Captain Rossi to Mr. Martyr's son or any other members of the Band, as I was present when he and they were asked to sign. I may also state that Mr. Martyr's son mentioned to Captain Rossi, in my presence, that his father had told him to sign the complaint against me.

Captain Rossi was not aware of my engagement at Yass, and it is now too late for me to postpone my visit.

EDWD. S. DEANE.

EXHIBIT VV.

Captain Rossi to Lieut.-Colonel Richardson.

Rossiville, 22 July, 1870.

Sir,

In accordance with a notice duly given by me to that effect, a meeting of the Goulburn Corps Volunteer Rifles took place last evening to consider the expediency of altering Rule No. 4 of the Corps, which prescribes that the subscription of members shall be 1s. per month. It was resolved that for three months the subscription should be raised to 1s. per week, in order to pay off existing liabilities incurred by the Company.

I have the honor to request that the proposition may be sanctioned and approved.

I have &c.,
F. R. L. ROSSI,
Captain, G.C.V.R.

I cannot ask the Governor in Council to approve of merely *temporary* changes of the rules.—J.S.R., Lt.-Col., B.C., 29/7/70.

Captain Rossi to Lieut.-Colonel Richardson.

Rossiville, 9 August, 1870.

Sir,

In consequence of the difficulty you were so good as to intimate to me, of obtaining the sanction of the Governor in Council for a temporary alteration of Rule No. 4 of the Regulations, I have the honor to state that a meeting of the Corps (G.V. Rifles) was held last evening, when it was agreed that the subscription of members should be 1s. per week, in lieu of 1s. per month, as at present.

I shall be glad if the above receive your approval.

I have, &c.,
F. R. L. ROSSI,
Captain, G.C.V. Rifles.

The Principal Under Secretary to Lieut.-Colonel Richardson.

Sydney, 27 September, 1870.

Sir,

In reply to your letter of the 16th ultimo, submitting a proposed amendment in the By-laws of the Goulburn Corps of Volunteer Rifles, I am now directed by the Colonial Secretary to inform you that His Excellency the Governor, with the advice of the Executive Council, has been pleased to approve of such amendment, whereby clause 4 of the said By-laws is altered as follows, viz.:—

"4. The subscription payable by members of the Corps shall be 1s. per week."

I have, &c.,
HENRY HALLORAN.

I certify that the foregoing is a true copy of the rule whereof His Excellency the Governor's approval has been notified in pursuance of the "Volunteer Force Regulation Act of 1867."—F. R. L. ROSSI, Captain, G.C.V.R., Commanding.

True Copy.—Forwarded to Captain Rossi, pursuant to the request contained in his telegram of the 5/9/71. By command.—S. HOPKINS, Lt., R.A., Captain and Brigade Adj. V.A. Brigade Office, Sydney, 6/9/71.

COMPANY ORDER.

HIS Excellency the Governor, with the advice of the Executive Council, has been pleased (date 27th ultimo) to approve that clause 4 of the By-laws of the Goulburn Corps Volunteer Rifles be altered as follows, viz.:—

"4. The subscription payable by members of the Corps shall be 1s. per week."

The above took effect on and from 1st October instant.

Rossiville, 11 October, 1870.

F. R. L. ROSSI,
Captain.

Advertised in both papers, *G.H.* and *S.A.*—F.R.L.R.
W. ROBERTSON, Private.
C. S. FULLER, Corporal.
J. CONNOR.

Major Fitzsimons to Captain Rossi.

Brigade Office,
Sydney, 13 February, 1872.

Sir,

With reference to your letter of the 2nd instant, I am directed to inform you that the amount indebted by Bugler White, of the New South Wales Infantry, to the Goulburn Corps of Volunteer Rifles, viz., £1 5s., has been ordered to be stopped from his pay, and, when recovered, will be transmitted to you.

I have, &c.,
A. F. FITZSIMONS, Capt.,
Major of Brigade.

G. C. V. RIFLES.

A MEETING of the members will take place at the Court House, on Thursday, the 21st instant, at 8 p.m., to consider the expediency of altering rule No. 4 of the Corps.

F. R. L. ROSSI,
Captain Commanding G.C.V. Rifles.

Rossiville, 12 July, 1870.

G. H., 23 July, 1870.

"A GENERAL meeting of the above Corps was held at the Court House on Thursday evening. The object was to alter No. 4 of their rules, which provides for the payment of 1s. per month by each member of the Corps. The Company appear to have got into debt owing partly to subscriptions of members not being regularly paid up, and partly to a misapprehension on the part of the committee that all those gentlemen who became honorary members the first year would continue so, and pay their subscriptions accordingly. Such has not proved the case, and consequently the Corps finds itself in debt. It was resolved that the subscription of members should be 1s. a week for three months, as it was thought such an arrangement, particularly if supplemented by some sort of entertainment in the Mechanics' Institute, would enable the Company to meet their liabilities."

G.C.V.R.

A MEETING of the Company will take place on Monday, the 8th instant, at 8 p.m., at Court House, to *re-consider* the advisability of altering Rule No. 4 of Regulations, and consider matters relative to the Band.

F. R. L. ROSSI,
Captain,

Rossiville, 5th August, 1870.

IT is impossible for me to accede to request of my Company to call a meeting with a view to rescind rule requiring the payment of 1s. per week until members meet their obligations, and pay what is due to me towards funds of Company, which, if paid, will relieve it of all liabilities. When that shall have been done I will take care faithfully to fulfil my promise made last year to inform my Company, in order that the subject may then be reconsidered.

EXHIBIT VV[1].

Mr. B. Bowtell to Captain Rossi.

Goulburn, 13 November, 1871.

Sir,

I am extremely anxious to be allowed to rejoin the Band of the Goulburn Corps Volunteer Rifles, and I have the honor to make application to that effect.

I beg to add that I shall be willing, and will undertake faithfully to attend to all the duties which may be required of me in connection with the Band.

I have, &c.,
B. BOWTELL.

EXHIBIT WW.

Memo.—Honorary Secretary, G.C.V. Rifles.

Please to have all fines entered into book, as well as accounts due by Company, that I may be enabled to demand payments.

18/9/71.

F. R. L. ROSSI,
Captain.

Goulburn, 29 November, 1871.

Memo.—Honorary Secretary, G.C.V.R.

I request you to be good enough to return to me the papers, viz., the Bank notice and unpaid cheque of yours, which I handed to you last Thursday, together with any explanation you may desire to give.

F. R. L. ROSSI,
Captain.

Captain Rossi to Major Brown.

Rossiville, 7 December, 1871.

Sir,

1. Private G. Martyr (also Honorary Secretary), of my Company, received certain moneys from members of the Corps to be paid to me on their behalf. He gave me a cheque of his own for the amount, £3 5s, which was dishonoured at Bank, and received notice to that effect—that notice, together with cheque, I obtained and placed in the hands of Private Martyr on 23rd November, a fortnight ago, with a request for an explanation. No attention was paid to this. Again, on 29th of that month, I sent him a memo., a copy of which I now enclose. No attention has been paid to this second intimation.

2. I have the honor to seek for direction. I do not apprehend the loss of the money if I adopted legal proceedings, but I am led to view the case in its military aspect, as one perhaps meriting a dismissal, from the total disregard shown by Private Martyr to my request, made personally to him, and subsequently by memo.

I have, &c.,
F. R. L. ROSSI,
Captain, G.C.V. Rifles.

'This is a non-military matter and belongs to the Committee of the Corps of which Captain Rossi is chairman. I suppose the by-laws of the Goulburn Corps are the same as those of other Corps?—W. BROWN, Major, 8/12/71.

MEMO.—Captain Rossi to Colour-sergeant Trenery.

BE good enough to have a *final* demand made to members of my Company whose names are herein given, with sums due by each.

The accounts, if incorrect, must without delay be explained by any member who deems them to be so.

F. R. L. ROSSI,
Captain.

21st December, 1871.

Goulburn, April 15, 1872.

RECEIVED from Captain Rossi the sum of £7 15s. 5d., being balance of account due by the Ball Committee upon expenses and receipt on account of Ball.

GEORGE MARTYR,
Hon. Sec., G.C.V. Rifles.

MEMO.

MEMO.—Captain Rossi to Honorary Secretary, G.C.V. Rifles.

Dear Sir,

May I ask you to be so good as to give to Mr. Thos. Byrnes the amount which is due to him on account of the late Ball, for which you had received a cheque from me.

F. R. L. ROSSI,
Captain.

6/6/72.

MEMO.—Captain F. R. L. Rossi to Private Martyr, Hon. Sec.

Sir,

Having reference to the repeated occasions I have asked you to pay the cheque I gave you for Private T. Byrnes, and my recent memo. of 6th instant to the same effect, which has not been attended to, I have now to inform you that if I do not by to-morrow receive a satisfactory explanation from you it will become my duty to make application for a Court of Inquiry.

F. R. L. ROSSI,
Captain.

17/6/72.

EXHIBIT XX.

[*Account-book handed in and examined by the Court. Not printed.*]

EXHIBIT YY.

[*Minute-book handed in and examined by the Court. Not printed.*]

EXHIBIT ZZ.

Captain Rossi to Captain Baynes.

My dear Captain Baynes,

Rossiville, 6 September, 1871.

Private Martyr (of my Company) and honorary secretary is, as you know, an unpleasant person to do with, and as I wish to be very *firm* and *safe* with him, I send accompanying for your good advice. If necessary the Commandant can see it. As you were so good as to suggest, I sent a memo., cautioning honorary secretary not to interfere in military matters.

Yesterday I had occasion to go to honorary secretary's office for papers I expected to receive. He was absent, but I found two letters on his table addressed to me. One marked No. 1, I forward, with my purposed reply. Pray tell me if you concur in the latter.

Martyr causes much trouble by his manner of doing things. If there is anything for me to add or alter in my proposed letter to him, please inform me.

To-day I received the intimation that the Commandant would wish me to receive the names and addresses of men wishing to join the Permanent Force. Strange, I was on the point of writing to offer to do this, or to assist in any way by preliminary examination, if required. I shall be most happy and proud to do anything that I am asked.

Thank you very much for your last letter.

I am, &c.,
F. R. L. ROSSI.

What is it you have in reserve for me—good or bad intelligence?

Will you kindly let me know if I may change the paper each week for publication of notice, to give all a turn? Permanent M. Force.—F.R.L.R.

Yes.—J.S.R.

Captain Rossi to Private Martyr.

Sir,

11 September, 1871.

I have your *memo.* of the 31st ultimo. I have to request, in your communications with me in military matters that you address me by letter, and not by *memo.*

* Further, when I have occasion to express my opinion, as I did by my last memo. to you to the effect "That you have no power to interfere in military matters, and I request that you will forbear in future from arranging for Rifle Matches with Volunteers without my direction,"—I have to ask that you will allow the subject to rest, and not take it upon yourself to reply to me.

F. R. L. ROSSI,
Captain.

11th September, 1871.

"* Further, I have to point out that I can allow of no interference in military matters, including the arrangement for rifle matches, by any one under my command, even under the sanction of the Committee of the Rifle Association.

"You are therefore requested to submit all such matters for my consideration."

If Captain Rossi will write his letter as above dictated by Col. R., to whom I submitted it, I think he will be safe.—T.B., Captn., 8/9/71.

APPENDIX.

The following Letter and Protest were received by the President during the sittings of the Court at Goulburn. Vide Minutes of Evidence and Proceedings, pp. 1 *and* 19 :—

John W. Chisholm, Esq., to Major Shepherd.

Wollogorang, 29 December, 1873.

Sir,

I have the honor to acknowledge receipt of yours of the 24th instant, which only reached me yesterday forenoon, intimating that a Court of Inquiry will sit to-morrow, the 30th instant, at Goulburn, to examine and report upon certain matters connected with the conduct of Captain Rossi, commanding the Goulburn Corps of Volunteer Rifles.

In reply I beg respectfully to inform you that it is not my intention to give evidence before the said Court, as the whole case is now before Parliament, where no doubt all matters in connection with Captain Rossi and the Goulburn Volunteers will be decided, independent of any report that may emanate from the Court of Inquiry about to assemble under your Presidency.

I have, &c.,
JOHN W. CHISHOLM.

Goulburn, 30 December, 1873.

I RESPECTFULLY and formally protest against the assembling of this Court of Inquiry, because the matters proposed to be investigated thereat have already been considered, and a decision thereon pronounced by the Parliament of the Country.

W. R. RILEY.

Sydney: Thomas Richards, Government Printer.—1874.

1873–4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

TELEGRAPHIC CABLE COMMUNICATION.

(MESSAGE No. 44.)

Ordered by the Legislative Assembly to be printed, 27 May, 1874.

HERCULES ROBINSON, *Governor.* — *Message No. 44.*

I recommend to the consideration of the Legislative Assembly an Agreement made by this Government, subject to the sanction of Parliament, with the Governments of New Zealand and Queensland, for the construction of Telegraph Cables between New Zealand and New South Wales and between Normantown in Queensland and Singapore.

Government House,
Sydney, May 27, 1874.

[3*d*.] 603—

1873–4.

NEW SOUTH WALES.

TELEGRAPH CABLES.

(PAPERS RELATIVE TO CONDITIONS FOR CONSTRUCTION OF, BETWEEN NEW SOUTH WALES AND NEW ZEALAND, AND BETWEEN NORMANTOWN (QUEENSLAND) AND SINGAPORE.)

Presented to Parliament, by Command.

No. 1.

MINUTE FOR EXECUTIVE COUNCIL.

General Post Office,
Sydney, 15 April, 1873.

I SUBMIT for approval an Agreement showing the conditions for the construction of a Telegraph Cable between New Zealand and New South Wales, and one between Normantown in Queensland and Singapore, which the Representatives, at the late Conference of New South Wales, New Zealand, and Queensland, agreed to recommend to their Governments, with a view of being subsequently submitted for the sanction of their respective Parliaments.

SAUL SAMUEL,
Postmaster General.

The Executive Council approve of the Agreement herewith submitted, for the construction of Telegraph Cables between the places specified, and advise that the necessary steps be taken to give effect thereto.—ALEX. C. BUDGE, Clerk of the Council.

Minute 73/16. 17/4/73. Confirmed, 21/4/73.

Approved.—H.R., 24/4/73.

Agreement.

THE following Conditions for the construction of a Telegraph Cable between New Zealand and New South Wales, and one between Normantown in Queensland and Singapore, are those which the Representatives of New South Wales, New Zealand, and Queensland agree to recommend their Governments to submit for the approval of their respective Parliaments:—

1. The three Colonies shall jointly enter into an arrangement for the construction of an electric cable to be laid between some point in New Zealand and some point in New South Wales, and also a cable to be laid from Normantown in Queensland to Singapore, the latter to be a through cable touching only at such points as may be agreed on, and to be entirely distinct, the whole distance, from the line between Port Darwin and Singapore.

2. The arrangement to be for a guarantee of five per cent. for a term not exceeding thirty-five years, upon a sum not exceeding one million pounds for the cost of the two lines. £1,000,000.

3. Twelve thousand pounds per annum to be allowed, to cover in full, all expenses. All receipts above twelve thousand pounds to pass in reduction of the guarantee. The contractors to retain receipts in excess of the guarantee; but if the profits are more than ten per cent. the Governments may require that the rates shall be lowered to amounts calculated to reduce the profits to ten per cent. £12,000. £12,000. 10 per cent.

4. The guarantee to be paid only whilst the lines are in working order: Provided that four weeks in each year will be allowed for repairs. If the New Zealand line only be in order, one-third of the guarantee to be paid; if the Singapore line only be in order, two-thirds of the guarantee to be paid. If the lines are not kept in order with due diligence, or if communication should permanently fail, the guarantee to cease.

5. The two lines to be commenced and constructed simultaneously.

6. The cost per message of twenty words, from New Zealand to New South Wales, not to exceed fifteen shillings; the charge for each word above twenty being nine-pence. And the cost for twenty words from Normantown to Singapore not to exceed forty shillings for the first two years, and thirty-five shillings afterwards; the charge for each word above twenty being two shillings. 15s. 9d. 40s. 35s. 2s.

7. Queensland to undertake to keep the land line to Normantown open for the use of the other contributing Colonies at rates not to exceed at any time seven shillings for twenty words. 7s.

8. The three Governments to act in unison and to jointly arrange the details. 20.

9. This agreement, after being approved of by the respective Governments, to be subject to ratification by the respective Parliaments; and the details to be arranged in London by representatives appointed by the three Colonies.

10. The Governments will require to be satisfied that the contractors have made proper provision for the use of a through line of communication between Singapore and London.

HENRY PARKES.
SAUL SAMUEL.
JULIUS VOGEL.
WILLIAM H. REYNOLDS.
A. H. PALMER.
J. MALBON THOMPSON.

Sydney, 14 February, 1873.

No. 2.

AUDLEY COOTE, ESQ., to THE POSTMASTER GENERAL.

Petty's Hotel, 5 p.m.,
21 February, 1873.

SIR,

I have the honor to inform you I have just received a reply to my telegram.

The Company and Contractors have accepted the proposals according to your terms, having repeated, almost word for word, the telegram I sent them, taken from your memo. at the Conference.

The telegram was sent on to Tasmania by mistake.

I telegraphed to the Superintendent of that Colony this morning, asking him to look out for it, and in less than an hour we heard of it going through Victoria; it was re-transmitted at once on to Sydney.

You will please excuse a hurried letter, as I am anxious you should know the result of the telegram at once.

I have, &c.,
AUDLEY COOTE.

[*Enclosures.*]

Telegram from Audley Coote, Esq., Sydney, to Messrs. Siemens Brothers, London.

DELEGATES from New Zealand, Queensland, and New South Wales, recommend their Governments to guarantee fixed sum, equal 5 per cent., upon £1,000,000 for thirty-five years, for cables Sydney to New Zealand, Normantown to Singapore, touching at Macassar. Proposed tariff—Sydney, New Zealand, 15s.; Normantown, Singapore, £2 twenty words, £12,000 per annum allowed working expenses; receipts over that to reduce guarantee; all details to be arranged in London; four weeks allowed for repairs per annum; this is final offer subject to ratification of Parliament; reply and repeat the conditions you agree to; other offers have been made, but have fair reason to believe I can secure it on these terms only; inform Wilson Bristows; Conference breaking up.

AUDLEY COOTE.

Telegram from Messrs. Siemens Brothers, London, to Audley Coote, Esq., Sydney, accepting terms.

LONDON, eighteen six twelve. "We accept terms," namely guarantee fixed sum, equal 5 per cent. upon £1,000,000 for thirty-five years, for cables Sydney to New Zealand, Normantown to Singapore, touching at Macassar. We have responsibility of forming Company to raise necessary capital; four (4) weeks allowed for repairs per annum. Proposed tariff—Sydney to New Zealand, 15s.; Normantown to Singapore, £2 twenty words; £12,000 per annum allowed working expenses, receipts over that to reduce guarantee. All details to be arranged in London, 5 per cent. on £1,000,000 will write only equal about 3 per cent. on capital, require you should therefore endeavour to get increase.

SIEMENS BROTHERS.

No. 3.

AUDLEY COOTE, ESQ., to THE POSTMASTER GENERAL, SYDNEY.

Petty's Hotel,
28 February, 1873.

SIR,

Referring to our conversation of yesterday, and to the powers I hold; also, to the gentlemen with whom I am associated for the purpose of constructing and laying a Submarine Telegraph Cable to connect England with Australia and New Zealand,—I have now the honor to inform you, these gentlemen are quite prepared to take that responsibilityupon the terms named at the conference. I have now the honor to give you a list of their names, &c., &c.

The Honorable Robert Grimston, Chairman of the Indo-European Telegraph Company, and Director of several other Telegraph Companies.

Henry Weaver, Esq., Managing Director of the Atlantic Cable Company, also the French Atlantic Cable Company, and Director of the Indo-European Telegraph Company.

Henry Barlow, Esq., C.E., a Member of the Council of the Institute of Civil Engineers, and Official Director of the Indo-European Telegraph Company.

Baron Julius Reuter, Managing Director of Reuter's Telegram Company, one of the most successful of Telegraph Companies.

George Von Channin, Esq., Director of the Indo-European Telegraph Company.

George Borlase Trementreen, Esq., Director of the Indo-European Telegraph Company.

William Andrews, Esq., General Manager of the Indo-European Telegraph Company.

Seymour Clarke, Esq., late General Manager of the Great Northern and Great Western Railway Companies.

Messrs. Siemens Brothers, Telegraph Cable Contractors, London and Berlin.

MEMO.

MEMO. of Agreements, Contracts, Powers, and Letters of Instructions held by Audley Coote.

1. A contract entered into between Messrs. Siemens Brothers, Telegraph Engineers and Contractors of the one part, and Baron Julius Reuter, Managing Director of Reuter's Telegram Company; Henry Weaver, Esq., Director of the Indo-European Telegraph Company, and General Manager of the Anglo-American Cable Company, also the Manager of the French Atlantic Cable Company; William Henry Barlow, Esq., Member of the Council of the Institute of Civil Engineers, and Official Director of the Indo-European Telegraph Company, of the other part, three of the Directors of the Indo-Australian Telegraph Company, for the laying of a submarine cable to connect England with Australia and New Zealand—£625,000.

2. A contract entered into between Messrs. Siemens Brothers, of the one part, and the before-mentioned Syndicate as Directors of the Indo-Australian Telegraph Company, Limited, for the land lines from Singapore to the frontier of the British possessions in India, and then to connect with the land lines of the Government of India for the sum of £150,000.

3. An agreement between the Honorable Robert Grimston, of 24, Mount-street, Grosvenor Square, London, Chairman of the Indo-European Telegraph Company; Messrs. Siemens Brothers, Telegraph Engineers and Contractors; Seymour Clarke, Esq., of the Great Northern and Great Western Railway Companies; and Audley Coote. The Honorable Robert Grimston, that the Indo-European Telegraph Company will be prepared to enter into traffic arrangements for the reciprocal advantage of both Companies, to secure prompt transmission of messages in both directions, and undertakes the traffic arrangements shall be made upon the most favourable terms, consistent with the rules and provisions of the International Telegraph Convention. Siemens Brothers undertakes to complete the negotiations for the land lines through Siam with Seymour Clarke, who holds the concessions from the King of Siam for all telegraphs through his country for ninety-nine years; and Audley Coote to take the necessary steps for soliciting from the Governments of New South Wales, Victoria, New Zealand, Queensland, "*or some or one of them*," such acts or contracts upon the terms and conditions he shall be able to secure.

4. An agreement in which the before mentioned Syndicate co-operate and combine together to establish direct communication with Australia, with Messrs. Siemens Brothers as the Contractors, and authorizes Audley Coote to negotiate on behalf of all parties.

5. A full power of attorney from all parties before mentioned to Audley Coote.

6. An agreement with the Syndicate, the Indo-European Telegraph Company, Messrs. Siemens Brothers, Audley Coote, and others, for the security of all parties, having been executed under the common seal of the Indo-European Telegraph Company, also by the other parties to it, and duly verified under the City Seal.

7. Letter of instructions authorizing Audley Coote to accept 5 per cent. from the time the cable was laid.

8. Resolutions passed at a meeting of the Board of Directors of the Indo-European Telegraph Company, stating they are prepared to enter into arrangements on the most favourable terms, and signed by the Managing Director.

AUDLEY COOTE.

P.S.—I have the honor to state copies of all powers are coming on to you, and duplicates of each paper have gone on to the other Governments.—A.C.

Messrs. Wilson, Bristows, & Carpmael, Solicitors, 1, Copthall-buildings, London.

Messrs. Dawes & Son, Solicitors, of Copthall Court, London.

The cables will be worked in connection with the land lines of the Indian Government and the Indo-European Telegraph Company. I may be permitted to add, no other Company could give the same facility for direct communication with England without having a third cable between Singapore and Moulmain, or Madras, at an extra cost of £500,000, without they were allowed to work in connection with the Port Darwin Cable Company.

In conclusion, I may be permitted to add, by the Government having a Company of so influential a character to deal with, they are guaranteed the completion of the cables and the satisfactory working of the whole line.

I have, &c.,
AUDLEY COOTE.

No. 4.

AUDLEY COOTE, ESQ., to THE POSTMASTER GENERAL, SYDNEY.

Petty's Hotel, Sydney,
3 March, 1873.

SIR,

I have the honor to state, on behalf of the Indo-Australian Telegraph Company and Messrs. Siemens Brothers, Telegraph Contractors, of London and Berlin, that they are prepared to contract with the Governments of New South Wales, New Zealand, and Queensland, for the construction and laying of a cable between New South Wales and New Zealand, and between Normantown in Queensland and Singapore, on the terms which I am given to understand the Representatives at the late Conference of the Governments of the three Colonies are willing to recommend to their Governments for submission to their respective Parliaments, namely:—

The three Governments—New South Wales, New Zealand, and Queensland—to guarantee five per cent. on the sum of one million pounds for thirty-five years, for a cable between New Zealand and New South Wales, and for one between Normantown in Queensland and Singapore. The cable to be a through cable, touching only at such points as may be agreed on, and to be entirely distinct the whole distance from the line between Port Darwin and Singapore; the point of landing in Normantown to be approved of by the Government of Queensland; the point of landing in New South Wales to be approved of by the Government of New South Wales; and the point of landing in New Zealand to be approved of by the Government of New Zealand.

The

The guarantee to be paid only whilst the lines are in working order, provided that four weeks in each year will be allowed for repairs.

If the New Zealand line only be in order, one-third of the guarantee to be paid; if the Singapore line only be in working order, two-thirds of the guarantee to be paid.

The cables to be used to be approved of by engineers appointed by the Governments.

The cables to be constructed and laid with the utmost possible expedition.

The tariff between New South Wales and New Zealand not to exceed fifteen shillings for twenty words, and nine-pence for each additional word; the tariff between Normantown and Singapore not to exceed two pounds for twenty words, and two shillings for every additional word, for the first two years, and subsequently thirty-five shillings for twenty words, and one shilling and ninepence for every additional word.

The guarantee to be paid whilst the two lines are respectively in working order; but if the lines remain out of order for an unreasonable time, the guarantee to cease altogether.

Twelve thousand pounds per annum to be allowed to cover in full all expenses; all receipts above twelve thousand pounds to pass in reduction of the guarantee; but if the profits are more then ten per cent., the Governments may require that the rates shall be lowered to amounts calculated to reduce the profits to ten per cent.

This proposal, if approved of by the three Governments, to be submitted to their respective Parliaments, and if their Parliaments approve, an arrangement on the basis of this proposal to be made in London by representatives appointed by the three Governments with my principals there; the details not herein set forth to be there arranged.

The contractors to make proper provision for the use by the three Colonies of a through line of communication between Singapore and London, at rates which shall not be more than the rates charged by any other line between Singapore and London.

I have, &c.,
AUDLEY COOTE.

No. 5.

THE COLONIAL SECRETARY, QUEENSLAND, to THE COLONIAL SECRETARY, NEW SOUTH WALES.

Colonial Secretary's Office,
Brisbane, 10 March, 1873.

SIR,

I have the honor to transmit herewith, to be submitted to your Government, copy of an Executive Minute confirming and ratifying the proceedings of the Colonial Secretary and the Secretary of Public Lands of Queensland, as the representatives of this Colony at the recent Intercolonial Conference held at Sydney during the months of January and February last, in respect of the construction of a Telegraph Cable between New Zealand and New South Wales, and one between Normanton in Queensland and Singapore, subject to the approval of Parliament, to which the same will be submitted in its next Session.

I have, &c.,
A. H. PALMER.

[*Enclosure.*]

COPY of Minute of Proceedings of the Executive Council on 27th February, 1873. *Re* Construction Telegraph Cables between New Zealand and New South Wales, and between Normanton and Singapore.

G. Confirmed. 6/F/73.

HIS Excellency the Governor, at the instance of the Honorable the Colonial Secretary, submits to the Council certain conditions for the construction of a Telegraph Cable between New Zealand and New South Wales, and one between Normanton in Queensland and Singapore, which the representatives of New South Wales, New Zealand, and Queensland, at the Intercolonial Conference held at Sydney, in New South Wales, during the months of January and February, 1873, have agreed to recommend to their Governments to submit for the approval of their respective Parliaments.

The Council advise that the action taken by the Honorable the Colonial Secretary and the Honorable the Secretary for Public Lands, as the representatives of Queensland at the said Conference, in respect of the agreement for the construction of the said Telegraphic Cables, be approved, and that the said agreement be ratified, subject to the approval of the Parliament of Queensland, to which it is to be submitted in its next Session.

A. V. DRURY,
Clerk of the Council.

No. 6.

THE COLONIAL SECRETARY, QUEENSLAND, to THE COLONIAL SECRETARY, NEW SOUTH WALES.

Queensland, Colonial Secretary's Office,
Brisbane, 4 July, 1873.

SIR,

With reference to the memorandum of conditions for the construction of a Telegraph Cable between New Zealand and New South Wales, and one between Normanton in Queensland and Singapore, agreed to at the late Intercolonial Conference, held in Sydney, in the months of January and February last, I have the honor to forward, for the information of your Government, copies of Minutes of Proceedings of the Legislative Council and Legislative Assembly of this Colony, whereby it will be perceived that the Resolutions relative to the proposed extension of Telegraph Cable Communication having been submitted to the Legislative Assembly, on 18th June last, were adopted; and also, received the concurrence of the Legislative Council, to which they were transmitted in due course.

I have, &c.,
A. H. PALMER.

[*Enclosure.*]

5

[*Enclosure.*]

EXTRACT from the Votes and Proceedings of the Legislative Assembly of Queensland.

Wednesday, 18 *June*, 1873.

8. Extension of Telegraphic Cable Communication.

On motion of Mr. Palmer, the Speaker left the Chair, and the House resolved itself into a Committee of the Whole for consideration of Resolutions relative to Extension of Telegraph Cable Communication.

The Chairman having reported that the Committee had come to certain Resolutions, the same were then read to the House *at length*, by the Clerk, as follows, viz. :—

(1.) That this House approves of the following Memorandum of Conditions for the Construction of a Telegraph Cable between Singapore and Norman Mouth, and between New South Wales and New Zealand, as agreed upon by the Representatives of the Colonies of New Zealand, New South Wales, and Queensland, in Sydney, on the 14th February, 1873; and empowers the Government to enter into a Contract in conjunction with the other Governments named, upon the terms therein stated, for the purpose of carrying out this undertaking.

MEMORANDUM of Conditions for the Construction of a Telegraph Cable between New Zealand and New South Wales, and one between Normanton in Queensland and Singapore.

The following Conditions for the Construction of a Telegraph Cable between New Zealand and New South Wales, and one between Normanton in Queensland and Singapore, are those which the Representatives of New South Wales, New Zealand, and Queensland agree to recommend their Governments to submit for the approval of their respective Parliaments.

1. The three Colonies shall jointly enter into an arrangement for the Construction of an Electric Cable to be laid between some point in New Zealand and some point in New South Wales, and also a Cable to be laid from Normanton in Queensland to Singapore, the latter to be a through Cable, touching only at such points as may be agreed on, and to be entirely distinct the whole distance from the line between Port Darwin and Singapore.

2. The arrangement to be for a guarantee of five per cent. for a term not exceeding thirty-five years, upon a sum not exceeding one million pounds for the cost of the two lines.

3. Twelve thousand pounds per annum to be allowed to cover in full all expenses. All receipts above twelve thousand pounds to pass in reduction of the guarantee. The Contractors to retain receipts in excess of the guarantee; but if the profits are more than ten per cent., the Government may require that the rates shall be lowered to amounts calculated to reduce the profits to ten per cent.

4. The guarantee to be paid only whilst the lines are in working order, provided that four weeks in each year will be allowed for repairs. If the New Zealand line only be in order, one-third of the guarantee to be paid; if the Singapore line only be in order, two-thirds of the guarantee to be paid. If the lines are not kept in order with due diligence, or if communication should permanently fail, the guarantee to cease.

5. The two lines to be commenced and constructed simultaneously.

6. The cost, per message of twenty words, from New Zealand to New South Wales, not to exceed fifteen shillings, the charge for each word above twenty being nine-pence; and the cost of twenty words from Normanton to Singapore, not to exceed forty shillings for the first two years, and thirty-five shillings afterwards, the charge for each word above twenty being two shillings.

7. Queensland to undertake to keep the land line to Normanton open for the use of the other contributing Colonies, at rates not to exceed, at any time, seven shillings for twenty words.

8. The three Governments to act in unison, and to jointly arrange the details.

9. The Agreement, after being approved of by the respective Governments, to be subject to ratification by the respective Parliaments, and the details to be arranged in London by Representatives appointed by the three Colonies.

10. The Governments will require to be satisfied that the Contractors have made proper provision for the use of a through line of communication between Singapore and London.

HENRY PARKES.
SAUL SAMUEL.
JULIUS VOGEL.
WILLIAM H. REYNOLDS.
A. H. PALMER.
J. MALBON THOMPSON.

Sydney, 14th February, 1873.

(2.) That this Resolution be transmitted to the Legislative Council, for their concurrence, by Message in the usual form.

Mr. Palmer then moved, That these Resolutions be now agreed to by the House.

Question put and passed.

EXTRACT from the Minutes of the Proceedings of the Legislative Council of Queensland.

Wednesday, 25 *June*, 1873.

6. RESOLUTION with Memorandum of Conditions for the Construction of a Telegraph Cable between Singapore and Norman Mouth, and between New South Wales and New Zealand.—On the Order of the Day being read, The Honorable the Postmaster General moved,—That this House do now concur in the Resolution of the Legislative Assembly respecting the Construction of a Telegraph Cable between Singapore and Norman Mouth, and one between New South Wales and New Zealand.

Question put and passed.

The

The Honorable the Postmaster General then moved,—That the following Message be transmitted to the Legislative Assembly:—

"Mr. Speaker,

"The Legislative Council having this day considered the Legislative Assembly's Resolution "respecting the Construction of a Telegraph Cable between Singapore and Norman Mouth, and "one between New Zealand and New South Wales, as agreed to at the late Inter-colonial Con- "ference and transmitted by Message of the 18th June, beg now to intimate their concurrence "in the same.

"DANIEL F. ROBERTS,
"Chairman of Committees,
"Acting for the President.

"Legislative Council Chamber,
"Brisbane, 25th June, 1873."

Question put and passed.

The Clerk Assistant reported the delivery of the Message.

No. 7.

THE COLONIAL SECRETARY, NEW ZEALAND, to THE COLONIAL SECRETARY, NEW SOUTH WALES.

Colonial Secretary's Office,
Wellington, 7 June, 1873.

SIR,

I have the honor to transmit herewith, to be submitted to your Government, copy of an Executive Minute, confirming and ratifying the proceedings of the representatives of this Colony at the recent Intercolonial Conference, held at Sydney during the months of January and February last, in respect of the construction of a telegraph cable between New Zealand and New South Wales, and one between Normanton in Queensland and Singapore, subject to the approval of Parliament, to which the same will be submitted in the coming Session.

I have, &c.,
WILLIAM H. REYNOLDS.

[*Enclosure.*]

HIS EXCELLENCY the Officer administering the Government, at the instance of the Honorable the Premier, submits to the Council certain conditions for the construction of a telegraph cable between New Zealand and New South Wales, and one between Normanton in Queensland and Singapore, which the representatives of New South Wales, New Zealand, and Queensland, at the Intercolonial Conference held at Sydney in New South Wales, during the months of January and February, 1873, have agreed to recommend to their Governments to submit for the approval of their respective Parliaments.

The Council advise that the action taken by the Honorable the Colonial Treasurer and the Honorable the Commissioner of Customs as the representatives of New Zealand at the said Conference, in respect of the agreement for the construction of the said telegraphic cables, be approved, and that the said agreement be ratified, subject to the approval of the Parliament of New Zealand, to which it is to be submitted in its next Session.

June 4, 1873.
Approved in Council.
Approved—G. A. ARNEY.

FORSTER GORING,
Clerk of the Executive Council.

No. 8.

THE POSTMASTER GENERAL OF NEW ZEALAND to THE COLONIAL SECRETARY, NEW SOUTH WALES.

New Zealand Telegraph, Head Office,
Wellington, 8 October, 1873.

SIR,

I have the honor to enclose you herewith a copy of "The Telegraph Cables Subsidy Agreement Ratification Act, 1873," as passed at the last Session of the New Zealand Parliament.

I have, &c.,
JULIUS VOGEL.

NEW ZEALAND.

TRICESIMO SEPTIMO.

VICTORIÆ REGINÆ.

No. XXXVI.

Title. AN ACT to authorize the Governor to agree with the Governments of New South Wales and Queensland for jointly subsidizing Lines of Telegraph between New Zealand and New South Wales, and between Queensland and Singapore. [*29th September*, 1873.]

Preamble. WHEREAS certain Articles of Agreement were on the fourteenth day of February, one thousand eight hundred and seventy-three, made and entered into between the Honorable Henry Parkes and the Honorable Saul Samuel on behalf of New South Wales, and the Honorable Julius Vogel and the Honorable William Hunter Reynolds on behalf of New Zealand, and the Honorable Arthur Hunter Palmer and the Honorable J. Malbon Thompson on behalf of Queensland, which articles are as follows, that is to say,—

(1.) The three Colonies shall jointly enter into an arrangement for the construction of an Electric Cable, to be laid between some point in New Zealand and some point in New South Wales, and also a cable to be laid from Normantown, in Queensland, to Singapore; the latter to be a through cable, touching only at such points as may be agreed on, and to be entirely distinct the whole distance from the line between Port Darwin and Singapore.

(2.)

(2.) The arrangement to be for a guarantee of five per centum for a term not exceeding thirty-five years, upon a sum not exceeding one million pounds, for the cost of the two lines.

(3.) Twelve thousand pounds per annum to be allowed to cover in full all expenses. All receipts above twelve thousand pounds to pass in reduction of the guarantee. The contractors to retain receipts in excess of the guarantee; but if the profits are more than ten per centum, the Governments may require that the rate shall be lowered to amounts calculated to reduce the profits to ten per centum.

(4.) The guarantee to be paid only whilst the lines are in working order: Provided that four weeks in each year will be allowed for repairs. If the New Zealand line only be in order, one-third of the guarantee to be paid; if the Singapore line only be in order, two-thirds of the guarantee to be paid. If the lines are not kept in order with due diligence or if communication should permanently fail, the guarantee to cease.

(5.) The two lines to be commenced and constructed simultaneously.

(6.) The cost per message of twenty words from New Zealand to New South Wales not to exceed fifteen shillings, the charge for each word above twenty being ninepence; and the cost per twenty words from Normantown to Singapore not to exceed forty shillings for the first two years and thirty-five shillings afterwards, the charge for each word above twenty being two shillings.

(7.) Queensland to undertake to keep the land line to Normantown open for the use of the other contributing Colonies, at rates not to exceed at any time seven shillings for twenty words.

(8.) The three Governments to act in unison, and to jointly arrange the details.

(9.) This agreement, after being approved of by the respective Governments, to be subject to ratification by the respective Parliaments; and the details to be arranged in London, by representatives appointed by the three Colonies.

(10.) The Governments will require to be satisfied that the contractors have made proper provision for the use of a through line of communication between Singapore and London.

And whereas the said Agreement has been approved of by the Governments respectively of New South Wales, New Zealand, and Queensland; and it is expedient that the same should, on the part of New Zealand, be ratified by the General Assembly of New Zealand:

Be it therefore enacted by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same as follows:—

Short title.

1. The short title of this Act shall be "The Telegraph Cables Subsidy Agreement Ratification Act, 1873."

Authority to ratify contract.

2. The Governor, with the advice of the Executive Council of New Zealand, may subject to and with the modifications (if any) hereby authorized to be made, ratify the said Articles of Agreement, and the same, subject to and with such modifications (if any), being so ratified, shall be binding on New Zealand.

Authority to vary terms.

3. The Governor in Council, or any person authorized by the Governor in Council in that behalf, may, subject to the provisions of this Act, agree with the Governments of New South Wales and Queensland respectively, or any person or persons duly authorized to act for such Governments respectively, for any modifications of the said agreement, excepting always as regards the third article of the said agreement.

Authority jointly with New South Wales and Queensland to contract with company, &c.

4. The Governor in Council, or any person authorized by the Governor in Council in this behalf, may, subject to the provisions of this Act, jointly with the Governments of New South Wales and Queensland respectively, or any person or persons duly authorized to act for such Governments respectively, agree with any company or person for the construction and maintenance of the said Telegraph Cables on the terms and conditions contained in the said Articles of Agreement, subject to and with the modification of the same (if any) agreed upon under the powers contained in the preceding section of this Act.

Expenditure not to exceed £17,000 annually for thirty-five years.

5. It shall not be lawful, by any modification of the said recited agreement, or by any agreement with any company or person entered into under the provisions of the preceding section, to stipulate for the expenditure of any money from the revenue of New Zealand for the purposes of any such agreement as aforesaid, exceeding seventeen thousand pounds in any one year, nor shall any such modification or agreement be made stipulating for such expenditure during a period exceeding thirty-five years.

Appropriation of £17,000 annually for thirty-five years.

6. For the purposes aforesaid there shall and may from time to time be issued and applied, in each and every year during the period of thirty-five years commencing from the time of the completion of the said lines of telegraph, out of the Consolidated Fund, any sum or sums not exceeding seventeen thousand pounds.

Agreement to contain stipulations for expeditious construction and proper maintenance of cable.

7. Any agreement entered into under the authority of this Act for the construction and maintenance of the said Telegraph Cable shall contain a stipulation for the expeditious construction thereof, and a stipulation that, in accordance with the terms contained in a letter dated the third day of March last, addressed by Mr. Audley Coote to Mr. Vogel, the cables to be used shall be such as shall be approved of by an engineer appointed or approved of by or on behalf of the respective Governments of New South Wales, New Zealand, and Queensland; and also a stipulation that if either of the lines is not kept in order with due diligence, or if communication through either of the two lines should permanently fail, the guarantee shall cease.

Agreement to contain provisions by which any of the Governments may purchase lines.

8. Any agreement entered into under the authority of this Act shall contain, if the Governments of New South Wales and Queensland agree to such modification, provisions in virtue of which all or any of the Governments may purchase either or both of the lines.

If no agreement entered into under section 4 agreement may be entered into for telegraph cable between New Zealand and Australia.

9. The Governor in Council, or any person at any time authorized by the Governor in Council in this behalf, may, in the event of no agreement being entered into under the fourth section of this Act, agree, by way of guarantee of interest on outlay, with any company or person for the construction, maintenance, and working of a submarine electric telegraph cable between New Zealand and any of the Australian Colonies, on such terms and conditions as the Governor in Council, or such person so authorized as aforesaid, as the case may be, may think fit, subject to the following conditions:—

Agreement not to involve expenditure exceeding £20,000 for thirty-five years.

(1.) That such agreement shall not involve an expenditure out of the revenue of the Colony exceeding the annual sum of twenty thousand pounds, nor for such expenditure during a period exceeding thirty-five years, commencing from the date of such agreement.

(2.) That the agreement shall contain stipulations to the following effect:—

(*a.*) A sum per annum shall be fixed in the agreement as allowance to cover in full all expenses. In the event of the agreement being made by an agent or agents appointed by the Governor in Council, the sum fixed in the agreement shall not be in excess of a sum to be fixed by the Governor in Council in instructions to be given to the agent or agents, but it shall not be incumbent upon the contractors to call for a perusal of such instructions.

All receipts above the sum fixed to pass in reduction of the guarantee. The contractor to retain receipts in excess of the guarantee; but if the profits are more than ten per centum, the Government to be empowered to require that the rates shall be lowered to amounts calculated to reduce the profits to ten per centum.

(*b.*) For the expeditious construction of the line; and that if the line is not kept in order with due diligence, or if communication by the line should fail, the guarantee to cease.

(*c.*) That the guarantee shall be payable only whilst the line is in working order; and that four weeks in each year will be allowable for repairs; and that the cables to be used shall be subject to approval by an Engineer to be appointed or approved of by the Governor or such person as shall be authorized to enter into the agreement.

(*d.*) That the cost per message of twenty words from New Zealand to Australia do not exceed fifteen shillings, and the charge for each word above twenty not to exceed ninepence.

(*e.*) That the line may be purchased by the Government of New Zealand on terms to be specified in the agreement.

Appropriation for the purpose.

In the event of an agreement being entered into under the authority of this section of this Act, there may, for the purpose of such agreement, be issued and applied in each and every year during the period mentioned in the first subsection of this section, out of the Consolidated Fund, any sum or sums not exceeding twenty thousand pounds.

No. 9.

THE COLONIAL SECRETARY, QUEENSLAND, to THE COLONIAL SECRETARY, NEW SOUTH WALES.

Colonial Secretary's Office,
Brisbane, 5 November, 1873.

SIR,

I have the honor to inform you that a copy of the "Telegraph Cables Subsidy Agreement Ratification Act, 1873," as passed in the last Session of the New Zealand Parliament, has been received from the Government of that Colony, with an intimation by wire "that they are prepared to appoint an agent in London to arrange contract as soon as New South Wales and Queensland are ready to do the same."

A resolution approving of the memorandum of conditions adopted at the last Intercolonial Conference for the construction of a Telegraph Cable between Singapore and Norman Mouth and between New South Wales and New Zealand, was agreed to by the Legislative Assembly of Queensland, on 18th June last, and received the concurrence of the Legislative Council on the day following, and I have now the honor to request that you will be good enough to inform me what steps (if any) have been taken by your Government to ratify the agreement referred to, and which has been approved of by the Governments respectively of New South Wales, New Zealand, and Queensland.

I have, &c.,
A. H. PALMER.

[One map.]

Sydney: Thomas Richards, Government Printer.—1874.

[1*s.*]



NORTH SEA
SCOTLAND
DENMARK
BALTIC SEA
ENGLAND
IRELAND
to America
to America
RUSSIA
PRUSSIA
FRANCE
BAY OF BISCAY
AUSTRIA
BLACK SEA
CASPIAN SEA
SPAIN
MEDITERRANEAN SEA
EGYPT
TEHERAN
PERSIA
ARABIA
AFRICA
ARABIAN SIA
TIBET
INDIA
CHINA
BAY OF BENGAL
SUMATRA
BORNEO
JAVA SEA
PAPUA OR NEW GUINEA
CORAL SEA
JAPAN SEA
PACIFIC OCEAN
INDIAN OCEAN
AUSTRALIA
Madagascar
About 3000 Miles to Singapore
Sydney to Auckland 1260
Sydney to Oneneingerlie
Sydney to Cape Farrell 1100
About 900 Miles
Lines to America in connection with the Indo European line
Lines of the Govt of India
Lines in existence beyond India
Indo European line via Teheran and connections
Lines of the proposed Indo Australian Telegraph Company in connection with the Indo European Telegraph Company
Messrs Siemens Bros and Audley Coote
Messrs Siemens, Brothers, Contractors
The Indo European Telegraph Company
The Indo Australian Telegraph Company
and Audley Coote
(Sig. 464)

1873–4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON

WHARF ACCOMMODATION, SYDNEY HARBOUR;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND

APPENDIX.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
25 *June*, 1874.

SYDNEY: THOMAS RICHARDS, GOVERNMENT PRINTER.

1874.

[10*s*.] 574—

1873–4.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY.

VOTES No. 123. WEDNESDAY, 29 APRIL, 1874.

5 WHARF ACCOMMODATION, SYDNEY HARBOUR ("*Formal*" *Motion*) :—Mr. Parkes moved, pursuant to Notice,—

(1.) That a Select Committee be appointed, with power to send for persons and papers, to consider and report upon the best means of improving the Wharf Accommodation of Sydney Harbour, and providing greater facilities for the loading and unloading of vessels.

(2.) That such Committee consist of Mr. John Robertson, Mr. Allen, Mr. Clarke, Mr. Sutherland, Mr. G. A. Lloyd, Mr. Macintosh, Mr. Wearne, Mr. Hoskins, Mr. Watson, and the Mover.

Question put and passed.

VOTES No. 126. MONDAY, 4 MAY, 1874.

3. WHARF ACCOMMODATION, SYDNEY HARBOUR :—Mr. Parkes (*with the concurrence of the House*) moved, without Notice,—That the Report from the Select Committee on "Wharf Accommodation, Sydney Harbour,"—together with the Proceedings of the Committee, Minutes of Evidence, and Appendix, ordered to be printed on the 24th April, 1873, be referred to the Select Committee now sitting on that subject.

Question put and passed.

VOTES No. 158. THURSDAY, 25 JUNE, 1874.

5. WHARF ACCOMMODATION, SYDNEY HARBOUR :—Mr. Parkes, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and of Evidence taken before, the Select Committee for whose consideration and report this subject was referred on 29th April, 1874, together with Appendix.

Ordered to be printed.

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1873–4.

WHARF ACCOMMODATION, SYDNEY HARBOUR.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, appointed on the 29th April, 1874,—"*with power to send for persons and papers, to consider and report upon the best means of improving the Wharf Accommodation of Sydney Harbour, and providing greater facilities for the loading and unloading of Vessels*—to whom was referred, on the 4th May, 1874, *the Report from the Select Committee on 'Wharf Accommodation, Sydney Harbour,' together with the Proceedings of the Committee, Minutes of Evidence, and Appendix, ordered to be printed on the 24th April*, 1873,"—have agreed to the following Report:—

Your Committee have examined the witnesses named in the List,* whose evidence they now beg to lay before your Honorable House. Plans of the projected Improvements of the Wharf Accommodation of Sydney Cove, as explained in the evidence of several witnesses, have been submitted to your Committee, but owing to the close of the Session, sufficient consideration has not been given to the subject to justify any specific recommendation.

*See List, page 7.

Your Committee, therefore, report the evidence, together with the plans, to your Honorable House without making any comment thereon.

HENRY PARKES,
Chairman.

No. 3 *Committee Room*,
Sydney, 25*th June*, 1874.

PROCEEDINGS OF THE COMMITTEE.

TUESDAY, 5 *MAY*, 1874.

MEMBERS PRESENT:—

Mr. Parkes, Mr. G. A. Lloyd, Mr. Sutherland, | Mr. Macintosh, Mr. Clarke, Mr. Wearne,

Mr. Watson.

Mr. Parkes called to the Chair.

Entry from Votes and Proceedings, appointing the Committee, and referring Paper to the Committee, *read* by the Clerk.

Committee deliberated.

E. O. Moriarty, Esq. (*Engineer-in-Chief for Harbours and Rivers*), called in and examined.

Witness *produced* Plans showing proposed Improvements in the Wharf Accommodation, Circular Quay; and *handed in* a copy of Specifications for Ironwork for Sydney Cove Wharf, which was ordered to be appended. (*See Appendix* AA 1.)

Witness withdrew.

Committee deliberated.

Ordered,—That Norman Selfe, Esq., Captain Farquhar, and Captain Ward, be summoned to give evidence next meeting.

[Adjourned to Thursday next, at *Two* o'clock.]

THURSDAY, 7 *MAY*, 1874.

MEMBERS PRESENT:—

Mr. Parkes in the Chair.

Mr. Sutherland, | Mr. Wearne,

Mr. Watson.

Norman Selfe, Esq., called in and examined.

Witness *handed in* copy of Specifications of Ironwork for Sydney Cove Wharf, which was ordered to be appended (*See Appendix* BB 1); also *handed in* Plans of proposed Improvements at Sydney Cove Wharf, and *produced* model of same.

Witness withdrew.

Captain John Ward (*Ship "British Statesman"*), called in and examined.

Witness withdrew.

The Chairman (Mr. Parkes) withdrew from the Committee, and Mr. Sutherland was called to the Chair *pro tem.*

Captain A. B. Farquhar called in and examined.

Witness withdrew.

Committee deliberated.

[Adjourned to Monday next, at *Two* o'clock.]

MONDAY, 11 *MAY*, 1874.

MEMBERS PRESENT:—

Mr. Parkes in the Chair.

Mr. Sutherland, Mr. Wearne, | Mr. Macintosh, Mr. Clarke.

Clerk submitted letters from Messrs. Selfe and Musson, forwarding additional Plans for the Improvements to Sydney Cove Wharf.

Committee deliberated.

Letter of Mr. Selfe *read* and plan laid before the Committee, and letter of Mr. Musson deferred for further consideration.

Captain Munro called in and examined.

Witness withdrew.

Captain Myhill (*Harbour Master*), called in and examined.

Witness withdrew.

Commander Gowland, R.N., called in and examined.

Witness withdrew.

Clerk submitted documents forwarded by Mr. Moriarty with a request that they might be printed with his evidence. Ordered to be appended. (*See Appendix* AA 2, 3, 4, and 5.)

Committee deliberated.

Ordered,—That John Booth, Esq., M.P., be requested, and John Musson, Esq., be summoned, to give evidence next meeting.

[Adjourned to Wednesday next, at *Two* o'clock.]

WEDNESDAY,

WEDNESDAY, 13 *MAY*, 1874.

MEMBERS PRESENT:—

Mr. Parkes in the Chair.

Mr. Hoskins, | Mr. Wearne,

Mr. Sutherland.

John Booth, Esq., M.P., called in and examined.

Witness *produced* Plans of Improvements of Circular Quay Wharf, also samples of various woods which had been immersed in sea-water for a number of years.

The Chairman (Mr. Parkes) withdrew from the Committee, and Mr. Sutherland was called to the Chair *pro tem.*

Examination continued.

Witness withdrew.

Committee deliberated.

Ordered,—That John Booth, Esq., M.P., be requested, and John Musson, Esq., be summoned, to give evidence next meeting.

[Adjourned to Friday next, at *Two* o'clock.]

FRIDAY, 15 *MAY*, 1874.

MEMBERS PRESENT:—

Mr. Parkes in the Chair.

Mr. Sutherland, | Mr. Macintosh,
Mr. Wearne, | Mr. Hoskins.

John Booth, Esq., M.P., called in and further examined.

Witness withdrew.

Clerk *read* letter from Mr. Musson, which had been deferred for further consideration.

Committee deliberated.

John Musson, Esq., C.E., called in and examined.

Witness *handed in* Plans for the Improvement of Sydney Cove Wharf.

Witness withdrew.

Committee deliberated.

Ordered,—That John Musson, Esq., Captain Hixson, and G. R. Dibbs, Esq., be summoned to give evidence next meeting.

[Adjourned to Tuesday next, at *Two* o'clock.]

TUESDAY, 19 *MAY*, 1874.

MEMBERS PRESENT:—

Mr. Parkes in the Chair.

Mr. Sutherland, | Mr. Macintosh,
Mr. Hoskins, | Mr. Wearne.

John Musson, Esq., C.E., called in and further examined.

Witness to supply Abstracts of his several Tenders for the construction of Sydney Cove Wharf which were ordered to be appended. (*See Appendices* CC 1 *and* CC 2.)

Witness withdrew.

Captain Hixson (*President of the Marine Board*) called in and examined.

Witness withdrew.

George Richard Dibbs, Esq. (*a Member of the Marine Board*), called in and examined.

Witness withdrew.

Committee deliberated.

Ordered,—That E. O. Moriarty, Esq., be summoned to give evidence next meeting.

[Adjourned to Thursday next, at *Two* o'clock.]

THURSDAY, 21 *MAY*, 1874.

MEMBERS PRESENT:—

Mr. Parkes in the Chair.

Mr. Hoskins, | Mr. Sutherland,
Mr. Wearne, | Mr. Watson,

Mr. Macintosh.

E. O. Moriarty, Esq., called in and further examined.

Witness *produced* samples of piles which had been immersed in water for some time, also copper used for covering piles, and also diagrams of retaining walls of various works.

Witness withdrew.

Committee deliberated.

Ordered,—That E. O. Moriarty, Esq., be summoned to give evidence next meeting.

[Adjourned to To-morrow, at *Two* o'clock.]

FRIDAY,

FRIDAY, 22 *MAY*, 1874.

MEMBERS PRESENT:—

Mr. Hoskins, | Mr. Watson,
Mr. Wearne, | Mr. Parkes,

Mr. Macintosh.

In the absence of the Chairman, Mr. Hoskins called to the Chair *pro tem.*
E. O. Moriarty, Esq., called in and examined.
The Chairman (Mr. Parkes) entered the room and took the Chair.
Witness withdrew.
Committee deliberated.
Re-assembling of the Committee to be arranged by the Chairman.

[Adjourned.]

THURSDAY, 4 *JUNE*, 1874.

MEMBERS PRESENT:—

Mr. Parkes in the Chair.

Mr. Hoskins, | Mr. Sutherland,

Mr. Wearne.

Clerk *read* letter from Mr. Moriarty, submitting further improved Plan for Sydney Cove Wharf.
Plan before the Committee.
E. O. Moriarty, Esq., called in and further examined.
Witness withdrew.
Committee deliberated.
Letter from Mr. Musson to the Chairman, enclosing Specification for works for Circular Quay Wharf, which was *read* by the Clerk on 15 May. Ordered to be appended. (*See Appendix* CC 3.)
Ordered,—That John Young, Esq., be summoned to give evidence next meeting.

[Adjourned to Tuesday next, at *Two* o'clock.]

TUESDAY, 9 *JUNE*, 1874.

MEMBERS PRESENT.

Mr. Hoskins, | Mr. Sutherland,

M. G. A Lloyd.

In the absence of the Chairman, Mr. Sutherland called to the Chair *pro tem.*
Clerk submitted letter from Mr. W. Wakeford to Mr. Moriarty, in reference to construction of Victoria London Docks, with a request from Mr. Moriarty that same should be appended. (*See Appendix* AA 6.)
John Young, Esq., called in and examined.
Witness withdrew.
Committee deliberated.
Re-assembling of the Committee to be arranged by the Chairman.

[Adjourned.]

FRIDAY, 19 *JUNE*, 1874.

In consequence of the House having adjourned over to Monday next, the meeting called for this day could not be held.

TUESDAY, 23 *JUNE*, 1874.

MEMBERS PRESENT:—

Mr. Parkes, | Mr. Sutherland.

In the absence of a quorum the meeting called for this day lapsed.

WEDNESDAY, 24 *JUNE*, 1874.

MEMBERS PRESENT:—

Mr. Sutherland, | Mr. G. A. Lloyd,
Mr. Macintosh, | Mr. Hoskins,

Mr. Clarke.

In the absence of the Chairman, Mr. Sutherland called to the Chair *pro tem.*
Norman Selfe, Esq., called in and further examined.
Witness *handed in* plan showing comparative sections of Harbour and Wharf Walls.
Witness withdrew.
Committee deliberated.
Re-assembling of the Committee to be arranged by the Chairman.

[Adjourned.]

THURSDAY,

THURSDAY, 25 *JUNE*, 1874.

MEMBERS PRESENT:—

Mr. Parkes in the Chair.

Mr. G. A. Lloyd,	Mr. Macintosh,
Mr. Wearne,	Mr. Watson.

Chairman submitted letters (*See Appendix* DD) from Mr. Woore, with Plan for the proposed Wharf Accommodation, Sydney Cove.

Plan before the Committee.

Ordered,—That the Plans for the proposed improvement of the Wharf Accommodation, Sydney Cove, be appended to the Report, together with photo-lithograph of Piles referred to in Mr. Moriarty's evidence. (*See Separate Appendix.*)

Chairman submitted Draft Report; same *read* and *agreed* to.

Chairman to report to the House.

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1873–4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON

WHARF ACCOMMODATION.

TUESDAY, 5 MAY, 1874.

Present:—

MR. PARKES,
MR. SUTHERLAND,
MR. MACINTOSH,
MR. WEARNE,
MR. WATSON,
MR. G. A. LLOYD,
MR. CLARKE.

THE HON. HENRY PARKES, ESQ., IN THE CHAIR.

Edward Orpen Moriarty, Esq., Engineer-in-Chief for Harbours and Rivers, called in and examined:—

E. O. Moriarty, Esq. 5 May, 1874.

1. *Chairman.*] The Committee are desirous of hearing from you any opinion or evidence you desire to offer, now that plans and estimates of the projected improvements at the Circular Quay have been prepared. I believe you have the plans prepared by yourself here? Yes, the contract plans and working drawings.
2. If you will look at the Report of the Committee of last Session, you will find in Appendix B a sketch of your plan, I think? Yes.
3. In the plan as now prepared is there any modification from what is represented in this sketch, Appendix B? There are modifications.
4. Will you be kind enough to point out what the difference is? You will observe that the centre berth, opposite which the "Sobraon" is represented in the preliminary sketch, is shown as 60 feet in width; in the detailed working drawings I propose making that 140 feet in width. I also propose to do away with another berth 60 feet wide, opposite the centre of the Circular Quay, and to have only two berths there. The third berth I propose to place on the west side of the Prince's Stairs. I have a plan here which will show that.
5. Do you produce a plan which you have prepared for the work? I produce all the plans and detailed working drawings which I have prepared for the work; also a general plan showing the whole of the cove. (*Plans produced.*) Two of these plans show the arrangement of the berths as I now propose to place them. Berth No. 5, on the original preliminary sketch, was only 60 feet in width; I now propose to make it 140 feet, and I have shown opposite to it a steamer of the size of the "Mikado"—380 feet long—berthed at it. At No. 1 I also show a berth, as I now propose, for moderate sized vessels, but with capacity for extension also to be able to berth vessels of the size of the "Mikado"—380 feet. On the western side of the Circular Quay there will be also two berths for vessels of that length, opposite the Commissariat Stores; so that by this arrangement we can have four berths capable of taking in the largest ships that have ever visited this port or are likely to visit it. At berths 9 and 11 we shall be able to berth vessels of the size of the Torres Straits steamers 300 feet long. No. 10 would not take a vessel of that length. The ship shown opposite No. 10 is a vessel of 230 feet long; that is the length of the "Parramatta." All the other berths are for vessels of the size of the "Sobraon" and "Parramatta." The result of the new arrangement will be to spread the berths further down to the north-east than was originally sketched, and one berth is taken away from between Phillip-street and the Prince's Stairs, which I have placed at the western side of the Prince's Stairs instead. Another alteration is to increase the area of all the berths considerably—in fact, by about a third. The area of the berths, as originally proposed, was 67,140 superficial feet, available for eleven berths; on the detailed plans I now propose, the area of wharf is 103,128 superficial feet, or a little over a third greater than originally proposed. I should explain that

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when an engineer comes to work out a design in detail he generally finds he has to modify the original sketch very considerably, and that he can often improve upon it; and that I have been able to do here. I also propose to widen the roadway opposite Flood's stores, which is too narrow at present for the large traffic, by twenty feet; and the back of the wharf is so arranged that, a double line of railway can be brought round the whole of the berths if it is ever determined to carry the railway down there, still leaving the same width of roadway opposite Flood's stores as at present. I propose having a bonded store and open shed on each wharf, and of these I have prepared sketches. (*Produced.*) These show the ground plan of the wharf and the elevation of the iron sheds.

6. *Mr. Sutherland.*] What is the size of the bonded stores and the size of the sheds? Each bonded store is 60 feet by the full width of the wharf, and the open shed covers the whole of the remainder of the wharf.

7. *Mr. Watson.*] You speak of a vessel of the length of the "Mikado"—380 feet—is that from stem to stern, or between perpendiculars? 380 feet over all.

8. From stem to stern? Yes.

9. You said just now that you would leave the roadway opposite Flood's stores the same width as at present, and also have space for a railway and sheds besides. How much of the Circular Quay do you take in? Nothing there, because the wharf, as I now propose it, will run over the water at that point, taking 25 feet off the water space.

10. You widen the roadway by curtailing the water? Yes; I take 25 feet off the water and throw it into the roadway, which is now only 55 feet.

11. *Mr. Macintosh.*] Can a vessel be securely berthed at No. 5, the centre jetty? Yes; the vessel would be supported against the wharf for 140 feet of the centre of her length, in addition to which there would be a dolphin at either end, parallel with the face of the wharf, which would support her nearly up to the stem and stern.

12. So that the chains would not have to cross? Not in the slightest degree. There is no crossing of chains in this plan. In this plan you will observe that the vessel at No. 6, if she is to go out, must go out clear of this ship here, so that the dolphin, while supporting the inner vessel, would also support the outer vessel.

13. Have you a plan of the dolphin here? No. There is a dolphin of the same kind at the entrance of the Darling Harbour bridge. A dolphin consists of a group of piles spread out at foot and braced together at the head.

14. *Mr. Watson.*] What is the width of the sheds? 42 feet by the full length of the wharf, which is 180 feet.

15. You propose to take something off the water space opposite Flood's stores, to widen the roadway? Yes, I propose to carry out a wall to widen the space opposite Flood's stores by 25 feet; in other places I take less. No. 1 berth takes about 40 feet off the water—34 feet at its narrowest end.

16. What is the width of the road at the present time at berth 7? The narrowest part of the road is 65 feet. I propose taking in 25 feet by solid reclamation, for which the bottom is very favourable, because the rocks come rather close to the surface there, and the space is now valueless for practical purposes, because vessels have to lie a considerable distance off.

17. *Mr. Macintosh.*] Would the wharf, as a whole, as you propose it, be capable of mooring ships like the "Parramatta," "Hydaspes," "Sobraon," and "Abergeldie"? Yes.

18. Will the wharf admit of this class of ships being moored and unmoored separately, and admit of a lighter lying alongside to discharge or take in cargo on the outside? Yes. The wharf has been designed specially with this object. A lighter can lie with perfect safety outside each ship.

19. What is the number of surface feet on the top of the wharf according to your plan, so far as the iron and wood work is concerned? Without limiting it to the iron and wood work, the whole wharf area is 103,128 superficial feet.

20. What is the amount of your estimate for the whole wharf complete according to the plan under consideration? £88,458.

21. Does that include iron-work, wood-work, stone retaining walls, roadway, and, in fact, the whole work complete? It includes the whole of the work now proposed.

22. Iron and all? Yes, iron-work and everything. With the sheds it is £88,458; without the sheds, £65,701.

23. *Chairman.*] How much is that for the sheds? About £23,000. I may state that this estimate is formed upon tenders invited for the work in England. Detailed plans copied from these plans were sent home to the Colonial Agent, and he was requested to invite tenders in England; and copies of these tenders are here.

24. *Mr. Wearne.*] What has been the cost of the Darling Harbour Wharf? Speaking from memory, the Darling Harbour Wharf has cost about £46,000.

25. What is the superficial area of that wharf? It is 1,240 feet long by 36 feet wide, giving an area, with the projections, of 52,350 feet.

26. And the cost has been £46,000 up till now? Yes.*

27. What will it be when completed? We have £10,000 more to expend upon it in planking and construction of back walls.

28. Is it likely that this wharf can be done cheaper than Darling Harbour Wharf, in proportion to the area? It is not a question of rule of three at all. It does not follow that because Darling Harbour Wharf of a certain area cost a certain sum this must cost a sum in proportion. I will explain to you why. You will observe that at berths 2, 3, 4, 5, and 6, and also at 11, I propose to bring my wharf space over the roadway, there being ample room for the purpose. Opposite berth 5 I propose coming back about 25 feet over the present ground, and that I am able to do by reason of the natural projection at that point; and it is the same with berth 4. I propose to come in on the present natural surface, taking off some of the roadway and reducing it to a uniform width throughout. These red lines on the plan represent reclamation from the harbour, but at berths 6, 5, and 4, I come in over the present surface and make that wharf space, it not being required for the purpose of a roadway. The expense is of course reduced in proportion.

29. There are far more expenses connected with this wharf than with Darling Harbour Wharf? I cannot see that.† 30.

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* NOTE (*on revision*):—The iron-work has cost £43,072. The total expenditure to the present has been £46,689.

† NOTE (*on revision*):—On the contrary, in the proposed wharf the row of back cylinders and girders required at Darling Harbour are dispensed with, as the inner side of the wharf rests on the solid ground and existing wharf-wall.

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30. Have you not based your calculations on the cost of the work in Darling Harbour? No, I have based my calculations on the cost of iron as stated in the English tenders I have referred to.
31. *Mr. Watson.*] What date? 23rd January, 1874. I have also received three tenders in the Colony for the supply and erection of the iron portion of the wharf—not for the retaining walls or reclamation.
32. What are these tenders? Mr. Musson's for £72,000; Mr. Charles Fowler's, for which Mr. Williams is practically the contractor, for £89,000; and that of Messrs. Montefiore, Joseph, & Co., represented by Captain Mann, for £104,000.
33. *Mr. Macintosh.*] Will this wharf at the Circular Quay accommodate ships equal to those that can be berthed at Darling Harbour? It will give two more berths, and the accommodation will be quite equal or superior to that at Darling Harbour; in fact, a larger class of ships, and a greater number of them, will be accommodated at the Circular Quay.
34. Is iron-work as durable for wharfs as stone or timber—what is the comparative durability of iron-work and of our Colonial timber—ironbark, for instance—for this purpose? My experience of timber is that you cannot calculate on its lasting more than twenty years, while iron will last for centuries.
35. At what rate do you estimate corrosion in iron girders, and how thick is the thinnest part of the girder? The thinnest part of the plates is about five-eighths of an inch. The corrosion of the girders, if properly painted, is nil—if properly protected. The corrosion of cast iron cylinders *in water*, according to the best authorities, and according to my own experience, is about one-sixth of an inch in a century.
36. *Chairman.*] When you say iron will last for a century, is your statement based upon actual experience—is there any case where iron wharfs have been constructed for that length of time? Not for a century.
37. How do you arrive at the conclusion you have stated to the Committee,—that iron will last for a century? I find in the Transactions of the British Association the following passage in reference to the corrosion of cast iron:—

Extract, page 3, art. 288.

"The rate of corrosion is a decreasing one, at least when the coating of plumbago and rust has been removed prior to second immersion, which was unavoidable in these experiments. But, as I shall hereafter show, where this coating remains untouched, the rate of corrosion remains much more nearly uniform, and is nearly proportionate to the time of reaction in given conditions."

NOTE.—At pages 52-53 are given the rates and amounts of corrosion of different kinds of iron; the mean of the several samples of cast iron experimented on being 1·6th inch in a century in pure sea-water. In foul sea-water the corrosion is somewhat more, but not much, being as about 8 to 7. (See Table, page 52.)

38. Whose opinion is that? This is the report of a sub-committee of the British Association on the subject of the rate of corrosion of iron in sea-water, pure sea-water, foul sea-water, pure river-water, foul river-water, and in air. The report is drawn up by Mr. Mallett, one of the committee, a member of the Institute of Civil Engineers.
39. *Mr. Macintosh.*] Has climate any effect in hastening corrosion? Yes; it is found that a moist warm atmosphere is much more conducive to corrosion than a cold dry one.
40. What is the effect when sea-water is polluted by sewage? Iron corrodes more rapidly in foul sea-water than in pure sea-water.
41. You remember the "Megæra" an iron ship wrecked at St. Paul's? Yes.
42. Are you aware that in that vessel plates of 5-8ths of an inch thick rusted through in twenty years? Yes; but this has to be borne in mind,—that iron ships are constantly passing through the water at high velocity, and the friction tends to reduce the thickness of the iron; besides which, the copper of the various pipes, connecting steam-pipes, and so on, going through the vessel's bottom, which are all of brass or gun-metal, hastens corrosion very rapidly.*
43. Was the iron referred to in the extract you have read subjected to vibration? The iron was placed in large boxes and immersed in water for two years.
44. But not subjected to vibration? No. The effect of vibration on iron is considered to diminish corrosion; and it is shown in this way,—that iron rails over which trains are constantly passing do not corrode at anything like the same rate as iron rails laid upon the ground and not in use. I was going on to say that in this book is tabulated the exact amount of corrosion that may be expected in pure sea-water, foul sea-water, clear fresh-water, and polluted fresh-water. The very purest boiler-plate iron—Low Moor-plate—corrodes at the rate of one-fifth of an inch in a century, and the mean of twelve samples of cast-iron at the rate of one-sixth of an inch in a century.
45. Have you had any experience with regard to the corrosion of iron in this Colony? I have. I produce the fragment of a gun that was found in the wreck of the "Robert Sayers"—a barque that was burnt and sunk above Darling Harbour Bridge over twenty years ago—when we blew her up, about eighteen months ago. She had been lying at the bottom to my certain knowledge for at least twenty years. You will observe that the moulding all round the gun is not even defaced. (*Fragment of gun produced.*)
46. *Chairman.*] What is that inside? Rust and mud.
47. *Mr. Macintosh.*] You say this sample has been immersed in sea-water? In foul sea-water, the very foulest in this harbour, for over twenty years. I had this taken to Cockatoo and turned in the lathe to get at the sound metal, but they have cut far below the rust.
48. *Chairman.*] Will not the constituent qualities have much to do with the rate of corrosion, both in the composition of the iron itself and also in the composition of the water; first of all, might not one quality of iron be much less susceptible to rust than another quality? Yes, that is the case; wrought iron corrodes much more rapidly than cast iron.
49. Without going into the difference between wrought and cast iron, is it not the case that some kinds of iron are much inferior to other kinds? Yes.
50. Would not inferior iron be much more liable to corrosion than superior iron? Yes.
51. So that the rate of corrosion would vary with the quality of the iron acted upon by the cause of corrosion? Yes, no doubt.
52. Then with regard to the composition of the water, is it not the case that some water has constituent elements which cause it to corrode iron much more severely than other water? Yes; water that contains any

* NOTE (*on revision*):—In paragraph 331, page 15 of the above-mentioned papers, occurs the following passage:—"The lower part of an iron ship's floor is exposed to putrid bilge-water, which, on grounds already stated, is an agent of great corrosive power, and when heated, as beneath the boilers in steam-vessels, its effect is greatly increased." The "Great Britain" has to my own knowledge been running over thirty (30) years, and is still perfectly sound.

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any copper in solution; pumps in copper mines corrode with extraordinary rapidity, but ordinarily sea-water varies very little in its constituents. It is found that iron castings made in green sand get a skin of silicate from the mould over the surface of the iron, which protects it greatly—it forms a regular coating of silica over the surface of the iron.

53. *Mr. Macintosh.*] Cast iron, as a general rule, is full of air? Not if properly cast.

54. Take iron as supplied as a merchantable article—it is frequently full of fissures and air-bubbles? Some iron is so, but in order to obviate that, we always specify that cylinders and such like things shall be cast under a head of metal, and the weight of the iron in the head forces out all the air-bubbles.

55. *Chairman.*] Would it be at all likely that the iron structure of this wharf would be of as fine quality as the iron in that gun? It would be of a class not so liable to corrode, because guns are generally made of soft iron, because being softer it is tougher. The iron we use for wharf purposes is of very hard quality, and the harder it is the less liable to corrosion.

56. *Mr. Macintosh.*] Cast iron is frequently as hard as steel? Yes, and it is mentioned in the report I have quoted that the effect of immersion is to harden iron a little.

57. You have seen the other plan exhibited, with regard to wharf accommodation at the Circular Quay? Yes.

58. Do you think this plan affords accommodation in as complete degree as the other? I am quite convinced it does, and at a very much cheaper rate.

59. Suppose the Government were to resume the whole of the land from the Queen's Wharf to Dawes' Point,—do you not think it would be better and more easy to have the accommodation on the western side of the wharf than the eastern side—that is Campbell's Wharf, and under the public-house at Argyle-street? I think not. If you look at the survey of the western side of the harbour, you will find the water off Dawes' Point is very shallow; the shore projects a long way out with very shallow water. The red buoy is a long way, and there is very little water there, not enough for large vessels.

60. I do not mean to take in Dawes' Point, but Campbell's Wharf and Pile's Wharf—would you recommend the Government to resume Campbell's Wharf, or such portion of it as might be required for wharf accommodation? No, I do not see any object to be gained by it; I do not think it would facilitate the trade of the port in any way.

61. Would you recommend the Government to resume that portion of land that is under the public-house at Argyle-street;—then the whole of the land on the east side of George-street would be in the hands of the Government? I should not like to give an opinion on the matter without thinking more over it. I have not considered it yet.

62. In the maintenance of the Circular Quay, has it been found that the owners of Campbell's Wharf make use of the wood portion—the plank portion of it, without maintaining it? I believe it is a matter of law. I remember when that gate was closed, and when Campbell's people broke it open; and speaking from memory. I think the question was tried and it was found that the Government had no right to exclude the traffic of Campbell's Wharf from the Circular Quay, which is a proclaimed thoroughfare.

63. *Mr. Wearne.*] Could you give us the names and the amount of the tenders received from England—For what did you call for tenders in England? For the supply and delivery of the whole of the iron-work free on board ship, according to plan and specification. The plan I have laid before you, and this is the specification. [*Specification handed in. See Appendix* AA 1.] The names of the tenderers and the amounts are:—

Horsely Company	£51,950
Lloyds, Foster, & Co. (delivered on board at London)	49,473
Do. („ „ Liverpool)	48,740
Kennard & Co. (at Newport)	56,619
Do. (at Liverpool)	57,082
Fairburn Engineering Company (at Liverpool)	59,149
Canada Works, Birkenhead (at London)	60,543
Cochrane & Co. (at London)	58,464
Do (at Liverpool)	58,097
Campbell, Johnson, & Co.	54,122
Bridge and Roofing Company (at London or Liverpool)	54,314
Carter, Ford, & Co. (at London or Liverpool)	48,948

64. Were the tenders called for in the Colony on the same specification for the iron-work? The same specification precisely for the iron-work, but including the erection of it also.

65. For what were tenders called for in the Colony? For the supply and erection of the iron-work.

66. Will you kindly give us now the tenders obtained in the Colony? Mr. Musson, £72,222; Messrs. Fowler and Williams, £89,898; and Messrs. Montefiore, Joseph, & Co., £104,000.*

67. *Chairman.*] Those tenders were for the erection of the works complete, sheds and all? Yes.

68. *Mr. Wearne.*] Including the stone-work? No; all the iron-work, sheds, and wharfs, but not the stone-work or reclamation. The English tenders also include the cost of the iron-work for the sheds.

69. Will you be good enough to tell us in what the difference consists between the English tenders and the Sydney tenders? The English tenders are for the supply of the whole of the iron-work, for wharfs, sheds, and all, delivered free on board ship; the Colonial tenders† are for the whole of the same iron-work and for the erection of it; but without masonry or reclamation.

70. What is your estimate of the remaining work to be done, having nothing to do with the iron-work at all?

Concrete	£1,624
Painting	2,810
Planking	6,445
Timber stringers at back of wall	500
Masonry of retaining walls	3,885
Brickwork in walls, &c.	4,800
Filling in	875

71. What is your estimate of the freight on the iron-work from England? Freight and insurance, £4,398. I have put the freight at 30s. a ton. 72.

* Note (*on revision*):—I find, on looking over the tenders, that Mr. Musson's tender is for the supply of the iron only.

† Note (*on revision*):—Excepting Musson's.

72. What is your estimate of the cost of erecting the whole of the iron-work here? Erecting cylinders I have put at £7 a ton, which makes £5,145
Columns, bollards, caps, &c. 1,089
Wrought iron-work 5,502
£11,736

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73. *Mr. Clarke.*] Without going into detail, what would be the difference in cost for the completion of the wharf altogether, as between the English and Colonial tenders, taking the most eligible tender for each? About £22,300.
74. *Chairman.*] When you gave the Committee your matured opinion that the plan now before us affords the necessary accommodation in the best manner, was that opinion based upon any consultation with the Harbour Master or the pilots engaged in berthing ships, or any men of maritime experience, accustomed to removing ships in harbour: have you had any consultation on the practical part of the question—that of berthing ships and easily removing them in the event of fire or anything of that kind; or is your opinion formed merely on your own knowledge? It is chiefly on my own knowledge and observation and experience, and also to some extent on consultation with the Principal Harbour Master, Captain Nihill. It is also based in some respects on the evidence given before the late Committee, and some objections which were raised there I have endeavoured to obviate; as, for instance, the width of these two berths—No. 5 and another short berth. Exception was taken by the nautical witnesses to these berths, and I have cut them out in the preparation of the detailed design.
75. You will of course admit that cost in such a construction as this is of comparatively small consequence, compared to affording the requisite facilities for the loading and unloading of ships, and for the easy removal of them in the event of any disaster such as fire? I think so; I think the safety of the vessels and the facility of working are the first considerations, and I have kept them prominently in view.
76. When you gave your opinion to the Committee just now, it was after duly considering all these parts of the question? It was.
77. *Mr. Macintosh.*] Could a ship load and unload in all weathers according to this plan? Yes, in all weathers, under cover. From the roof of the shed to the ship's hold a tarpaulin could be stretched which would keep all dry.
78. What is the difference in level between the street and the working part of the wharf? The wharf is 3 feet 6 inches higher than the street.
79. *Mr. Sutherland.*] Have you estimated the cost of stone piers to sustain this superstructure instead of cast-iron cylinders and concrete? Yes. I find that stone piers could not be estimated at less than £56,000, and the chances are they would cost considerably more, for in many places the depth of water is 50 feet, and to found stone-masonry at that depth is very expensive; besides which, the Committee will readily understand that a wharf simply resting on stone piers would be nothing like so strong as one fastened to iron cylinders. In the one case it would be like a table resting on a number of uprights not secured in any way, because we cannot faston iron to stone; in the other case the legs would be mortised, at it were, into the table and also fast in the ground. The reason of our being unable to secure an iron superstructure to stone piers is, that we must make provision for the expansion and contraction of the iron, and therefore we cannot tie the iron to the pier; it must be allowed to stand on them, and rollers must be introduced to allow the iron to expand freely; but with iron cylinders the case is different—the elasticity of the iron admits of expansion and contraction.
80. I wish to know the difference in cost between cast-iron columns and stone piers? About £43,000 at the very least. One would be about £56,000, and the other about £13,000.

THURSDAY, 7 MAY, 1874.

Present:—

MR. SUTHERLAND, MR. WATSON,
MR. WEARNE.

THE HON. HENRY PARKES, ESQ., IN THE CHAIR.

Norman Selfe, Esq., called in and examined:—

81. *Chairman.*] What is your profession? I am an engineer.
82. Are you in business on your own account, or how are you occupied? At the present time I am chief draftsman and the designing engineer for Mort's Dock and Engineering Company.
83. How long have you held that situation? Three or four years.
84. Did you give evidence before this Committee last Session? I did not.
85. You are aware of the object of the inquiry conducted by the Committee? I am.
86. To consider the best means of improving the wharf accommodation of Sydney Harbour? Yes.
87. Have you specially directed your attention to that subject? Since the publication of the Report of the Committee of last Session I have devoted a considerable amount of attention to the subject.
88. Was your attention called to the subject before our Report and evidence were printed? I had often taken a good deal of interest in the matter, and asked what was to be done; but my time being so fully occupied I was not able to go into it in the manner I have since done.
89. Have you read the evidence taken before this Committee last Session? I have.
90. Did you do anything in consequence of reading that evidence? Yes. In consequence of reading that evidence, I made a sketch of a plan which I thought better than any of those proposed, and that plan a number of gentlemen of practical experience thought was of such merit that I ought to submit it to the Minister for Works, and I thereupon sent a rough sketch of the idea to Mr. Sutherland.
91. When you say a number of gentlemen thought so much of it as to think you ought to submit it to the Government, what exactly do you mean—did you invite a number of gentlemen to look at it? I did not.

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92. How did they see it? At the house of a friend or relative of mine. The plan had been made some time before. I may perhaps explain that *one* reason why I devoted my attention to it was this:—A gentleman asked me to make a drawing of a plan that he had. I made a rough outline of it, and said—"I think I have a plan that is better than this"; and on my plan being shown to a number of gentlemen—among whom were practical people, including persons connected with the sea, and so on—they said no doubt that it was the best. In consequence of that I took further steps to put it into shape.

93. Have you that plan with you? I have made three plans. The first was merely an outline sketch, about the size of a sheet of foolscap paper, giving the general idea. I forwarded a copy of that to the Minister, who requested me to furnish further information, with estimates of the cost. I then sent a plan, a copy of which I have with me, for a timber wharf of twelve berths, accompanied by an outline or draft specification, and approximate estimate for nine of them.

94. Did you examine the locality before you prepared the plan, or did you prepare your plan without reference to the actual state of the locality. I visited the locality.

95. And paid particular attention to it? I had not occasion to visit it much, having known it for a number of years; and I had a plan, showing the soundings, to refer to.

96. Is it not the case that localities which we have known for many years come to be regarded in a very superficial way—that we do not regard them with an engineering eye unless we have a special purpose in view? Being an engineer I regarded it with a practical and technical eye, and I took the soundings from the Government chart, which I presume were correct.

97. Then we are to understand that you have had your attention turned to the necessity or desirability of improving the wharf accommodation at the Circular Quay for some time past? Yes. Roughly speaking, for ten years past.

98. The subject was by no means new to you when you commenced to make these plans? By no means.

99. From what you have said, I gather that you have made several plans, and at last made one which embodied in a complete way your idea? All the plans were the same in principle. The first was a rough outline; the second was a plan sufficient for any practical man to see exactly what the construction was, showing the exact dimensions, and accompanied with a specification of the quality of the work, and detailed drawings of the several parts of the work.

100. Did you make any other plan after that? I have made plans since, at the request of the Government, upon which tenders have been called for since that. (*Plans produced.*)

101. Will you be good enough to explain to the Committee the character of your plans—the purposes which you think they will serve in a better way than any you have seen? There are three plans or drawings (*pointing to them on table*), one for a timber wharf, one for a stone wharf, and one with the soundings. These soundings were furnished me by the Government, and, guided by them, I have worked exactly on the same basis as everybody else. These are soundings taken from the working drawings of the plan B appended to the Report of last Session. The Government, in February, called for tenders for an iron wharf; and in calling for tenders they furnished drawings. The soundings given on my plan are exactly the same as those on the Government plan, and the plan of the locality is exactly the same, the difference being that my plan shows the wharf I propose, instead of the iron wharf proposed by the Government engineer. I may mention that Mr. Sutherland was good enough to furnish me with a copy of the soundings, giving the depth to the mud surface, and to the rock, from borings which I saw Government officers taking within the last few months.

102. Now will you be kind enough to explain briefly how operations would be carried on under your plans—how they would serve to facilitate the work required to be done; that is, the berthing, discharging, loading, and unberthing of ships? I presume you wish me to entirely separate the two distinct things to be considered in reference to a wharf. The method of berthing is one subject, the best method of construction is an entirely different one. The design is one matter, and the method of construction, when you have settled the shape and form of the wharf, another.

103. What I understand from you is that, in the first subject, you include the bringing of the ship into her berth with ease, securing her there with safety, and providing facilities for her speedy discharge? Just so.

104. And you also include the facilities for loading and unloading, and the proper care of the goods when discharged or waiting to be taken on board, and the ease of removing the ship if she should require to be suddenly removed? Yes. I consider that the first thing necessary to provide on the wharf is accommodation for the ship, that she may unload or discharge from all three hatchways at once, and also that she should be able to discharge into or receive cargo from a lighter on the outer side if necessary at the same time. I also take into consideration the fact that every year the length of our ships is increasing. Sailing ships of 2,000 tons and 300 feet long are not at all unfrequent, neither are steamers of from 350 to 380 feet long. I take the "Sobraon" and "Hydaspes," as a types of a moderate sailing-ship of the present day, such as visit this port. Of course much larger ships are being built to visit other ports. I saw that by some of the plans proposed these ships could not discharge at all three hatchways, and also that if a vessel lay at these wharfs a lighter could not be brought alongside the main hatchway in some instances, and in no instance alongside the after hatchway. I also saw that in case of a vessel requiring to be moved, two or three other ships would require to be taken out of their places first. I then put together the points that required to be attained to effect all these desirable objects, and produced a plan which in my opinion does embody these points. I consider that every ship should be able to be drawn out at once, without interfering with any other vessel, and that that can be done by this plan is I think evident even to unprofessional eyes. The least berth I have provided here is 200 feet long I think, and, as there is 80 feet between the side of one ship and the side of the next, and that the largest class of ships are only about 40 feet broad, there would be a space of 40 feet between, giving room for another large ship or a collier to go in there with coal or anything else. I then considered that when a ship comes alongside to discharge from three hatchways, it is necessary the goods should be got away as speedily as possible, and, in the case especially of heavy goods, I should put them at once from the ship's tackles, or whatever tackles are lifting them, on to the truck that is to take them away. I have therefore arranged the shed in such a manner that it would be within a moderate distance of the wharf, so that if goods required storing they could be put into the shed at once, but if any truck, dray, or lorry were in waiting, they could be dropped into it at once, so as to save the necessity of two handlings. All these objects can be carried out by this plan. If the goods required to be stored, they can be stored with equal facility under this plan as by any other plan, because the shed is within what is considered as the most convenient

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venient distance from the ship's side—20 or 30 feet. My object in laying such stress upon this point is from the fact of seeing that by some plans the whole circuit of the wharfs was enclosed, and if you had a boiler or package of heavy machinery to put on to a truck, you would perhaps have to take down some of the wharf, and then have to put up a pair of shears or tackle to get that from the tramway waggon on to the truck which is to take it up to town. By this plan one of the large waggons can come right on to the wharf and receive it from the ship's tackles. If sugar or anything of that kind is being unloaded it can be deposited on the trucks at once. That would save three or four men to every tramway waggon. In case of goods being stored in this shed, drays or waggons could come to the shed and still unload from raised platforms. I admit the advantage of having raised platforms for some special reasons, but round the whole circuit of the wharfs it is a disadvantage. Of that there can be no doubt—to have raised platforms and nothing else. If you have raised platforms the whole distance, you shut yourself up from getting anything to a ship's side except on the special tram waggon.

105. How many ships will your plan accommodate? The plan, as first drawn, to go right round to the point, was designed to afford twelve berths, but I afterwards thought six would be sufficient for the present.* I look upon the matter in this light,—that the Government should rather seek to provide first-class accommodation for a limited number of very large vessels of the modern class, with facilities for expeditious discharge, than to compete with other wharfs in providing accommodation for ordinary vessels. Acting on that view, I have rather sought to provide a limited number of first-class berths than to accommodate a larger number of vessels of inferior size.

106. Is this model yours which is here? It is. (*Model of Mr. Selfe's plan placed upon the table.*)

107. I presume that is intended to show exactly how your plan would act? It is. That model is an exact copy of the portion of this plan for which tenders were called, and the ships are made to scale, the dimensions being taken in many instances from Lloyd's Register, and in other instances from measurements I have actually taken of the ships themselves. (*The witness described the operation of his plan by reference to the model, pointing out its various advantages, particularly with reference to the manner of berthing and removing ships.*)

108. *Mr. Watson.*] Supposing the "Sobraon" were at No. 2 berth and the "Hydaspes" at No. 4, how would you get a vessel like the "Macgregor" into No. 3? Such a vessel would not require to be taken into that berth; there would be others where she could be better accommodated. You ask me to take the largest ship and put her into the worst berth. Every system has its weak place, and that is the weak spot in this. I never expected that a vessel of that size would be put in there; that berth is for an ordinary sized vessel; but it can be placed there, though with more difficulty than into other berths. (*The witness placed the ship on the model.*)

109. *Chairman.*] Would not this plan of yours encroach more upon the area of water than other plans that have been submitted—it has that appearance? Not nearly so much as any of the jetty plans, but rather more than the *échelon* plan. You will observe that this model does not show more than half the cove—only one side—which gives it the appearance of limiting the water space more than would be the actual fact.

110. It does not represent the whole water area? No; this starts from opposite the Paragon Hotel, and extends to about 75 yards past the wool stores. There would be room for six more berths the same length as these.

111. From an engineering point of view you would consider it a weak feature in any plan, in proportion to its encroachment upon, and therefore diminution of, the water area, would you not? Not at all. The water is there for the accommodation of ships, and we only want to make the best use of it. I consider that by placing the berths in this way I have made the best use of it.

112. What I mean is this: is it not desirable to keep uninjured and undisturbed in any way as large an area of the cove—the locality you are speaking of—as possible, for the manœuvring or movement of ships; and would not any unnecessary encroachment on the water area be a weakness on any plan, as a general principle? As a general principle, but not necessarily, for this reason:—The cove is now of a very irregular shape. The roadway is much narrower opposite Flood's stores than it is elsewhere. I make a good deal of ground where the roadway is narrow, and where any scheme must necessarily have ground made. I make a great deal opposite these stores. That berth (*pointing to the plan*) is nearly all in the water, but the berth at the projection is close to the present quay wall. Consequently, I contract the cove nothing at all on the whole. That will be seen on reference to the plan showing the original line of the cove and the new line with these wharfs constructed.

113. I will put the question in another form. There must be some line of space within which ships require to manœuvre in getting in and out—one ship coming in and another out, steamers going across the bay, and boats going in different directions—there must be a certain line which is required to be left open. Would your plan encroach upon the line within which ships generally are manœuvred in getting in and getting out? It would not.

114. None of these projects would interfere with the deep water—the line of occupation when ships are in motion? I believe there is more water-way for getting out at this end of the cove on this plan than on any of the other plans, for this reason—that I project no further than is absolutely necessary to get into deep water. Whatever plan is adopted, that must be done. No plan that has been propounded affords, in my opinion, such facilities for manœuvring a vessel as this.

115. *Mr. Watson.*] What is the amount of your estimate of the cost of this plan of yours? Tenders have been called for, and some have been sent in, to construct it entirely of stone, or of brickwork in cement, or of timber—berth No. 3 to be of stone in any case. The tenders for a timber wharf, with stone for No. 3, ranged from £29,785 to £38,600. These were tenders actually received. For constructing of stone throughout the tenders were £90,065, £104,500, £115,440, and £116,301 18s. 7d. For constructing it of brick-work in cement, from the rock upwards, and with stone copings, £98,000.

116. *Mr. Wearne.*] Does that include the sheds? No, only the wharf. The sheds I consider a matter of detail. It does include drainage, silt-pits, and walls for backing drays, &c., against, that is, raised platforms.

117. Does it embrace the planking of the wharf? In both cases the wharf is complete. In one case the planking is 6-inch hardwood; in the other the surface is blue-metalled and ballasted, the same as the streets.

* NOTE (*on revision*):—I arranged with the Government in December last, before making the necessary plans and specifications upon which tenders were to be called, that six out of the twelve berths proposed, commencing from the Prince's Stairs, being those represented by the model, should be the ones submitted to contractors for their tenders.

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streets. I would like to mention that since I have made this model, I have considered some defects in this plan, in case it were required to berth the largest class of vessels, say 4,000 tons, to obviate which I have made a new drawing, which is very similar, but a slight improvement on that shown by the model, and will cost just the same money. By drawing a straight line from the projecting point opposite the Blackwall Stores, and parallel with those stores, 150 feet off, to a point opposite the bottom of Phillip-street, making berths 4, 5, and 6, into one long berth 830 feet long. I can lay that plan upon the table if the Committee wish. (*Plan produced.*) My object in doing this was to provide for still larger vessels, seeing that their length is increasing. I have ascertained from Mr. H. H. Hall what are the dimensions of the hatchways of the vessels about to be built for the San Francisco Mail Service, and I considered that it would be well that the Government should make the wharf so that one of these or similar vessels could discharge in two or three days if necessary. I have provided exactly the same accommodation, but by making the wharf 830 feet long in one line, I can get in three vessels of 2,000 tons, or two of 3,500 tons, or the "Great Eastern," if she should come here.

118. Your plan could be extended so as to provide additional berths, on the same principle? Yes, by the modification ten berths are provided. I have extended these berths and made ten* so that the ships now engaged in the China trade, which will very shortly have to be employed here, because smaller vessels cannot compete with them, and we should therefore provide accommodation for ships of 3,000 tons, so that they should be able to discharge in three or four days or a week. As the fore hatchway of the "Hydaspes," is about 200 feet from the stern, any wharf to allow her to discharge from all three must be at least of that length. The "Sobraon" is longer still; and in the vessels now building for the San Francisco Service, it will be about 280 odd feet from the bow to the after hatchway, and about 302 feet from the stern to the fore hatchway; so that a wharf 300 feet long would be absolutely necessary to enable these vessels to discharge.

119. *Chairman.*] Will you be good enough to give the Committee your opinion as an engineer on the comparative value of the different modes of construction—stone, wood, and iron—as to durability? I do not consider that you can institute a comparison as to the durability of stone and iron, because stone is practically indestructible, as far as we know in human experience; whereas iron in a saline atmosphere is as liable to destruction as anything I know of.

120. Then as to wood? To compare an iron wharf with wood, it would be absolutely necessary to know the thickness of the different portions of the iron. One iron wharf might be made so thick that corrosion going on at a certain rate might take centuries to destroy it, and another so thin that after twenty years it would tumble down with its own weight. You cannot institute a comparison without knowing the particulars.

121. *Mr. Wearne.*] You have seen particulars of the tenders called for for an iron wharf—compare that with a wooden wharf? I do not wish to criticise another gentleman's plan. The plan, as I understand it from the drawings I have seen, is for iron girders resting on supports 30 feet apart. A wooden wharf would be on girders, say 10 feet apart, consequently the wooden wharf would have nine supports for one of the other in an equal area, and in case of deterioration of any portions of the wharf, nine chances to one, as compared with the wharf with large bearings. From my experience of the rusting of iron, having seen vessels now in this port that have had their topsides—the part entirely out of the water—renewed twice since they been plying in the waters of Port Jackson, I am of opinion that plate-iron in proximity to water is very liable to corrosion; in fact, it must be painted twice a year to keep it in any way decent at all.

122. *Chairman.*] Do you know the thickness of the cylinders generally used for such a purpose? We must entirely keep separate the decay of cylinders and the decay of girders. As to the corrosion of cast-iron I can speak with perfect knowledge, having had practical proof of it, because I have taken up from the sea portions of cast-iron which have been down for (say) twenty years, and I have marked the degree of corrosion. Some six years ago I took up a valve box at the Sugar Works at the North Shore, put up by the late Mr. Robey. It was covered with oysters, and I put a man to clean it, and I then found the iron had become so soft that I could cut it quite away; it was turned to the consistency of hard plumbago.

123. What had been the thickness of that? Five-eighths of an inch.

124. How long had it been down? I believe it was put down somewhere between 1850 and 1855. I should say it could not have been down more than twenty years. I have seen other cases of the same kind; for instance, at the works at which I am engaged, a piece of iron from the bottom of the dock pumps, where it was entirely removed from any foreign metal which might have exercised any galvanic influence over it, and that was corroded to the extent of a quarter of an inch. I could show the pieces of that.

125. How long had it been down? It is about twenty years since these pumps were put down. At the same time I do not lay much stress on the corrosion of cast-iron, because I am of opinion that if it is specially selected iron, when it has corroded to the extent of a quarter of an inch, it will go on decaying in a gradually decreasing ratio that in course of time will amount to nothing—it will form a coating which will protect the interior iron. Still, I have not the slightest doubt this corrosion does go on to a very great extent; and it will be necessary to allow an extra quarter of an inch (say) to meet it. That is so far as the cylinders are concerned. But I know that iron plates, of which girders are formed, especially when in contact with wood, are liable to most serious corrosion, so much so that when removing the water-ways of iron ships they often tumble to pieces. That can be seen in the case of the old steamer "Grafton," now undergoing repairs, and a number of other vessels. The "Breadalbane," belonging to Captain Heselton, has had her top-sides renewed twice within the last twenty years. Her top-sides are about

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* NOTE (*on revision*):—

		feet.
No. 1—Berth		200
2	„	200
3	„	330
4	„	830
5	„	
6	„	
7	„	200
8	„	225
9	„	250
10	„	300 or more.

about a quarter of an inch thick.* The "Morpeth," also, has had her top-sides renewed. And the same thing applies more or less to every steamer in the harbour. N. Selfe, Esq.

126. *Mr. Wearne.*] What is the thickness of the thinnest portion of the iron in this wharf for which tenders have been called for? I have never seen the original drawings, but I have been informed that there are portions of these girders only a quarter of an inch thick, which is probably a mistake. 7 May, 1874.

127. If this quarter of an inch were altered to half an inch, it would answer the purpose? It would answer the purpose so far as making a larger allowance for corrosion; but if the thickness is to be doubled it will double the cost. It is simply a question of weight. I cannot conceive why it is necessary to make anything of a bird-cage construction about a wharf, when you have the most splendid material in the shape of stone alongside; or if a temporary structure is wanted, you have wood. The difference between the cost of iron and wood will far more than replace the wood. I have never heard of any instance of an iron wharf being put up in any of the large manufacturing ports of the Old Country, except an iron wharf put up at Blackwall many years ago, of a totally different construction from this. It has always seemed to me that if iron were a good thing to use for such purposes, the wharfs in Glasgow, where the cost of iron is so very much less than here, would have been constructed of iron. In all the principal docks and ports of the Old Country—respecting which, though I have never visited many of them, I can depend upon professional works—I do not find that such a thing has ever been heard of. The only cases in which I have ever seen or heard of iron wharfs being constructed were in such places as running out a jetty, or where they have had to screw piles into the land, or where they could get no foundation for stone piers. At Wellington, in New Zealand, they have such a wharf, running out perhaps 160 feet, with a T end of 150 feet long. It is very narrow, being only 35 feet wide; still three steamers can lie there—one at each side and one in front. The cylinders of this wharf are 16 feet 6 inches centres; and on the sea faces they are 4 feet diameter; they are connected longitudinally and transversely by wrought-iron girders, and again connected both ways by another set of girders 8 feet below the top ones, all the interspaces having diagonal T iron bracing. This it will be seen is a very strong piece of work; but the "Otago" steamer some years ago cut a great many feet right into it, through girders, joists, and planking. (*See Maynard's "Bridges, &c.*")

128. *Mr. Sutherland.*] Have you a copy of the specification on which tenders were called for for a wharf on your plan? Yes. (*Specification handed in. See Appendix* BB 1.) I will also hand in the three plans on which tenders have been called for (*Plans handed in*); as well as the improved plan which I have made since. (*Plan handed in.*)

129. *Mr. Wearne.*] The cost of this improved plan would be about the same, I think I understood you to say? Yes, within about £2,000—£2,000 less.

Captain John Ward called in and examined:—

130. *Chairman.*] You are in command of the ship "British Statesman"? Yes. Capt. John Ward.

131. Have you visited this port often? No, this is my first visit.

132. Have you visited other ports in Australia? No, I have never been in these Colonies before. 7 May, 1874.

133. To what part of the world have you chiefly traded? To India and Burmah.

134. What experience have you had in command of ships? Three years.

135. I presume you have served a much longer time as an officer? Yes; I have been twelve years at sea.

136. This Committee of the Legislative Assembly is appointed to inquire into and report upon the best means of improving the wharf accommodation of Sydney Harbour, and it has been thought that you might give the Committee some opinion as to whether the wharfage accommodation at the present time is sufficient, more especially in comparison with other ports? Not at all sufficient.

137. Where is your ship lying? At the wharf, opposite the Commissariat Stores.

138. Do you find any impediment to the discharge of your ship? Yes, we have been greatly delayed by rain; we have not been able to land any cargo for fear of its getting damaged.

139. In other ports of the world have you been able to discharge in all weathers? To a great extent. In India the rains are so heavy sometimes that men hardly like to go out in the wet, independently of the damage to cargo. I have gone to India with a ship as large as the "British Statesman," and have had all my cargo out in six days.

140. Since you have been in this port, have you paid any attention to the natural formation of Sydney Cove? Just casually; I have not paid any minute attention to it.

141. Perhaps you would inform the Committee how you think it could be improved? I think the easiest way would be by running jetties out for ships to lie directly alongside, and wharfs and sheds on the shore as well.

142. *Mr. Watson.*] Have you seen the plans that have been laid before this Committee and are attached to the Report of last Session? I have seen some of them. The one I thought the best was marked "Appendix F,"—a jetty plan, much on the same principle as I have been accustomed to at Calcutta.

143. Have you seen plan B, attached to the Report of last Session? Yes, I think I have.

144. Will you explain why you consider plan F better than plan B? I think, on plan F vessels would have more chance of getting coasters alongside to load coals, and vessels would be more easily put into their berths and taken out than on plan B. Besides, ships on the projecting berths—where the "Sobraon" and "Underly" are shown on the plan B—could not be properly secured.

[*At this stage of the proceedings Mr. Sutherland took the Chair.*]

145. Here is a plan, which I see is marked No. 6, submitted by the Engineer-in-Chief for Harbours as an improvement on plan B. You will observe that on this improved plan the wharf where the "Sobraon" lies is made much wider. Will you look over this plan and see whether you consider it an improvement on plan B, and whether with the improvement you would prefer it to plan F? I see the same fault in it as I spoke of before. How could vessels at berths 6 and 4 get their stiffening in from colliers or take cargo in or out by lighters?

146. *Mr. Wearne.*] Would there not be room between the vessels at berth 6 and that mooring? No. At any rate, the vessel at the projecting berth (5) has not sufficient wharfage to keep her steady without additional moorings.

147.

* Note (*on revision*):—Captain Heselton has since informed me that they have been replated three times in eighteen years.

Capt. John Ward. 7 May, 1874.

147. *Mr. Watson.*] You object to plan B on account of the difficulty in mooring vessels? The difficulty of mooring this vessel at berth 5.
148. *Mr. Sutherland.*] If there were room between the two ships for a collier to come in, your objection so far as that is concerned would be removed? Yes, no doubt. Still I think the jetty plan is preferable; vessels could be better secured.
149. *Mr. Watson.*] Do you see any difficulty in getting a vessel into or out of her berth at No. 6, supposing there were a vessel already moored at No. 5? There would be no great difficulty in getting her out, if you had steam power to assist you.
150. Would there be less difficulty than in plan F? On plan F I do not see any difficulty at all.
151. You have had these plans before you since last night? Yes.
152. Supposing all these plans were put before you, which would you adopt? Plan F.
153. Where have you seen a plan similar to plan F? At Calcutta. The only difference is that at Calcutta, lying in the tide-way, we are obliged to lie across the end of the wharf, and each ship has a jetty to herself. There are lines of rails laid down and trucks sufficient to take one sling of cargo and run it right into the warehouse, where it can be sorted, and delivered on the opposite side.
154. Here is another plan—Mr. Selfe's plan—what do you think of that as a wharf for the Circular Quay? There will be great difficulty, in case of fire, in getting a long vessel out of berth No. 3.
155. *Mr. Sutherland.*] Would there be any difficulty in getting out a shorter vessel? There would, if she was on fire; whichever way she went, one of the vessels near her would run a certain amount of risk.
156. Then, if I understand you, you prefer F to either of these? Yes.
157. *Mr. Watson.*] Of all the plans you have seen you prefer F? Yes.
158. *Mr. Sutherland.*] Supposing plan F should not be adopted, which of the other two would you prefer—the improved plan (No. 6) handed in by Mr. Moriarty, or Mr. Selfe's plan? Of these two I would prefer Mr. Moriarty's plan. Excepting for these three berths, 4, 5, and 6, I think this a very good plan; I think the moorings at 5 are defective, and at the others there does not seem to be room for getting in colliers.
159. Supposing there is room to get in colliers, your objection as to that would be obviated? Yes.
160. *Mr. Wearne.*] You think plan F would give you all the accommodation required here for a long time to come? Yes.
161. Have you seen a better plan than plan F at any place you have visited? None that you could adopt here. The greatest facilities are afforded at the docks in London, where they hoist everything into large warehouses at once, which of course would not be always requisite here.

Captain Alexander Barclay Farquhar called in and examined:—

Capt. Alex. B. Farquhar. 7 May, 1874.

162. *Mr. Sutherland.*] You are Managing Director of Mort's Dock and Engineering Company? Yes.
163. You have been captain of a vessel for some years? Yes.
164. And have had considerable experience in berthing, and in loading and unloading ships? Yes.
165. This is a Committee of the Legislative Assembly, appointed for the purpose of taking evidence as to the best mode of constructing wharfs at the Circular Quay, to facilitate the loading and unloading of vessels, and we have called you to ask you to give us the result of your experience. We have several plans before us, and you will be asked to name which you think the best for the purpose. Have you seen any of these plans? I have seen this—(*Mr. Selfe's model*).
166. *Mr. Watson.*] Will you look at this one—plan B? Yes, I have seen this; but I have not seen the plans marked A and C (*attached to the former Report*). Plan B and that model (*Mr. Selfe's*) are the only ones I have seen.
167. Will you look particularly at plan F, and also at a plan marked No. 6, submitted by Mr. Moriarty as an improvement on plan B, and inform the Committee which you think the best for improving the wharfage accommodation of the Circular Quay—which do you think offers the greatest facilities for loading and unloading, and gives the greatest amount of accommodation? As far as that goes, you get more berths on plan F.
168. We should like your opinion upon the merits of the two plans taken as a whole? I do not like this plan F—I do not like the method of berthing the ships. The way the vessels lie here is inconvenient for getting them in or out, and a great portion of their length overlapping the piers exposes them to cross winds from the north-east and south—the strongest winds that blow here—either driving them on to the pier on one side or pulling them away on the other.
169. *Mr. Wearne.*] The piers might be extended? I merely speak of the piers as I see them on the plan. I prefer the style of plan No. 6—Mr. Moriarty's improved plan.
170. Would not the same objection arise on plan No. 6 as you point out in reference to plan F, supposing there were a westerly wind? The westerly winds are not, as a rule, so strong in this harbour; they do not blow so frequently or so violently as the winds from the south to south-west, and from north to north-east. On plan No. 6 these vessels are all facing the north-east, and are protected by the land. The westerly wind, from my experience of ten or eleven years, does not blow with such force as to affect vessels moored in this way; but your southerly and north-easterly winds are very strong, and by No. 6 the vessels lie end on to them. You may raise an objection to the position of the vessels in the middle, at the bottom of Pitt-street; but they lie under the shelter of the ground and houses.
171. That would apply also to plan F? Yes, these vessels would be sheltered, but on the sides of the cove they would be exposed to the strong winds I have spoken of, if moored to jetties like these.
172. Would a vessel lying at berth No. 5, on Mr. Moriarty's improved plan, be safe, with a dolphin at each end as shown on the plan? Yes, perfectly safe. The vessel shown here is meant to represent one of the largest steamers—the "Mikado."
173. Could that steamer be discharged in that space—140 feet of wharf? She could be; but I presume what you wish to know is does it give the greatest facility.
174. Would it be better to make that berth longer? If you are going to berth a vessel of that class there—a large steamer, working three and some of them four hatches at once—it would be an advantage to extend this wharf, if you appoint that as a wharf for ships of that class.

175. *Mr. Sutherland.*] That berth could be extended, without interfering with the general plan, by moving these other berths further on? Yes. Capt. Alex. B. Farquhar.

176. *Mr. Wearne.*] You think that, in any wharfage accommodation, we should provide for allowing a collier or lighter to come on the outside of each vessel? It would be advisable. 7 May, 1874.

177. Could that be done in every instance on plan F? It would be rather tight room for two colliers.

178. There would be room for one? Yes, but they might want one for each ship at the same time. I think more of the water-way is occupied by plan F than by the others.

179. Which is an objection? Decidedly. When you talk of bringing in vessels like the "Mikado," your navigable space should be as large as possible.

180. And that is one of the objections you have to plan F? Yes, it encroaches more upon the navigable water.

181. *Mr. Sutherland.*] Could you moor such a vessel as the "Mikado" at that wharf at all? No, not according to the apparent scale of this plan. According to the scale here (*plan* F), the piers appear to be 250 feet long. You could not moor a vessel like the "Mikado" there without laying out stern moorings and moorings on each quarter.

182. At berth No. 5 on plan No. 6 a vessel of 350 feet long is shown moored at a berth of 140 feet? Yes; but you see she is not lying in the same way; at the pier she would show the projecting portion of her length to the greatest force of wind, whereas at this berth (*No. 5 on plan No.* 6) she shows the least surface to the strongest winds—the whole pressure of the wind on plan F is against her stern, slewing it round, but on the other plan the wind is blowing with her, and she has her dolphins besides.

183. *Mr. Watson.*] You have seen Mr. Selfe's plan? Yes, I saw that at the Exchange some time ago.

184. Which of the two plans, No. 6 and plan F, do you prefer? For facility of berthing, loading, and unloading, and for facility of handling vessels, I prefer No. 6.

185. Will you give us your opinion of Mr. Selfe's plan as compared with No. 6? I decidedly prefer No. 6 to Mr. Selfe's plan.

186. As the one which offers the greatest facilities? Yes; it appears to afford more accommodation in the same area—eleven berths as against six; that is assuming that berth No. 1 on one plan is equivalent to No. 1 on the other, and No. 6 on one plan to No. 11 on the other.

187. Having seen all the plans, you prefer No. 6 (*Mr. Moriarty's improved plan*)? Yes, that is the best plan I have seen so far. I saw Mr. Selfe's plan at the Exchange, and I did not like berth No. 3, to begin with—this is a very awkward berth.

188. It would be difficult to get a vessel in and out, supposing the other berths were full? Yes; with a large ship you would require eight or ten different lines, and twenty to fifty men to attend to them if there was any wind. In a strong southerly wind a large ship would take charge of you, and go first into one vessel and then into the next—in fact she would sweep the cove—if you attempted to bring her in there. (*The witness further illustrated his meaning by means of Mr. Selfe's model.*)

189. Have you been at any ports where the *échelon* plan of berthing proposed by Mr. Moriarty has been adopted? Not on a large scale. The only place I knew where it has been adopted was at the P. and O. Company's wharfs in the Hooghly, which are on that principle.

190. On a small scale? Yes; only four berths.

191. Have you seen any like plan F—the jetty plan? No, except in some of the docks at Home, where a few vessels are berthed at the ends of some of the docks.

192. Have you been at Calcutta? Yes.

193. Is there such a wharf there? Not when I was there.

194. A gentleman who has just retired, Captain Ward, says there are berths at Calcutta on a similar plan, but that vessels lie at the ends of the jetties instead of by the sides? I was going to say that if he berthed his ship there in the way shown in this plan, he would be a great fool. Nothing would hold a ship there berthed in this way. The tide runs ten knots, and a bore comes in at the rate of fourteen.

195. *Mr. Wearne.*] Is there any other objection to Mr. Selfe's plan except the one you have stated—any other reason why you prefer No. 6 to this? The vessels on Mr. Selfe's plan appear to come further out into the fairway than in Mr. Moriarty's. It is a great point to keep as much of the fairway clear as possible. Any unnecessary encroachment on the navigable water, so as to interfere with the movement of ships, is an objection.

MONDAY, 11 *MAY*, 1874.

Present:—

MR. CLARKE, | MR. MACINTOSH,
MR. WEARNE.

THE HON. HENRY PARKES, ESQ., IN THE CHAIR.

Captain James Munro called in and examined:—

196. *Chairman.*] You hold some office in connection with the A. S. N. Company? Yes—Marine Superintendent. Capt. J. Munro.

197. This Committee has been appointed to inquire into the best means of improving the wharf accommodation of Sydney Harbour—I dare say you are aware of that? Yes, I have heard of it. I have not had sufficient time to look well into the matter. 11 May, 1874.

198. Several plans have been submitted to the Committee—one prepared by Mr. Moriarty, one by Commander Gowland, and one by Mr. Selfe—have you seen any of these plans? I have seen Mr. Moriarty's, and a small lithograph of Mr. Selfe's.

199. I suppose, from your experience, you have formed some opinion as to whether the wharf accommodation in the harbour, especially that in Sydney Cove, is sufficient? I can scarcely say much about the accommodation in Sydney Cove, but there is plenty round the harbour which might be made available, as well as that in Sydney Cove.

Capt. J. Munro.

11 May, 1874.

200. Has your attention been at all directed to the accommodation at the Circular Quay—to the actual state of the wharf there now? No.

201. Are you not aware that ships cannot come close to the wharf, but have to discharge down a very long stage? Yes. Of course that can be rectified by piling out and laying the ships alongside.

202. You say you have seen Mr. Moriarty's plan—are you pretty well acquainted with it? Yes.

203. What is your opinion about it? My impression is that it is a good plan generally.

204. The plan is on the table—will you have the kindness to look at it—Do you think vessels could be readily berthed according to that plan? Yes, everywhere, with the exception of berths 6, 7, and 8, and that could be rectified by putting two vessels there instead of three.

205. What is your objection to that particular part of the plan? Merely the vessels overlapping each other so much that, in the event of fire—which, however, is not usual—they would have to be got round before they could be taken out; but that could be done by having steamers at hand to do so. In addition to the overlapping, there would be the bowsprit and jib-boom of one vessel interfering with another. These have now become almost part of the ship's standing rigging, and on account of the trouble of rigging them out and in, captains do not like to do so, as the general appearance of the ship is spoiled thereby. But if you took one of these three vessels away and made only two berths, I do not think there would be any difficulty.

206. In the event of fire you think there would be some difficulty in liberating these ships? Yes, so far as these berths are concerned. [*Mr. Selfe's improved plan, forwarded to the Committee this day, laid before the witness.*]

207. This is a plan supposed to be an improvement on Mr. Selfe's first proposal: you will observe that each ship has a separate wharf, on which he proposes to erect a separate shed? It appears a very good plan. This would appear to me to be better than Mr. Moriarty's plan, in respect to the berths I have just been speaking of; otherwise it is much the same. [*Mr. Selfe's model shown to witness.*] I think this (*referring to that part of Mr. Selfe's improved plan showing a straight wharf frontage of* 830 *feet*) is a very good idea. [*Mr. Gowlland's plan* F *exhibited to the witness.*] In the West India Docks, when I was young, they had every ship berthed at the stone wall or sides of the docks, but since the shipping have increased so much they have built jetties about every 350 feet, and a vessel lies on each side the jetty, and there is also room for a vessel to lie alongside the wall between the jetties. In Glasgow they have a continuous line of wharf on each side for about three miles, and vessels lie alongside with a shed to each vessel. In Liverpool there is a shed to almost every ship in the dock, and when goods are landed they compel the consignee to take them away at once; otherwise they store them.

208. Have you formed any opinion as to Mr. Gowlland's plan F? I should prefer Mr. Selfe's improved plan to Mr. Gowlland's.

209. *Mr. Macintosh.*] Would there be any difficulty in keeping fast a vessel at No. 5 berth on Mr. Moriarty's plan? No; there is a dolphin here; there would be no difficulty in holding her—making her fast in the middle to the wharf; the dolphins would steady her; whatever strong wind there was would be end on.

210. Would there be any objection from southerly winds at No. 9 berth? No. They would lie there just as they do at present; in fact they would have better moorings, because now they have to lie off at the end of a long stage of 40 or 50 feet.

211. As a shipmaster, do you think either of these plans—Mr. Moriarty's improved plan marked No. 6, and Mr. Selfe's improved plan now submitted—has any material advantage the one over the other? The only objection I see to Mr. Moriarty's plan is as to these two berths, 7 and 8.

212. With that exception, you have no difference of opinion in favour of one over the other? None. I would as soon have one as the other, only for that.

213. By putting two vessels instead of three where berths 6, 7, and 8 are now shown, you think that objection would be removed? Yes.

214. Would all these other vessels be easily berthed, taking into consideration the narrowness of the bay? There would be no difficulty at all in mooring vessels, except at 6, 7, and 8.

215. *Mr. Wearne.*] Do you think a southerly wind would be an objection, coming down across Mr. Gowlland's plan? No doubt it would. Supposing a ship was light and waiting for stiffening, and a southerly burster coming down, the weight of her masts and yards would blow her over on to the jetty, and make her lie very awkwardly. I have sometimes seen a vessel go over that way in the docks in London, and her yards go right through the sheds on the shore.

216. Is our cove subject to these southerly winds? Yes, very much so, at certain seasons.

217. Is there any other objection to that plan? A great deal of trucking would be requisite—something like the A.S.N. Company's wharfs. We are working incessantly with trucks, whereas if a vessel could lie alongside the wharf she would not require half the labour. When a vessel can be got alongside, as in Mr. Moriarty's or Mr. Selfe's plan, you can work as you please—from one hatch or three, according to the labour you put on.

218. Do you think it is an objection that the jetties running out into the cove take up so much of the water space? Yes; no doubt it would interfere with the movement of ships and the passenger boats which are continually running in and out; still there would be sufficient room for taking vessels in and out. Every vessel now is moved in tow of a steamer.

219. Of these three plans, Mr. Gowlland's plan F is not your choice? No.

220. Of the other two plans now before you, Mr. Selfe's and Mr. Moriarty's, which do you prefer? Mr. Selfe's improved plan as it stands.

221. What are the advantages of this plan over the other? The overlapping of these three vessels at berths 6, 7, and 8 on Mr. Moriarty's plan, is avoided on Mr. Selfe's.

222. Is there any disadvantage in having the ships facing with their bows to the inner portion of the cove? None whatever, if there is room for the ships to turn round.

223. Have you ever thought about the difference between iron, stone, and wood, in the construction of a wharf? All the docks at Home are of stone; but there is nothing to stop them from getting a good foundation, being excavated and complete before the water is admitted. I do not know whether that could be done here.

224. As to the difference between wood and iron—from your experience of iron vessels, will iron corrode? As long as it is kept coated with paint or other substance it will not corrode, but the moment the iron becomes bare it will corrode, and if there is any copper in the way it will eat the iron away altogether.

225. Will the acid from our wood interfere with the iron? I do not think so. In all cases it will be well to coat the iron well. Capt. J. Munro.
226. *Mr. Clarke.*] In case of fire, would it be easier to remove vessels on Mr. Selfe's plan, Mr. Moriarty's, or Mr. Gowlland's? On the outer parts of Mr. Selfe's and Mr. Moriarty's plans vessels could be easily removed, but on the whole they could be most quickly removed on Mr. Gowlland's plan, because they go in end on, and could be drawn out without difficulty. 11 May, 1874.
227. *Mr. Sutherland.*] I think you say that at all the docks and wharfs at Home there is a separate shed for each vessel? Yes, in Glasgow especially; they, however, are not all so, but they are making them as fast as they can.
228. *Chairman.*] Have you been in Glasgow lately? Yes, last year.
229. *Mr. Sutherland.*] Do they load and unload in wet weather? Yes.
230. They unload a vessel into the shed? Yes, in all weathers. They must do so to carry on their trade. I have seen a vessel of 3,000 tons come in there on a Saturday, unload, and leave on the following Saturday full each way.
231. And you think that is one of the objects we ought to try for here—quick despatch for vessels? I should think so.
232. By giving them facilities to load and unload, and means of protecting their cargo in bad weather? Yes.

Captain John Richardson Myhill called in and examined:—

233. *Chairman.*] You are Harbour Master of Sydney? Yes.
234. What are your special duties? Seeing to the removal of ships from one place to another, taking general notice of all ships' berths, and keeping the harbour clear. Capt. J. R. Myhill.
235. Personally you do not remove all ships? No; there are two Assistant Harbour Masters besides myself, and amongst us we remove all ships and attend to the harbour generally. 11 May, 1874.
236. You are responsible for all these matters? Yes.
237. You have a general superintending knowledge of the movements of all vessels in the harbour? Yes.
238. Were you examined before this Committee last Session? Yes.
239. What plans were before you then? A plan of Mr. Moriarty's, and a plan of Mr. Gowlland's.
240. You are well acquainted with these two plans—you have inspected and thought over them? I have, some time since.
241. You are familiar with the principles upon which they are projected? Yes.
242. You do not require to see them again? I should like to see Mr. Moriarty's plan.
243. Well, you have it before you? Yes, this is the same as I have seen before.
244. Have you seen a plan which has been submitted to this Committee by Mr. Selfe? I saw a model of it in the Exchange rooms; I just took a glance at it.
245. Is this the model which you saw there—the model which is now in this room? Yes, that is it.
246. Have you in any way modified the opinion which you gave when before this Committee last year as to Mr. Moriarty's plan? No, I see the same objection to it here now as I did then.
247. What, briefly, is the objection? At three berths, 6, 7, and 8, the ships lie too close; the bowsprits would not admit of ships lying as these ships are placed here.
248. Speaking practically, as Harbour Master, you would have difficulty in berthing ships as designed there? Yes. Ships could not lie at berths 6 and 7.
249. Why not? Because the bowsprit of one ship would project over the other; she could not be moored in the position shown; her bowsprit and jib-boom would go right into the other ship's rigging. It is necessary also that a ship should be placed in a position to admit of a collier coming alongside her when she has discharged her cargo to a certain extent, because as the cargo is discharged she becomes so crank that it is necessary to put something into her to steady her; and if that is to be coal there must be room for a steam collier to come alongside, and it would be impossible for a steam collier to come alongside any of these ships at berths 6, 7, and 8.
250. Is that the main objection you have to the plan? I do not object to the plan so much as I do to the positions in which the ships lie, interfering with one another. I presume it could be easily remedied by slightly altering the line of the face of each berth—carrying the *échelon* line a little further out at one end and perhaps a little in at the other, so as to throw each ship's bow further off from the one next to her. (*The witness pointed out on the plan the alteration he proposed.*) I have stated that to Mr. Moriarty since I was here; he knows pretty well what my ideas are with respect to this part of the scheme.
251. Will you have the kindness to look at this plan of Mr. Selfe's? (*Mr. Selfe's improved plan exhibited to the witness.*) That, I understand, is modified somewhat from the model you have seen, more especially with respect to the straight portion, 830 feet long, where three vessels are represented as lying in a line? Ships would lie better in berths where they lay *en échelon*—where the jib-boom and bowsprit of one are carried outside the other one's quarter. Then all the space required for a jib-boom and bowsprit would be made available by a vessel lying alongside of it. I do not like this (*the straight*) portion of Mr. Selfe's plan. (*Mr. Selfe's original plan, similar to his model, exhibited to witness.*)
252. *Mr. Wearne.*] Of these two plans, which, in your opinion, is the best? I prefer the original plan, as regards the berthing of the ships at the same part of the quay. But this long straight piece appears to be designed so that two long vessels could occupy it instead of three shorter ones.
253. *Chairman.*] What was your opinion of Mr. Gowlland's plan? The vessels appeared to be too crowded. I do not recollect the length of Mr. Gowlland's jetties.
254. *Mr. Clarke.*] That plan would give accommodation for a greater number of vessels? Yes. This (*Mr. Gowlland's*) is a very good plan in many respects. It gives room for a great number of vessels, and they could be very easily taken in or out; in fact, so they could in the *échelon* plan; but this (*Mr. Gowlland's*) would take up more water space, and the jetties would perhaps require to be made longer to make vessels secure, because we have ships of great length coming here now. These jetties do not appear to be of sufficient length to accommodate the class of ships we have here now.
255. *Chairman.*] Coming back to this plan of Mr. Moriarty's, I gather from your evidence that if this inner line of wharfage at berths 6, 7, and 8, was filled out so as to make it nearly straight to No. 5, and

that

Capt. J. R. Mihill. 11 May, 1874.

that ships could lie all along the wharf in the same direction, that would be the best? Yes; this deep curve in the line of the cove prevents it from being carried out in that way now; it could only be done by filling it in.

256. Is this curve valuable as part of the water area? No.

257. Supposing the water-line went in that direction (*pointing to the plan*), and then the accommodation for ships were so constructed that all the vessels would lie with their bows pointing out of the cove all along the frontage, removing the projecting berth No. 5 in the middle,—how would that answer? Yes, that would be better.

258. Do you think that would be a good arrangement? I think it would be a great improvement. In fact, these three berths (6, 7, and 8) are impracticable; I do not see how ships could be placed at all of them at once.

259. You object to this inward curve in the line of the wharf? I do.

260. *Mr. Macintosh.*] Supposing one of these three plans were to be carried out, which would you recommend without any modification whatever? All three plans are open to objection, in my opinion; it is hard to say which to prefer. I do not like that straight wharf in Mr. Selfe's plan. Ships to be placed there would have to get their jib-booms rigged in, and rather than do that, captains would prefer going to a private wharf. Within the last three months two or three captains have declared that, if they could not have a berth at the west side of the Circular Quay, where it is not necessary to let go an anchor or rig in a jib-boom, they would place their ships at a private wharf. These ships eventually discharged at the Circular Quay.

261. *Mr. Wearne.*] Is this an improvement—to have a piece of the wharf overlapping each ship, as in Mr. Selfe's plan? Yes, this is what is required to economize space.

262. In Mr. Moriarty's the wharfs do not overlap: which of the two plans is the better? Of the two I prefer having a piece to overlap, making as much room as possible, so that ships can work three hatchways.

263. What other advantage do you see in Mr. Selfe's plan? The ships lie clear of each other in every instance.

264. In Mr. Moriarty's plan they would be made to lie clear of each other by widening one part of the wharf? Yes.

265. But you think that even with that improvement Mr. Selfe's is better, because each wharf is longer? Yes, the wharf is longer. Ships can be better secured, and it gives more room for lighters or colliers to come alongside.

266. *Mr. Sutherland.*] You have said that the wharfs are longer on Mr. Selfe's than on Mr. Moriarty's plan? I judge that they are.

267. And you have given evidence that at berths 6, 7, and 8, no collier could come alongside vessels lying there. Could not a collier, or a vessel from the Islands, transhipping produce, get opposite the main hatchway of a vessel at No. 7? No; the bowsprit of the next vessel would be in the way.

268. *Mr. Macintosh.*] Do ships come to the Circular Quay in preference to private wharfs? They must come to the Circular Quay to load, but I believe they often have orders to go to private wharfs to discharge, before they leave Home. Owners of private wharfs have been in the habit of giving a portion of the wharfage on the goods to the ship, to induce her to come to the wharf. I have received a bounty of the kind myself years ago. It is the bounty that supports the wharf, by inducing vessels to come there. On one occasion I got a cheque for as much as £30 in that way, which I knew nothing at all about beforehand.

269. Are you aware that the Government have the Circular Quay in their own hands at the present time? Yes.

270. Are there as many ships coming to the Circular Quay now as there were when it was in the hands of a lessee? I believe there is the average number of ships, according to the season of the year, as when in the hands of a lessee. There never were many ships at the Circular Quay at this time of year.

Commander John Gowlland, R.N., called in and examined:—

Commander J. Gowlland, R.N. 11 May, 1874.

271. *Mr. Wearne.*] There have been objections raised against your plan, that the jetties do not extend far enough out to accommodate ships of the length of those that may be expected to come here—What is the length of your jetties? I almost forget now, it is so long since I have seen the plan; but I think the length of each one is marked.

272. *Mr. Macintosh.*] I think they are 180 feet? No, they are more than that—at least 200 feet; the majority are from 220 feet to 250 feet. But any objection on that score can be easily got over by extending them to any length required at any time—that is one of the advantages of a jetty system.

273. *Mr. Wearne.*] Another objection raised against your plan is, that a southerly wind blows across the vessels as they lie at the jetties? Can you show me any position in which some strong wind will not act upon a ship placed any other way, especially the westerly winds?—We know we get more westerly winds than southerly winds during the year; and vessels berthed on the *échelon* plan have their whole broadside exposed to the full blast of the westerly winds. I think such an objection as that is no objection whatever.

274. From your experience you think we have more westerly winds than southerly winds? Yes, a great many more—the Meteorological Register will show that. Such an objection I should not think of raising to any scheme. As regards a southerly wind, I contend that vessels berthed on my plan would be more protected from a southerly wind than from any other wind that blows, except an easterly gale. All the large buildings surrounding the cove are simply break-winds—the whole town of Sydney, in fact, protects the cove from a southerly wind. The only vessels the least affected by a southerly wind would be those at the northernmost jetties, and on the *échelon* plan there are more ships lying heads north and south, exposed to the fury of the westerly winds, than on any other. This objection, however, in any scheme is not worth arguing.

275. *Chairman.*] You have recently visited Europe? Yes, I was six months in England.

276. During your visit was your attention turned to this subject? Yes, I gave it a great deal of attention whilst I was at Home, not with a view to this inquiry, because I thought it was concluded, but for my own information. I visited all the docks in London, and some of the great docks on the Tyne, Jarrow, and Sunderland Docks, and saw the sytem of wharf accommodation and of jetties there.

Commander J. Gowlland, R.N.

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277. Did you visit any part of England where there are new wharf constructions which appeared to you suitable for the locality of Sydney Cove? No, I saw no place in England with such splendid deep water frontage as we have. In England they have to make artificial docks and basins. The Keyham Dock at Plymouth and the new enclosure to the dockyard at Portsmouth were the principal ones I saw; and they are built on mud flats and reclaimed ground.

278. You saw nothing that struck you as likely to assist us—to afford us instruction? Yes, I saw a great many things, but not suitable to this particular spot, the Circular Quay—nothing similar in contour and shape. Nearly all the harbours now at Home are artificial.

279. After your additional experience in inspecting to some extent the new docks and wharfs you have seen, were you led to in any way modify your own plan as submitted to this Committee? No. I may be thought egotistical, but I still think my plan is better than any of those I saw before I went Home. The only modification would be that I would have iron screw piles instead of wooden jetties. I showed the specification for my work to some good engineers in London, and they approved of it, and said they considered the superstructure quite strong enough for any weight of cargo that could be put on it. They considered the timber and ironwork sufficiently heavy, and the specification altogether a good one.

280. Have you any objection to state the names of those engineers? I showed it to Mr. Murray in Great George's Yard, and also to a relation of my own; but of course I did it only for my own satisfaction, as I saw the tenders for Mr. Moriarty's plan in the Agent General's Office in London, and presumed his plan had been adopted.

281. We have had another plan submitted to us by Mr. Selfe. (*Mr. Selfe's original plan exhibited to witness.*) Perhaps you would understand it better if you look at this model. (*Mr. Selfe's model exhibited to witness.*) What is your opinion of that plan? It would be very awkward to get ships in or out of that berth No. 3. If a ship lying there were on fire, there would be a great deal of difficulty in removing her; you would have to pull the next ship out in order to do so. But I like the principle of the plan very much. It seems to me to be a modification of Mr. Moriarty's plan. I think this a very good plan indeed, with the objection I have alluded to; but I suppose it is impossible to provide against every contingency. (*Mr. Selfe's modified plan shown to witness.*)

282. That is supposed to obviate the objection to which you have alluded, but I do not know that it would do so? It would not, I think. I do not know what number of ships could be berthed about the quay on this plan; but in submitting my plan, my idea was to afford as much accommodation as possible in the limited space we have. I look upon it that Sydney is not going to stand still for the next fifty years, and in less than twenty years we shall have a great deal more shipping than at present come here; in fact, the trade of the port has increased considerably since I left—only ten months ago. I think we should look to the future more than the present, and provide as many berths as possible. If twenty ships happen to be in the port at the same time and there are only ten berths, the remainder must of course wait. With a deep water frontage, such as that at the Circular Quay, I imagine it should be the object to berth as many ships as possible, and hence I built my scheme, having that idea in view the whole time.

283. Your plan would accommodate how many? Twenty. I do not know whether I might be allowed to make an observation on Mr. Moriarty's estimate and specification for my plan, which I saw published with the Report of the former Committee. I scarcely think it fair that one engineer should be allowed to draw the specification of another's work, particularly when their schemes are antagonistic. I submitted my scheme, and my specification was drawn for me by Mr. Young, the contractor for a great many public works of great magnitude, both here and in Victoria, and he said the superstructure which he allowed was quite strong enough for any purpose of discharging cargo, and he considered it would last thirty or forty years. He offered to do it for £100,000 or thereabouts, and he is *still* prepared to do it. I have also, as I have stated, shown this specification to some men of position at Home, who gave me favourable opinions of it. Under these circumstances, I scarcely think it was fair for Mr. Moriarty to put in such heavy timbers, and in every way to increase the estimate of the cost as much as possible. The timbers, ironwork, and copper he proposed to put in were absurdly heavy, and strong enough to wear out three sets of piles; so much so, that when Mr. Young went to the Office of Works and looked at the specification, he laughed at it, and would not trouble to send in a tender, because he saw that this specification was drawn up so as to prevent the plan being adopted. I think I have also a right to complain that a retaining wall was put into this specification of Mr. Moriarty's, which formed no part of my scheme, and this retaining wall was made double as thick and much more expensive than it need be. There is no reason why it should be charged to my scheme alone any more than to any other, as, if made at all, it would be a common expense to each. Doing away with that, and the excessive weight of the superstructure, would take off something like £100,000 from Mr. Moriarty's estimate of the cost of my scheme. I do not say it was unfair to do this in my absence; but I think every engineer should be allowed to draw specifications for his own work, and that they should not be prepared by another engineer. I have said nothing against Mr. Moriarty's scheme, nor do I now. I said at the time, when last examined, it was a most ingenious scheme and a very good one, and the only objection I had was that it does not provide for the growing wants of the port.

284. *Mr. Macintosh.*] You made a remark about substituting iron screw piles for timber in your jetties: did you make any inquiry while in England with respect to iron—how iron corrodes in the water? Yes. Iron corrodes but very little—something like the eighth of an inch in thirty years.

285. You would substitute iron screw piles for wood? Yes; but then I should have no copper, and the doing away with the copper would make up for the difference in the cost of putting down iron piles.

286. Wooden piers are not much used in England now? No, not at all. They generally use cast iron cylinders filled with concrete.

287. *Mr. Clarke.*] Have you any idea how long wooden piles would last in this harbour without coppering? I believe the jarrah jarrah timber from Western Australia would last ——

288. I mean the ordinary kinds of hardwood to be obtained here? I would propose to put jarrah jarrah, which is not affected by the cobra worm at all. It is imported very largely into Europe and America, and used almost all over the world, except in the other Australian Colonies.

289. Have you any knowledge how long hardwood piles have lasted here without coppering? Down at Bulli Mr. Shoobert told me they were eaten through in ——

290. That is in clear and pure sea-water: I mean in Sydney Harbour? No, I have had no experience of it.

Commander J. Gowland, R.N.

11 May, 1874.

291. Do you know that the sewage matter which is running into different parts of our harbour has the effect of destroying the cobra? I was not aware of that.
292. *Mr. Sutherland.*] The only alteration you would make in your plan is that you would substitute iron screw piles for wooden piles? I can hardly say the only alteration. I have not gone into the matter since I landed, only the day before yesterday. But that is one alteration I would propose to make.
293. Would you do that with the view of cheapening the construction? I think it would not be any more expensive, and of course iron piles would last longer than wooden piles. But really I am quite unprepared now to go into details.

WEDNESDAY, 13 *MAY*, 1874.

Present:—

MR. HOSKINS, | MR. SUTHERLAND,
MR. WEARNE.

THE HON. HENRY PARKES, ESQ., IN THE CHAIR.

John Booth, Esq., M.P., called in and examined:—

J. Booth, Esq., M.P.

13 May, 1874.

294. *Chairman.*] You are, of course, aware of the object of this Committee? Yes.
295. You have had a good deal of experience as a shipowner? Yes.
296. And in respect to the commerce of Sydney Harbour? Yes, for over forty years in this Colony and in other places.
297. Has your attention been specially directed to the accommodation afforded for the berthing of ships and discharging and loading of cargo? Yes.
298. Are you in a position to institute any comparison between the state of Sydney Harbour, in this respect, and other important ports in other parts of the world? I have been to a great number of other ports, but much of their wharf accommodation, having been made fifty or sixty years ago, is not in keeping with the present times for the ships that are now being built; so that to institute a comparison it is necessary to look further ahead.
299. Does the Committee gather from what you have said that the wharf accommodation of Sydney is not, in your judgment, sufficient? No, it is very deficient indeed.
300. Have you had your attention directed to the different plans that have been proposed for improving the wharf accommodation at the Circular Quay? Yes, I have had the report and plans sent to me, and I have also seen other plans.
301. You have looked through the evidence taken before this Committee last Session, and examined the plans appended to the evidence? Yes.
302. The Committee would be glad to hear any views you entertain, if you would be good enough to express them, upon the different proposals that have been submitted to the Government? It would be necessary for me first to distinctly understand what class of ships you require the wharfs for.
303. I apprehend that the vessels which it is expected will require accommodation at the Circular Quay are for the most part the regular liners between Liverpool and London and Sydney; and I believe it is generally supposed that ships are likely to increase in length and tonnage rather than diminish? Then you require wharfage accommodation for first-class liners. Now, the next question I would like to be put in possession of is, whether the Government require to cram as many ships in the frontage as possible, or whether they wish to make sufficient berths to give ample accommodation for these large ships, with a special view to them. It makes all the difference. You can have jetties if you wish to put in sixteen or eighteen ships of moderate size; but if you wish to have broadside wharfs for large vessels, like those at Liverpool, Glasgow, and other places, you cannot get so many ships in. In a place like Sydney, where there is so much water frontage, no doubt the latter (broadside) plan will be the best. (*Mr. Moriarty's improved plan, marked No. 6, submitted to witness.*) The length of the berths and the length of the ships lying at them do not seem to be marked on this plan; but it appears to me, from what I can see, that scarcely any of these ships are first-class vessels that are berthed here. There is another plan similar to this, with the length of the berths and the names of the ships marked on it, drawn to the same scale. I should like to see that.
304. You will observe that the ships marked upon the lithograph plan appended to the evidence taken last year are the "Sobraon," "La Hogue," "Parramatta," "Abyssinian," and "Maid of Judah"? They are all small ships, except the "La Hogue" and "Parramatta."
305. The "Sobraon" is a large ship? Yes, she is over 2,000 tons. But they are all small ships except those three. However, I presume these berths are 180 feet long—that is Mr. Moriarty's plan I know.
306. *Mr. Wearne.*] The whole of the berths are 180 feet long? Yes, except No. 5, a projecting berth, which is 140 feet. I have brought with me another sketch similar to this, with the ships marked upon it. (*Sketch produced.*) This is a tracing which Mr. Sutherland furnished to Mr. Selfe. You see that here the berths are shown to be 180 feet, and the ships are drawn to scale. There is one also which Mr. Selfe sent here the other day, showing the soundings. (*Plan produced.*) This, you will see, is a true copy of the one furnished by Mr. Sutherland to Mr. Selfe. It shows the berths and all the soundings. Now each of these berths is 180 feet, except No. 5, which is 140 feet. You will see that this plan will give such ships as some that you have named very good berths, that is to say, some of the ships you have named are from 150 to 175 feet on the keel, and they do not take more than 225 feet of a berth. These ships have nearly all been sold, or are being sold every day, to colonial owners, for intercolonial or China trade, and are being replaced by such ships as the "Samuel Plimsoll," "Benmore," and "Hydaspes," which are taking the places of the vessels that three or four years ago were reckoned first-class ships; and this plan does not afford accommodation for them. Here is the "Sobraon" represented as lying at this 140 feet berth, No. 5; she can only work one hatchway, and she overlaps both these ships berthed inside of her. The next ship, the "Benmore," at berth No. 6, is 242 feet between perpendiculars, and her moorings will consequently have to be taken over both of them, and takes a berth of over 300 feet. At one of these berths she could work the after and the main hatchways, but not the fore hatchway; and her moorings must come across the next ship. The next

is

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is the "Samuel Plimsoll," at berth No. 7, 245 feet between perpendiculars; and you can only work two hatchways. The next ship, at berth No. 8, is the "Movarian," 199 feet 8 inches; she is about a thousand ton ship—a small ship; you cannot berth a longer ship there at all. But the worst of all on this plan is that if the ship at berth 8 is loaded before the rest, or is on fire, you cannot get her out without moving the ships at 6 and 7; neither can she be berthed without moving these ships, nor can either of these ships be moored without carrying her moorings forward over each other. At No. 9 the "Parramatta" is lying in this drawing; she can only work her after and main hatches, and her moorings go across the other ship. The next ship can be moored and moved in and out very well, and so can the ship at No. 11. No. 4 would berth an intercolonial ship, but will not berth any first-class ship coming here. I feel certain that the regular floating warehouses that are now doing the eastern trade are bound to do the trade of Australia within a very short time—such as the "Macgregor" or "Mikado." In case of the "Macgregor" or "Mikado" requiring a berth at either or any of these berths, only one hatchway can be used, and not two; either the forward or the after hatch is the only hatch that can be used at one time; there being only two hatches in such ships, the main hatch, which would be in a sailing-ship, being taken up with the engine space. That applies to every one of these berths; and if you were to put her in No. 5 berth she would run past the ship in the third berth. I see there are eleven berths shown, ten of 180 feet and one of 140 feet. This end berth could be extended of course to any length you like to berth any ship. I think that is all I can say about this plan.

307. Have you seen the plan submitted by Lieutenant Gowlland? I saw a lithograph of it in the report. (*Plan referred to submitted to witness.*)

308. What is your opinion of that proposal? This plan moors each ship separate and distinct, and clear of each other. No moorings or anything belonging to one ship is in the way of another, nor do the yards of one ship interfere with those of another. The jetties, I see, are about 80 feet wide or thereabouts, and the space between seems to he about 120 feet or perhaps 130 feet.

309. *Mr. Hoskins.*] What is the length of the jetties? They are meant to be 200 feet. In my opinion, they are far too short as a whole, and are liable to a similar objection as to the *échelon* plan, unless some are lengthened.

310. *Chairman.*] In that plan there would be no difficulty in berthing ships, or cutting them out in the event of fire? None whatever; each ship is clear by itself.

311. Do you think the projection of jetties according to that plan would seriously interfere with the area of water necessary for the manœuvring of ships? Before we speak of that, will you allow me to say that these jetties are rather too close together. There must be 160 feet between them to give room to get a lighter and collier in to go to the fore or after hatch. You want room to get a lighter in and out when there is a collier alongside each ship. The objection I have is that there are too many jetties.

312. My question had reference to the water space in the cove for the movement of ships not coming to the jetties—vessels going to the opposite side or out into the stream. What I wished to ask was, whether these jetties would seriously interfere with the area of water available for the ordinary movements of vessels? I see, by looking through the report, that there are about 700 feet from the west to the east side given in Mr. Moriarty's report. For the class of ships now being built for the new mail service nothing less than 325 feet of berth is of any use; and a jetty extending 325 feet out, and a ship hauling out from it 400 feet would most materially interfere with the water space. Even if you took them out 250 feet, which would suit some of the present liners, but not all, it would still interfere to some extent. I believe long jetties, and long ships hauling out, according to this plan, from the eastern side, would interfere materially with the water space.

313. If there were two or three vessels of from 350 to 380 feet long in movement at once in that water space, one going out and another coming in, you think it would be inconvenient? It would all depend upon the position you were taking them to. It would not matter how many, provided they were coming to the jetties at the head of the cove; only the citizens would object to give up the right to use this water where the steamers now come. Another objection to lengthening the jetties is that the depth of water would make it very expensive. From all I can hear, there are 113 feet before you come to the rock at the bottom in some places; not that it is necessary to drive a pile home—you can put a collar on it, as they do at San Francisco, Melbourne, New Zealand, and other places.

314. We have not yet spoken of the facility for discharging goods or taking goods on board by Mr. Moriarty's plan: it was assumed that each ship would have a wharf to itself, as it were——? Half a wharf only——

315. And then that between the roadway and the front of the wharf there would be a continuous shed, where, it was represented, the goods from a vessel, if not taken away, could be under cover, and safe and free from mixing with the goods from any other vessel; and that was supposed to be a convenience. It was also proposed that part of this shed might be partitioned off, and be under lock and key, as a temporary bonded store, so that bonded goods might without difficulty be locked up for the night, and so save a good deal of inconvenience that occurs now? That is essentially necessary, both the shed and the bond.

316. It is right to explain that this was embraced in Mr. Moriarty's proposal; and perhaps I may explain what was proposed in the other plan. It was proposed in Mr. Gowlland's plan that two ships should have a jetty to themselves, one discharging on each side, so that goods could not be mixed beyond those from the two ships; but it has been urged that the goods would more or less get mixed, and that being landed on these narrow jetties they would have to be brought a considerable distance to the wharf where the drays could take them away, and that that would cause very serious inconvenience? There are many objections to landing them or loading them on such a long jetty, but it is a fallacy to suppose they would get mixed. The A. S. N. Company's jetties are only 33 feet wide in place of 80 feet, and with a steamer lying at each side they do not think anything of putting from 300 tons to 500 tons of cargo to each of these ships as a day's work. It is only carelessness or neglect if the goods do get mixed.

317. Which plan do you think would afford the greatest number of facilities in the discharge of goods and taking goods on board? I believe the jetty plan, if we were short of water frontage, would be the best, because each ship lies separate and distinct; but where there is such a large amount of frontage—I suppose nearly twenty miles—as we have bordering the city, in Sydney harbour, and so many empty wharfs lying round the harbour, if the facilities afforded to owners to make their wharfs were what they should be, we should not want so much accommodation at the Circular Quay. I have seen another plan which

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affords better facilities than either of these. You cannot work from all the hatches of a large ship on either of these plans, and therefore when you have discharged from two of them you must either bring your goods along the deck from the other one or turn your ship round. I have got some lengths of different ships here which will show you what I mean. From the stern to the fore part of the fore hatch of the "Hydaspes" is 198 feet, consequently you could not unload from all three hatches by 20 feet at any of these 180 feet berths or jetties. I have also got from Mr. H. H. Hall the lengths of the new ships now being built for the San Francisco Mail Service, and I presume these ships will now always have to go alongside a wharf, and they will require a collier amidships, and probably a lighter at each end—the collier putting in coal in the middle, and the two lighters taking out or loading cargo fore and aft at the two hatchways. From the fore part of the stern to the after hatch is 288 feet; from the stern to the fore hatch is 302 feet. You see it does not matter which way you put your ship, you must have 320 feet of wharf to work the two hatches.

318. Have you the total length of the ships? They are about 400 feet I think. I merely put down the length between the two hatches to show what length of wharf would be required. (*Mr. Selfe's original plan submitted to witness.*)

319. Have you had this plan under your observation? I have repeatedly seen Mr. Selfe's plan—in fact both of them. This plan I see berths twelve ships separate and distinct in every respect from each other, the berths varying from 190 feet to 350 feet, most of them being 200 feet, and No. 12 can be made to suit any length, so can the corresponding one on Mr. Moriarty's plan.

320. *Mr. Wearne.*] Does Mr. Selfe's plan come down as far as Mr. Moriarty's? I think it takes about the same frontage, and gives 650 feet more berth room.

321. *Chairman.*] Will you kindly state to the Committee what are the advantages of that plan, from your point of view, as a practical man? The advantage is that every ship is berthed and moored separate and clear of its neighbour, leaving sufficient room to bring lighters to all three hatchways, or colliers to put in stiffening or take out cargo. You have 40 feet clear; and although 30 or 40 feet of the fore part of the ship may stick out past the wharf or jetty, it does not interfere in any way with the other ship. Here are the models of the "Hydaspes" and "Samuel Plimsoll." If you put one in at berth 4, and the other at berth 5, you have plenty of room to get a collier and a lighter in to either of them, and discharge at all their hatchways on the wharf; but supposing you put them as close as that on the other plan (Mr. Moriarty's), the two ships would come together, and the head gear of one would interfere with the rigging of the other. On Mr. Selfe's plan the whole of the ships lie with their heads out, and in case of fire, or their wanting removing from any cause, a steamer can come alongside each of them and take them away at a minute's notice.

322. Would this plan afford reasonable facilities for discharging cargo or taking cargo on board? It affords exactly the same facilities for 2,000 tons ships as the *échelon* plan gives for 1,000 tons ships, only that the goods landed on the jetty, 50 feet extra would have to be trammed off; but the goods from the main hatch and the after hatch could be shot under the shed from the tackles.

323. You are aware that it is proposed to have a shed on each of these berths? Yes; and also a small bond. It also affords a great advantage for berthing and unberthing, mooring and unmooring, and, by the mode in which the ground is laid out, carts can draw all round the shed and deliver everything alongside the ship or take it away. If you have to land very heavy machinery, you can bring your waggon to receive it right under the tackles of the ship, or you can run wool under the tackles without unloading until it is lifted from the dray into the ship.

324. *Mr. Hoskins.*] You were speaking about the wharf accommodation of Sydney, and you made particular reference to private wharfs—Do you not understand that this Committee has been appointed to inquire into the best means of providing additional wharf accommodation at the Circular Quay—the Government wharf? Yes.

325. Do you believe the accommodation at private wharfs in Sydney is sufficient for the present and probable future requirements of Sydney? No, not the way they are now; but if the privilege were allowed to owners of private wharfs to extend their wharfs and jetties and make them suitable, they soon would be sufficient for our wants. As it is, when the Government makes this wharf, should they lease it so as to give a monopoly, the lessees might be contented to draw their £500 or £600 a year and keep their private wharfs idle.

326. Would you recommend that the Government should improve the wharf accommodation at the Circular Quay, or that they should offer additional facilities to owners of private wharfs to improve them? I believe they should do both. I think they should make a limited amount of accommodation for first-class ships, and should allow privileges to private owners so that they might also be induced to improve their wharfs. I am aware that there are several of them making application, and they cannot keep pace with the times through not being allowed to extend their jetties. I believe the Government should only afford first-class berths for a limited number of first-class ships for which there is not now sufficient room at private wharfs.

327. If the Government expended a large amount of money in improving the wharf accommodation which is in their hands, and private owners did the same, do you not think the accommodation afforded would be largely in excess of the requirements of this port for many years to come? No; if a large number of first-class ships came here you have not got sufficient accommodation for them; there are scarcely any private wharfs, except Smith's, Walker's, Moore's, Campbell's, and Botts's wharfs, that could take in any of these ships.

328. You therefore think the Government would be justified in expending money in improving the wharf accommodation? I believe the Government will be thoroughly justified in expending money in providing first-class accommodation for a limited number of large ships. But I do not believe, if I may say so, that many of these very large ships or large steamboats will go to the Circular Quay, unless special arrangements are made for their accommodation. Each of them costs about £100 a day, and the loss of a day's work is equal to the loss of £100; so that it is probable arrangements will be made for them to have cranes conveniently placed in the right place to work their hatchways in the most efficient manner. On a Government wharf you cannot so well have that, because ships of different lengths have to be accommodated; but it will pay the owners to have a private wharf, where they can always have the exact accommodation they require, if they can get one sufficiently commodious.

329. Then, in point of fact, you think that even if the Government do expend a large amount of money at the Circular Quay, nevertheless they will not attract these large ships? Not the ships of a permanent

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Company, unless they can make arrangements to put the necessary conveniences where it will best suit them. J. Booth, Esq., M.P.

330. The vessels trading to this port are increasing in size and tonnage, are they not? Yes; some five or six years ago 1,000 tons was the general size, but now ships of 2,000 tons are quite common, and the large auxiliary steamers will reach 4,000 tons. 13 May, 1874.

331. You do not expect these will ever lie at the Circular Quay? Not if they can get a private wharf to make more convenient arrangements for them.

332. The Circular Quay then would be constructed, or improved rather, for the use of the ordinary sailing-vessels trading from England, India, and China to this port? Yes.

333. Do you anticipate that they will be much larger than hitherto? I do not think the English and China traders will much exceed 2,000 tons, but I think the steam fleet will go to 4,000 tons.

334. You think the tendency is to larger vessels? Yes.

335. You know, as a matter of fact, that it is much more profitable to sail larger vessels than smaller ones? Yes, that is the only way to make money by ships now.

336. On the first plan you looked at—the *échelon* plan—vessels of 2,000 tons could not be accommodated at these berths? No, that is the fault; you cannot accommodate more than 1,000 tons ships there. When this plan was sketched out that may have been the general average; such ships as the "Marquis of Argyle," the "Maid of Judah," and so on.

337. Do you think berths of 180 feet in length, as these are, are much too short for vessels of the large class you have spoken of? Yes; if you want to use all three hatchways, you cannot do it.

338. Therefore, you are not of opinion that the utmost facilities would be given for loading and unloading vessels by a scheme of that kind? No, certainly not, unless you take some of these wharfs out and make the rest so much longer. In one part of this plan one ship might be put where there are now two, and in another part, two where there are now three. Mr. Selfe's plan would not berth the very largest ships, as the berths are not sufficiently long to berth the largest ships of from 3,500 to 4,000 tons, but it will berth the "Hydaspes" and "Samuel Plimsoll," or "Macgregor," which the other plan will not.

339. Which would you prefer,—that the improvements at the Circular Quay should be made by having jetties erected, or by having wharfs at the side as proposed in this plan? I would rather have them as proposed on Mr. Selfe's plan; and at any time the Government might think fit, they could run one or two jetties at the bottom of the cove, opposite the Paragon Hotel and Rolfe's timber yard, if the trade increased.

340. You prefer to have the jetties extended diagonally instead of at right angles from the wharf? Yes. (*Mr. Selfe's modified plan submitted to witness.*) I think this long straight piece of 830 feet in length in one stretch, in the place of a number of the other berths, is an improvement, if the Government want berths for the very largest ships. It would berth two of the largest steam-boats that are ever likely to come here, or three ships of 300 feet each (not between perpendiculars)—I mean with their head-gear included. They could be easily berthed and unberthed separate and distinct from each other.

341. How many vessels do you calculate could be loaded and unloaded with safety on this plan, so that vessels could be moved out in case of fire without any inconvenience to other vessels, or how many could be unloaded with this other plan that we had before? By the single berth system, on Mr. Selfe's plan, twelve; on this improved plan, with the long straight piece of 830 feet, which I have just spoken of, ten, or nine, if you put in two large 400-feet steamers, instead of three other vessels at this straight wharf. This I believe would be the best plan to adopt that I have seen (*Mr. Selfe's improved plan*), because it affords accommodation that none other of the plans do for these large ships. Another thing to be considered is that if the steam fleet does the Australian trade, one of these ships will do the work of six of the 1,000-ton ships that originally came here. She will never lie more than a week or nine days at the wharf, and during that time will put out and take in 3,000 tons of cargo. Therefore, you will only have her one-third of the time at the wharf, and taking away three times the amount of cargo.

342. You have not told us how many vessels would be able to load and unload if the *échelon* plan were adopted? The *échelon* plan would conveniently berth about eleven 1,000 ton ships; the single berth system of Mr. Selfe would berth twelve ships of 1,500 to 2,000 tons. I wish to point out that if the *échelon* plan had only to berth 1,000-ton ships they would not overlap to any great extent, but they would still be more awkward to berth and unberth than on the single berth system.

343. Knowing that you have had great experience, I ask you which material you would recommend for any wharfs or jetties, or any improvement of the wharf accommodation—timber, stone, or iron? If the Government is going to borrow the money and burden posterity with it as a national debt, I should say most decidedly stone. The stone is convenient, and will be the cheapest in the end, if you take into consideration its durability. I know stone wharfs here that have been thirty-five years down, and with the exception of the top they are as sound as the day they were put there. There is a sort of shelly matter deposited on the stone under water which protects it from wasting. I should say if a durable wharf is wanted, by all means let it be of stone; but if the Government require to construct something that will be comparatively temporary, it can only rest between iron and timber. Stone will be good at the end of hundreds of years, where iron and timber naturally must give way. As to iron and timber, I believe there is no comparison between iron and our hardwood for durability for such a purpose as this. Our wood is so superior to iron for wharf purposes that they do not bear any comparison.

344. *Chairman.*] We gather this then as your opinion,—that if the wharf is to be built in view of its use by posterity, as a permanent structure, there is no other material of which it should be constructed but stone? That is right.

345. But if as a temporary wharf to be renewed at the end of thirty years or so, you would build it of wood in preference to iron? Yes.

346. *Mr. Hoskins.*] How long do you calculate that timber jetties would last, and remain in good condition? In order to answer that question satisfactorily, I have procured specimens of timber from many of the oldest wharfs in Sydney, which will show you how durable our timber really is. I may say that I have had permission from the Government and other owners of the wharfs to take such specimens as I might require. (*Specimens referred to produced.*) This is some of the old Oriental Wharf at the Circular Quay; it has been down about twenty years. This is a piece from my own wharf, which has been down ten years as a pile in the salt water; I believe it to be box. Here are two specimens of iron-bark, both of which have been taken from a pile that has been under water twenty years. Now here is a very remarkable thing, and no doubt it deceives many people. If you saw that on the pile you would suppose

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suppose the pile was all gone; but as soon as you cut half an inch into it, it is as sound as the day it was put there. I fancy this (*another specimen*) is tallow-wood, eighteen or twenty years down; you would think that was also eaten away to nothing, but inside you see it is sound. I thought it was necessary we should have these proofs, and I took a great deal of trouble in going to every wharf I could find. I do not mean to say the cobra do not eat the piles, but they do not go in any depth. I do not say there are not live cobra in Sydney Harbour; I know there are wherever the water is clean; but they do not go into the piles more than two or three inches, in most cases not more than one inch. I have, however, failed to find one live cobra in turpentine-wood, except at the wharf at the end of Darling-street, Balmain. That (*referring to a specimen of timber produced*) looks as though it were eaten all to pieces, but when you turn it over it is sound; that is ironbark, and has been down about fifteen years. This (*another specimen*) is from the Corporation Wharf at Lime-street, and to the best of my knowledge it has been down eighteen years; outside you think it was all eaten away, but when you get inside one ½ inch, as per sample, it is quite sound. Here is a piece of Mr. Crook's Wharf at Balmain; it was put down when he first had the ferry boats there, I fancy about nineteen years ago. If you look at that you will see a cobra has been there, nearly as big as your finger, but he has come out again, and the inside of the wood is perfectly sound. This is from the Albion Wharf, which once belonged to Hughes & Hosking, and was already put down when I was a youngster; I think that wharf has been built over forty years, and it is as good to land cargo on now as ever it was. You see a big cobra has been in there, but he has turned out again and died. The same old head-stocks that were put on that wharf over forty years ago are on it now sound. This is a sample, as far as I can glean, of the old King's Wharf. A gentleman who does not live far from here went, in 1821, with Mr. Hutchinson, Colonel Grimwood, and Major Druitt, to survey and report upon the old King's Wharf. The piles were driven in 1801, and in 1821 they reported that the cobra was only in an inch and a half. In 1840 this gentleman went to look at them again, and found them sound. When Mr. Randle took the contract for the Circular Quay, he did not take the trouble to pull these piles out, as they were not in his way, and my informant told me where to go and find them—so this specimen must be seventy-three years old. There is the ironbark quite sound. Here is a specimen from the Victoria Wharf. When Mr. Northwood leased it he drove these piles, and they have been down about twenty-eight years. They look to be all eaten away, but when you cut into them about an inch they are quite sound. That is a piece of blood-wood. [*Mr. Sutherland here took the Chair.*] By the best information, this is a piece of the old original Patent Slip Wharf that Mr. Fotheringham put down in 1833 or 1834, and there you can see it, with the same original head-stocks on it.

347. *Mr. Sutherland.*] The cobra worms do go further in than these pieces show? They do, but very seldom. These are from the Gas Works wharf. They have been tarred before they were driven, and have been taken care of since. Some have been down thirty years, but I think the least is ten years; and when they have been properly tarred and looked after, that is all the impression that has been made upon them—not in one-eighth of an inch. That shows that if kept clean and tarred they are preserved to a very great extent. I now wish to make a remark about these samples, to give you a clear idea of the durability of our timber—that every one of these piles when they were driven were only comparatively saplings and not properly grown timber; but neither the head-stocks nor the piles on the old wharfs, although only saplings, have ever been renewed. The fact is our hardwood is very durable, if properly selected and felled at the proper season, which is a great item; and the reason why I think that is the case is, because I found two walings at the old Oriental Wharf, one all rotted away and the other perfectly sound; and I have seen many other similar cases. I see some kinds of wood last a great deal longer than others, but I think a great deal of it is in the season and mode of felling the timber. In Africa, where they fall the mahogany, they always fall all the timber they want to last in the dark ages of the moon; and here I believe it ought also to be felled in the dark ages of the moon, when the sap is down the most; it will work better and last longer. The timber felled in the light ages of the moon in Africa will rot away very much quicker than the other. That I am informed by Captain Dodds, who has been there looking after it.

348. *Mr. Hoskins.*] Supposing timber should be used for the purpose, would you recommend that the piles should be squared as they have been in the present Circular Quay, or left round as in the old wharfs? By all means get the piles nothing less than 22 to 24 inches through, and drive them with the bark on if possible, and if the bark is not on they should have two coats of real good hot coal tar, and then I am certain you could see them at the end of fifty years, the same as I could show you old girders buried in the ground for sixty years perfectly sound.

349. Do you think great difficulty would be experienced in getting suitable timber for a wharf like this? No. I know of one river to the northward that would yield enough to fill up the whole bay if it were wanted. The "John Knox" has been running with hardwood piles to New Zealand and purchasing them here, 40 feet long, at 1s. 3d., up to 55 feet 1s. 6d., 65 feet to 70 feet 3s. 6d., and has taken, I believe, a dozen of cargoes.

350. *Mr. Sutherland.*] What was the diameter of that timber? About 15 inches; about the same sort that our people use here; but they are not big enough, You would not get piles of sufficient size delivered here at these prices; you would not get them under 2s. 6d. a foot.

351. Have we any wood here to be compared to the jarrah timber of Western Australia for durability? I believe our mahogany and ironbark, if properly selected, are equally good.

352. Have you compared some of our woods with the jarrah wood sent up here to the Exhibition before last. I have; and when in Western Australia in 1870 I examined all the timber I could find there in their long wharf and various buildings being erected, and could only come to the conclusion that it was nothing more than our red mahogany.

353. We have had evidence from a gentleman examined here that if he built these wharfs of wood he would use the jarrah of Western Australia—Have you any idea of the cost of piles of jarrah of the sizes you mention? No, but they evidently would be a great deal dearer than our own timber, and there is no necessity for it when you have such timber as our own. I am certain our red mahogany has the same qualities as their jarrah wood.

354. Have you examined the wharf at Woolloomooloo Bay? I have.

355. Are the piles there of the size of timber you would prefer having this wharf built of? Yes, that is the only good wharf I have seen in the Colony. It is a first-class job, of good-sized timber, and I believe that wharf will stand there at the end of fifty years.

356. Have you taken any samples off that wharf? No, I did not like to touch it because I had not permission, but there is not the slightest sign of decay either in the piles or headstocks.

357.

357. *Mr. Hoskins.*] Have you not heard that turpentine wood is a suitable kind of timber for a wharf? Yes, but I know the cobra does go into it. J. Booth, Esq., M.P.

358. Have they not erected jetties at Bulli of turpentine wood? Yes, I believe they have, but I have never seen them. I do know the cobra is in turpentine piles at Balmain. 13 May, 1874.

359. Have you heard that since the sewage has been emptied into the harbour there is less destruction of timber piles of wharfs from white ant or cobra than there was before? I am certain of that, because the walings of the Pyrmont Road Bridge across Blackwattle Swamp, purchased by the Government, are nearly always in the water, and also the walings low down in the water at the Glebe Island Bridge, and there is no more sign of cobra than there is in this table, nor can I find any live cobra in the cove, or in Darling Harbour, or up in Johnson's Bay, since the water has been impregnated with the sewage. Where the water is impure the cobra do not exist at all, or only to a very small extent; you may get odd ones.

360. *Mr. Sutherland.*] You have stated that you would give us your reasons for selecting timber in preference to iron, and for believing it would last longer? It is my belief it would last longer, and be only one-third the price of iron. I produce a piece of cast-iron, part of the rose of a pump, that was once an inch and a quarter thick, sixteen years ago, and is now in many places only five-eighths of an inch.

361. Where was that taken from? Over at Balmain. I have one sample at home as thick as my arm, which you can cut like a black-lead pencil. To support my views, I will read you a paragraph from a scientific work by Mr. Dobson, F.R.S., M.R.I.B.A., his eighth edition, on the building and construction of wharfs, printed in 1871:—"To obviate the inconveniences attending the use of timber, cast-iron is sometimes used as a material for piles; but this again is objectionable in salt water, as the action of the sea-water upon the iron converts it into a soft substance, which can be cut with a knife, resembling the Cumberland lead used for pencils."

FRIDAY, 15 *MAY*, 1874.

Present:—

MR. HOSKINS, | MR. MACINTOSH,
MR. WEARNE.

THE HON. HENRY PARKES, ESQ., IN THE CHAIR.

John Booth, Esq., M.P., further examined:—

362. *Chairman.*] You attend to-day to continue your examination from the point where it was broken off by the rising of the Committee on Wednesday? Yes; I think we left off after I had read the opinion of a scientific man, Mr. Dobson, in reference to the corrosion of iron, given in 1871. I will refer you now to Professor Rankine, who is considered one of the greatest authorities in England on such subjects. At page 514 of a book published by him in 1869, he says:—"Cast-iron will often last for a long time without rusting, if care be taken not to injure its skin, which is usually coated with a film of silicate of protoxide of iron, produced by the action of the sand of the mould on the iron. Chilled surfaces of castings are without this protection, and therefore rust more rapidly. The corrosion of iron is more rapid when partly wet and partly dry than when wholly immersed in water or wholly exposed to the air. It is accelerated by impurities in water, and especially by the presence of decomposing organic matter, or of free acids. It is also accelerated by the contact of the iron with any metal which is electro-negative relatively to the iron, or in other words, has less affinity for oxidation or with the rust of iron itself. If two portions of a mass of iron are in different conditions, so that one has less affinity for oxidation than the other, the contact of the former makes the latter oxidate more rapidly. In general, hard crystalline iron is less oxidable than ductile and fibrous iron. Cast-iron and steel decompose rapidly in warm or impure sea-water." I have already shown you a great piece of cast-iron, which has been about sixteen years in the water, and has rusted away from an inch and a quarter to five-eighths of an inch in some places. I also wish to point out that the particular place where it is proposed to put these iron wharfs possesses all the bad conditions spoken of in the extract I have read, as to the impurity of the water; in fact, it is merely a sink in itself. It is warm sea-water sewage, and it is full of the most destructive elements that tend to corrode and destroy iron. I know nothing about the cost of iron; I can only show you that sample (*referring to the specimen of rusted iron produced on the previous day*), and I have read you what the best authorities say on the subject of corrosion; but I can tell you something about the durability of our colonial hardwood for piles, for that is a subject I am well up in. I can take any gentleman to the wharfs I have spoken of, and I am sure he will find them in the same state as I have represented. Now, I wish to compare the enduring qualities of wrought-iron girders with those of the ironbark girders of this Colony; and to do that, I will call the Committee's attention to the "Grafton" steamboat, twenty-three years old, whose topsides were originally very thick, but have rusted away altogether; also to the "City of Hobart," twenty years old, now over at the dock getting new topsides; also to the "Morpeth," which, at the end of fifteen years, has had to be sheathed, her iron top-plates being gone; also to the "Pearl," the Government boat, about eighteen years old; after they had got her to Shoalhaven for a little while, they had to bring her back and give her new top-sides. The little "Chance," yacht, when laid up in Sugar Works Bay, rusted away till you could see through her. The rest of Mr. Crook's boats have all rusted nearly away, and unfit for use, and that within about eighteen or nineteen years.* Captain Heselton, owner of the "Breadalbane," assured me for certain that the steamer "Breadalbane" has had top-sides three times in eighteen years; and the Parramatta steamers—"Pelican" and others—have had new top-sides twice in twenty years. This goes to show how the rust and corrosion goes on in iron boats.† Now for wooden ships:—The "Fanny Fisher," about twenty-eight years old, colonial built; the "Numba," twenty-four years old; the "Gipsy," twenty-five years old; the "Magnet," twenty-seven years old; the "Albion," twenty-four years old;—I could rake you up another dozen or so, only the ships get lost, and do not rot away. J. Booth, Esq., M.P. 15 May, 1874.

These

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* NOTE (*on revision*):—One of those boats is lying on the beach in a fearful state, while the "Waterman" ferry-boat, of wood, is lying alongside perfectly sound, and nearly double her age.

† NOTE (*on revision*):—The "Megæra," transport ship, sank near the island of St. Paul's through her ¾ iron plates rusting through, although only about fifteen years in use.

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These are all examples of the durability of our colonial timber. Those ships have their original top-sides on. I hand in a piece of a wrought-iron strap, off a wharf about twenty-five or twenty-six years old, originally ⅝ of an inch thick, and that is the state it is in now—nearly all rusted away. (*Handed in.*) I may inform you that the wooden head-stock—ironbark—that that strap was taken off is as sound as the day it was put on the pile, and that is the result of employing iron and wood collectively. I would next call the attention of the Committee to a very able gentleman's evidence in this matter—Mr. Moriarty, our Engineer-in-Chief for Harbours. Speaking of the corrosion of iron in pontoons or iron docks, Mr. Moriarty says, in his Report on Docks, page 10, ordered to be printed, March 10, 1874:—"The iron plates, however carefully painted, must corrode, and the rate of corrosion in the warm sea-water of these low latitudes is rapid enough to be an objection to its application in this way." He makes out that iron rusts away, and that stone is the best. I have not seen the specification for the proposed new iron wharfs, but I have seen all the girders and all the iron-work at the head of Darling Harbour, and so far as workmanship and material go, I think it a very good job; but I feel satisfied, after reading these authorities on corrosion, and seeing how iron rusts away, that wrought-iron girders in a wharf stand exactly in the same position as the top-sides of a ship, only with this difference,—that there is a disadvantage, that in shipping copper ore it will spill about, and the rate of corrosion will be something terrific; and there may be other matters, as the landing of salt, that will have the similar effect that no one can prevent from resting on these wrought-iron girders. Many of these girders, the inside ones, the ends are only ⅜ of an inch thick, and if they rust away at the same rate as the top-sides of a ship that is easily kept clean and painted, in less than twenty years they must fall into the sea. Even as high as 126 feet, at the Port Stephens light-house, the hand-rail round the outside of the light-house is eaten away by the salt sea air alone, fully ⅛ of an inch, and I think it has been only about ten years there—I believe Mr. Barnet told me so when he and I examined it. I now produce some pieces of timber, parts of piles and head-stocks, from the Patent Slip Wharf; and I have the written certificate of the lessee and some of the parties who put them up, that they have been in their places since 1833 or 1834—forty years ago—without any repairs. I now produce a sample fron the Albion Wharf, known as Hughes & Hosking's Wharf, put up in 1838; consequently they are thirty-six years old; and I have a written certificate as to them also. That is a piece of a pile, and that is a piece of a head-stock (*produced*), they are fellows one with the other, thirty-six years in their place without ever having been repaired. I have that on written authority, and I have known them myself since 1839, and as sound as the day they were put there. I produce a piece of mahogany or New South Wales jarrah wood down twenty years as a pile and quite sound. I showed you the other day that the Gas Company coal-tarred their piles, and that the cobra had not eaten into them ⅛ of an inch, and so that I might be quite certain about it, I wrote about it and received an answer from Mr. Bagle, written by authority of the secretary, Mr. Mansfield, that they have been in their places thirty-four years. There is not a sign of filth or dirt or anything on them at all, that I saw; they have been taken care of, and the coal-tar has preserved them. I have now shown you samples of timber *versus* iron, and have quoted the best authorities, as well as given you my own personal knowledge; and having done this, I shall be happy to take a boat and an axe, and take Mr. Sutherland, as Minister for Works, and any other Members of the Committee, to the places I have spoken of, and show them that what I have said is correct. I have also visited the new gas works at Parramatta, in company with the Hon. Minister for Works and Lands, and was struck by seeing an old ironbark girder under two or three old houses, from which they were cutting the bank of dirt away, and this old girder was as sound as the day it went there, except the sap. I got information as to its age from Mr. Webb, of Parramatta, who supplied the timber forty-three years ago. It was buried in the ground, and I feel certain that if it had been wrought iron ⅜ thick, similar to iron girders, it would have rotted away long ago. I wish also to point out to the Committee that the fact of iron being largely used in other Countries is not a fair comparison for New South Wales. New South Wales timber has been always kept in the dark, and jarrah wood and other things such as iron for wharf purposes have been cried up. I might make this remark,—that if the Government would get some green jarrah wood, and take the nearest piece of timber of ours to it, and get an analysis of what properties each contained, we would know the exact value of jarrah wood as compared with our own timber, such as mahogany, which I feel certain is the same. I was going to say that England abounds with iron, but she has not got ironbark forests. The use of iron is a necessity with England. She has not got timber such as ours, but she makes her own iron, and she has a cold climate where iron lasts better. I have not seen a commercial wharf made of iron, where ships load and unload, in any part of the world where I have been; but I have seen jetties and piers into the sea made of iron, in clean sea water in cold climates. If England had our ironbark that would last forty, sixty, or seventy years, I feel certain she would use ironbark and not send to Australia for iron. When we make iron, and our forests are done, it will be time enough to use iron.

363. *Mr. Hoskins.*] Do you think the proposed improvements at the Circular Quay could be effected in the quickest way by using timber or by using iron? I suppose, if we judge from what has taken place at the head of Darling Harbour, we could do them with timber in one-third the time we could with iron. I know nothing about constructing iron wharfs, but I do about wooden wharfs, and I take the Darling Harbour iron wharf as a criterion.

364. You are aware that if it is decided to have these jetties or wharfs of iron, all the iron must be brought from England? Yes, I presume so, or Belgium.

365. From your knowledge of the timber trade, do you not think we could get the requisite timber here in much quicker time than the iron from England? Yes, a great deal; you can get timber enough to fill the whole bay up if you want it.

366. Of the two materials, you would prefer that the proposed wharf should be constructed of timber rather than of iron? Yes; but, as I said before, if it is to be a lasting and permanent work, and the money to be borrowed, I would rather have it of stone; but if it is to be a comparatively temporary matter I would have it of wood, which, in my opinion, would last as long again as iron, and only cost half as much.

367. How do you prove that timber would only cost half as much as iron? I take the wharf at Darling Harbour, which will, when finished, cost at the rate of £1 per foot of surface; and I feel certain that in 1870, when petitions were sent to this House, and the unemployed were starving in the streets, it could have been built altogether, completed, for £22,000 or £23,000, of timber,—that is to say, the twelve jetties, measuring 1,800 feet run in length; or the present structure could have been done in eighteen months for £15,000 or £16,000,—viz., nine jetties and 1,260 feet run.

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368. What has it cost—the portion now done? It appears to have cost nearly about £43,000, but not complete, but will cost when completed about £50,000. It appears from Mr. Moriarty's evidence before this Committee last year, question 722, that there are nine berths, and that the cost was then estimated to be £50,000 for the nine, or £5,555 per berth; and I am certain that portion of the work would have been done by contract in 1870 at from £15,000 to £16,000.

369. And the work was let, to be constructed of iron at that time? Yes, while our own workmen were walking about nearly starving.

370. Have you a knowledge of the present price of wood-work? It is about 25 or 30 per cent. dearer now than it was then, taking everything into account. If I recollect right, such work as the Government would require might have been done at about £30 per square; but for private individuals, or such a Company as the A. S. N. Company, who do not want their wharfs so extravagantly particular, it would have cost about £16 a square. These wharfs, of which I have been giving you specimens, never cost more than £10 a square. At present I do not think you could get a timber wharf done at the head of Darling Harbour at less than £40 or £45 per square; there is so much difference in labour and material.

371. Are you not aware that the price of iron has also greatly increased since 1870? Yes. I know that wharf at Darling Harbour will cost, according to what has been paid, very nearly £1 per foot of surface; and it is a most singular thing that, though there has been 25 per cent. rise in the price of iron and labour, the new Circular Quay is proposed to be built, with double the amount of surface measurement in it, for about 16s. or 17s. per foot, sheds, steam cranes, walling, and other improvements all included—or about £89,000. It is most singular. There may be a way of doing it I do not profess to know anything about; but I think Mr. Moriarty's first estimate for the Darling Harbour Wharf was £30,000 or £34,000, and I know one of the tenders was upwards of £80,000; there was that difference between his estimate and that of the parties who tendered.

372. *Mr. Wearne.*] Was that for more than is now finished? That was for 1,800 running feet of wharf and twelve berths, and there is unfinished now 1,260 feet only and nine berths, there are three berths short—nine in the place of twelve, and 540 feet of wharf frontage less. I am afraid the present Circular Quay proposal will fall into the same error if constructed of iron.

373. Is this an accurate plan (*produced*) of the Darling Harbour Wharf? Yes, it is that from which a tender was sent in from.

374. Have you observed that the ships overlap one another? Yes.

375. The objections you urged against the other plan, as to the difficulty of getting a vessel out in case a fire was discovered on board, applies equally to this? Yes, only that this is worse.

376. What is the length of the berths—the distance between the piers? 240 feet from inside to inside each bay; each pier is 60 feet wide. But the unfortunate part of it is that it is struck in a circle, and you cannot get a ship in at all of any large size—1,200 to 1,500 tons, and even a vessel of 700 or 800 tons. All the head gear runs right on to the wharf. There are several berths you cannot get a good-sized ship into at all. And that is how the money is fooled away. (*Witness made some explanations by reference to the plan.*)

377. Could that wharf be altered? All you can do is to pile in between the piers and make it all straight. There is another serious objection to this iron wharf, or to any iron wharf,—that it may be very seriously damaged by ships running foul of it. There is an iron wharf at Wellington, I have been informed, a very strong one, and the "Otago" ran into it, and it cost, I am told, thousands of pounds to put it to rights. Iron does not give like wood, and the whole of it gets crushed together. The "Governor-General," going full speed into Campbell's Wharf, rushed right into the stone wharf several feet, but the damage was easily repaired. If a large vessel were to run into one of the berths in this iron wharf it would cost a large amount to put it to rights. In a wooden jetty not half the damage would be done, and could be easily repaired. If the deterioration of the iron goes on with these long spans the same as it does in the top sides of ships—and I do not see why it should not—this thing cannot carry its own weight at the end of twenty years.

378. *Mr. Hoskins.*] You have a knowledge of the price of timber-work now? Yes; it is 25 or 30 per cent. more than it was in 1870.

379. Could you give us any idea what these improvements at the Circular Quay, proposed to be constructed of iron, would cost if constructed of timber? From about £45 to £50 a square, without copper, and nearly double with copper. A pile 40 or 50 feet long should not cost in its place more than £6 or £7—that is a long price for the pile itself; but the copper on the pile would come to about £16. It is that that takes the money away. No owners that I know of private wharfs in New South Wales, Melbourne, or New Zealand, copper the piles, that I have seen. The thing is preposterous.

380. You do not see the necessity for coppering the piles? No; but I do see the necessity for charring and coal-tarring the piles. There was a letter written by Captain Maxwell, dated 25th December, 1873, stating that in Hobart Town they had scorched the piles and coated them with hot tar. There the water is perfectly clear, and these piles have been there fifteen years, and no sign of any insect entering them. The experience we have of the Gas Wharf supports that. If the piles there are kept tarred, I believe they will be good for a hundred years.

381. What would be the cost if the piles were charred and tarred as you propose? That would only be on the price of the pile, and not on the other work at all. I suppose £2 to £3 a pile would do them. They would only want charring from the mud up.

382. What would be the price of the wharf then? It should be about £50 a square.

383. What has the Darling Harbour Wharf cost? Nearly £100 a square—the iron wharf, when finished; and that is without the stone wall.

384. Is there any great difficulty, or more difficulty than there was twenty years ago, in getting timber of a suitable description? Yes; the timber is further back, or further up the rivers.

385. Does that materially affect the price? No; twenty years ago it was a great deal dearer than it is now—timber was double the price twenty years ago.

386. What timber do you recommend as the best for piles? Ironbark, mahogany, or box.

387. I should gather from what you have said, that you think these timbers quite as good as the jarrah? I believe our mahogany is jarrah wood. Every bit, if they are properly cared for; but very few seem to care for them. These old headstocks were matured timber, and they have never had any paint or tar—not even a brush upon them.

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388. Iron-work has much increased in price of late years, has it not? Yes. I would also mention, with reference to the use of timber and iron together, that the juices out of our hardwoods—the sap—have a most detrimental effect on iron, and I think would have the same effect on iron girders. I once had a composite steamer, and she carried hardwood from the Manning, and $\frac{5}{8}$ths and $\frac{1}{2}$ inch bolts were eaten through in twelve months.

389. If great care were taken in selecting timber for piles, how long would they last? If taken care of, I cannot tell you, because I do not know any that have been cared for; but we have them down for forty-odd years without being cared for. I would wish to say that in filthy, dirty water, like that in most parts of Sydney Harbour, the cobra do not exist to any great extent. Darling Harbour, Johnston's Bay, and Sydney Cove, are the places I have most minutely examined, and though I found them at one time, I cannot find any now; but there are plenty at the foot of Darling-street, Balmain, where the tide rushes, and the water is clean.

390. Have you not been a good many years connected with the commerce and shipping of this port? Yes; I have been here since 1839.

391. You have been connected with the shipping business ever since? Yes; I went to sea in 1833, and continued at sea till 1840. I served seven years at sea, and left the ship here and stopped ashore in 1840 to learn shipwrighting—I continued shipwrighting off and on, and learned my trade; and in 1846 I turned master-builder, and I continued so till I went out of business. I have been also a shipowner continuously, sometimes owning only one, sometimes six or seven. I fancy I see what you are driving at.

392. I should like to know whether we can accept you as an authority? Well, I think I know how a ship should be built, how she should be rigged, how she should be sailed, and the best mode of berthing and unberthing her. As for a judge of timber, I think from the long experience I have had I ought to be one of the best judges in the Colony.

393. Which of the plans before us, for the proposed improvements, do you think the best? If the Government want berths for the largest ships—these big steamers—I think Mr. Selfe's improved plan is the best; but if they want berths merely for ordinary vessels I think Mr. Selfe's other plan (the original one) will berth such vessels as the "Hydaspes," "Sobraon," or "Samuel Plimsoll," and allow them to work three hatchways. There is plenty of room on the west side of the Circular Quay at present for the largest steamships, without any alteration.

394. *Mr. Wearne.*] What is your opinion as to the southerly wind—does it interfere with the cove at all? No, not a bit, so far as the injury to vessels. In a southerly wind blowing hard you would have a troublesome job to berth a large ship at any of the jetties on the eastern side on Lieutenant Gowlland's plan. You could do it, but it would give a great deal of trouble, and you would take up a great part of the cove across for the time.

395. Some of the witnesses have stated that a southerly wind has very little effect, that it only touches the tops of the masts, the cove being so protected by high buildings? If there were no buildings it would not hurt the ships, once they were securely moored. Wind only hurts ships where there is a set. None of these ships could move to the wind if moored as they ought to be, there being no motion in the water. It is quite a different thing at Newcastle, or any place where there is a heavy surge.

396. *Chairman.*] The evidence which has been taken before this Committee has almost exclusively related to the trade between the Mother Country and the Colony—Is the accommodation for vessels engaged in our intercolonial trade and the trade with the Islands sufficient? Yes, I think there are plenty of small wharfs, and there is plenty of room on private property to make more. There is room to make thirty or forty more wharfs in Darling Harbour on private property. I might suggest that if the Government would take King-street through to Woolloomooloo, they would get ships to go to the wharf there, and so bring it into immediate use. It is a very beautiful wharf, now bringing little or no returns.

397. *Mr. Macintosh.*] Does the Government receive any payment from private persons for the privilege of extending their wharfs? They have to buy any land they may reclaim.

398. That is only for the land covered by the water before it is reclaimed. Does the Government receive any payment for permission to run out the jetty into deep water? No, not that I know of. I have put up one or two, and I have not paid anything. The shipping in the intercolonial trade has increased in length and size, but the wharfowners have not had sufficient facilities allowed them to extend their wharfs to meet the demand for longer ships. I remember when there were 12-ton boats going to Newcastle and Lake Macquarie, and when a 60-ton vessel was considered a very large one for a collier; and now there are colliers of 300 or 400 tons; consequently these wharfs, put up years ago, are all too short.

399. Is it not a fact that when their wharfs become silted up, the owners ask the Government to allow them to extend them further? They have done so no doubt; but I do not see any harm in extending jetties out there, because ships do not beat up and down now as they used to do in olden days—they are nearly all towed.

John Musson, Esq., called in and examined:—

John Musson, Esq.

15 May, 1874.

400. *Chairman.*] Your letter, dated 7 May, which was handed in some days ago, has only just been read, owing to the time of the Committee being occupied with taking evidence and other matters. This plan (*produced*) I believe accompanied your letter? That is not the one that accompanied the letter and tender dated March 3, but it is a copy. There was no colouring on the one that was sent in with the letter. (*Another plan produced.*) This is the one.

401. You wish that plan to be taken into consideration by the Committee? Yes.

402. There will be no time for taking your evidence to-day, but we thought it best to ascertain exactly what you desire. I presume you desire to explain your plan to the Committee? Yes. I may mention that, with the permission of Mr. Sutherland, I submitted a plan with a tender at the time he called for tenders for Mr. Selfe's plan. This plan, with tender, went in on the same day—March 3, 1874. It is marked in this way—"Plan referred to by Mr. Musson, in his letter No. 1, dated 3rd March, 1874."

403. Do you wish to hand in that plan as an appendix to your letter? Yes. (*Plan handed in.*) The other plan contains some details of the jetties, and I should also like to hand it in. (*Handed in.*) In my letter I stated I would furnish a detailed plan of the jetties, and that plan contains the detail of them.

404. I notice your letter is signed "John Musson & Co." Are you in business as a contractor? Yes; the party who is connected with me in this matter is Mr. Alexander Kerr.

TUESDAY,

TUESDAY, 19 *MAY*, 1874.

Present:—

MR. HOSKINS, | MR. SUTHERLAND,
MR. MACINTOSH, | MR. WEARNE.

THE HON. HENRY PARKES, ESQ., IN THE CHAIR.

John Musson, Esq., called in and examined:—

J. Musson, Esq. 19 May, 1874.

405. *Chairman.*] Did you send in a tender to the Government for the improvement of the Circular Quay? On my own plan, do you mean?
406. On any plan? Yes, I think I sent in tenders on all the plans.
407. Including the plan which you have placed before the Committee? Yes, dated 3rd March, 1874, and called 14-berth plan.
408. Will you be kind enough to explain what you consider are the special merits of your plan? (*Mr. Musson's plan and sections of stone wall and jetties before the Committee.*) The whole of the wharfs on the east side of the cove are proposed to be of stone. The retaining wall, as shown here, has an average thickness of 7½ feet when 40 feet high, and is backed up with rubble stone. The three jetties on the south side are intended to have screw piles as foundations, with a superstructure of timber. Of the stone wharfs, three measure 160, 170, and 180 feet respectively, and five are each 200 feet long. The three jetties are two of 210 and one of 200 feet long, giving six berths. The total of wharf frontage is 2,750 feet, and three ends of jetties of 80 feet each. All the material for the construction of this wall can be produced in the Colony, including the screw piles. Each berth, as you may observe, is distinct of itself; and steamers or lighters can go alongside any one of them. Each vessel can be taken in or out without disturbing its neighbour in any way. The wharfs do not encroach in any way upon the harbour. With regard to the cost of the work, the rough stone can be had here for one-third of what it could be had in London; and the reduced cost of the stone enables us to construct the whole of the work for £90,000; but if any additional work is wanted in laying the stone under water in cement, which would necessitate the construction of coffer-dams, there will be an additional cost of £10,000, making the whole work amount to £100,000, by being constructed dry.
409. *Mr. Hoskins.*] Is that exclusive of the jetties? No, including the whole of them—everything. There is a great improvement in working these things now. Of course two stones cemented together are like one stone. This (*referring to section on the plan*) is a section of the three jetties showing the screw piles. These piles are 16 feet apart from centre to centre, and 12 inches in diameter. The reason I adopt screw-piles here is in consequence of the great depth to a foundation. If these piles should corrode, they can be easily replaced without interfering with the wharf. The maintenance of the stone wharf would be next to nothing; there would be no planking to replace, and no painting to do; and the timber-work on the jetties (on the screw-piles) will last as long as any iron.
410. *Chairman.*] What is your calculation as to the berthing of ships—will they overlap—Have you taken into account the necessity for smaller vessels coming alongside the ships lying at every wharf? I have.
411. What would be the space, where these vessels overlap, between the bows of one and the stern of the other? The wharfs being 200 feet long, if a ship is 250 feet she must overlap.
412. What is the space between two vessels where they overlap? It would be from 7 or 8 feet to 25 feet, as they go to a point.
413. Have you taken into account the bowsprit of the vessel and the rigging that stands out from the vessel? Yes. Between the bowsprit of a ship there (*pointing to the plan*), and the next vessel there would be about 20 feet; and two steamers could go alongside any one of these ships. Some nautical men would put their heads the other way, in which case the bowsprit would project over the wharf.
414. You have taken into account ships of from 200 feet to 250 feet? You can berth a vessel of 300 feet here. A ship seldom or never discharges from the fore-hatch.
415. Have you said what you desire to say in description of your plan? Yes. More as an appendix to my original plan, I put a berth here of 350 feet for mail steamers (*berth No. 1 on the plan*). The bows of the steamers could project as far as might be necessary, it being the last berth.
416. *Mr. Hoskins.*] Supposing that plan was sanctioned, how long do you suppose you would be in carrying out the work before it was completed? I think eighteen months or two years. It would be commenced at once.
417. Would you, as a contractor, submit to be bound to that time? Yes. Of course every wharf as it was finished would be available at once.
418. *Mr. Macintosh.*] What is the width of these jetties? 80 feet.
419. What is the length of stone wharfs? 1,510 feet.
420. What is the depth of water off the frontage to this wall? It is intended to give not less than 20 feet at low-water.
421. What is the width of the wall at the bottom? If it is 40 feet high, it would be 12 feet at the bottom.
422. Have you only allowed for 20 feet in depth? Not less than 20 feet; of course that will be exceeded in most instances.
423. What vertical height of masonry have you tendered for? Where there is 20 feet of water the height of the wall would be 33 feet—13 feet above low-water line and 20 feet below it.
424. I want to know what vertical height of wall, from the foundation-stone to the top, you have allowed for? We base our calculations upon not less than 20 feet of water at low tide; but as the rock slopes rapidly, the actual depth under a vessel's keel would be not less than 25 feet. I may explain it in this way—that we may save £1,000 in wall by spending £100 in removing the rock.
425. You have not given me the average depth of wall on which you base your tender of £90,000? We have assumed the average height of the retaining wall at 35 feet, of such dimensions as we consider most ample to perform the required work.
426. That is with a base equal to about 11 feet of solid masonry? The base would be about one-third of the height. I wish to impress upon you that we fill in only with rubble stone. Perhaps I had better

J. Musson, Esq. 19 May, 1874.

read you an extract from the specification:—"Of such dimensions as we consider most ample to perform the required work. Should, however, the Government require that the wall be increased in strength and solidity, we should require to be paid a proportionate sum at a schedule rate." Some engineers would prefer the wall narrower—some to have it broader; but we based our calculations on this section and on that height.

427. I see it has a batter? It has a batter of about 1 in 10; but that is matter of detail. At the Zig-Zag, on the Railway, there is a retaining wall about 30 feet high, with a base of 7½ feet.

428. The joints would be axe and draft, I presume? Axe-dressed, with a draft round the margin. The work would be all axe-dressed—all good work.

429. Your tender is for lime? No. I will read specification:—"We are also prepared to set the whole of the masonry below the water-line as well as above in Portland cement, and to hand-pack the ballast or rubble behind the retaining wall; but as this additional work would entail a large extra expenditure and the construction of coffer-dams, we would require an additional sum of £10,000." That would make our tender then £100,000. "As a guarantee for the stability of the work, we would leave 10 per cent. of the amount of the contract in the hands of the Government for (say) six months after completion of the work."

430. Does this tender include sheds? No, in our price we have included no sheds.

431. The stone you would obtain from the vicinity? We would take some from there, and wherever we could get it.

432. Have you observed whether the stone-work at the Circular Quay at the present time has much deteriorated? Very little, and wherever there is any deterioration it is above water, and can be easily replaced.

433. Are you aware how long that wharf has been down? I am not. I have made out a statement of my various tenders—the price per foot run, if you think proper to take that; and I have also gone into the comparative cost of iron, wood, and stone.

434. *Chairman.*] Could you give the Committee an abstract of the several tenders you have sent in to the Government, as an appendix to your evidence? Yes, and the cost per foot run. The cost varies from £36 to £90 per foot run. (*See Appendix* CC 1 *to* CC 2). I have some blocks of concrete which I made the other day. That (*producing a block of concrete*) is about five weeks old, and is now as hard as free-stone; in time it becomes harder. Here is another piece that was broken in taking it out of the mould. (*Produced.*)

435. *Mr. Hoskins.*] Will this concrete resist the action of water? Yes, cement concretes are improved under water. This piece was made from material in the Colony, and contains only 4 per cent. of imported material. I should like to say something on the corrosion of iron. According to tables laid down by good authority the greatest deterioration is 24 grains per square inch in two years in foul water ——

436. *Mr. Macintosh.*] At what temperature? I do not know. It was in Dublin Harbour. That would show a total loss of the iron, assuming it to be 1 inch thick, two sides were exposed to the action of the water, in about forty years. That is one instance, and I rather think it is an extreme one. After a good concrete column has been made for one month, the iron is of no further use, and may be dispensed with if the superstructure is not made to rest upon it. At Darling Harbour the wharf rests upon the concrete entirely. This new wharf rests upon the iron. If these piers in Mr. Moriarty's plan were made of iron and concrete they might be made larger, and the iron could be ultimately dispensed with altogether.

437. *Mr. Wearne.*] If the cylinders at Darling Harbour should corrode away, the core would support the wharf? Yes; nothing rests upon the iron of the cylinders there.

438. In each pier the concrete goes to the foundation? Yes, in every instance to the rock. In some instances it is 55 feet deep. If the iron was chipped off like an eggshell, those piers would be a solid column of concrete equal to masonry, harder than any freestone we have here.

439. What size are they? The piers are from 4 feet to 5 feet 6 inches in diameter, as far as my memory goes.

440. Inside diameter? No, outside diameter; the cylinders generally are about an inch and a quarter in thickness.

Francis Hixson, Esq., called in and examined:—

F. Hixson, Esq. 19 May, 1874.

441. *Chairman.*] What is the office you hold under the Government? President of the Marine Board. As President of the Marine Board, I have control over the Harbour Masters and the shipping in the port.

442. This Committee is sitting to consider the best method of improving the Circular Quay with a view to the better accommodation of shipping, and several plans have been submitted to the Committee. It has been considered desirable to get your opinion, in the capacity of President of the Marine Board having control over the management and regulation of the harbour, upon the suitableness of these different plans and the comparative facilities which they afford for the purpose aimed at. I do not know whether you have seen any of the plans? I have seen a plan by Mr. Moriarty, a plan by Navigating Lieutenant Gowlland, a plan by Mr. Selfe, and a plan by Mr. Musson.

443. Then I think you have seen all the plans on which we wish your opinion. Have you formed an opinion, or do you desire again to refer to the plans? I have formed an opinion, but I would like to see the plans again. (*The witness inspected the different plans before the Committee.*) Considering all things, I am of opinion that this (*Mr. Selfe's improved plan*) is the best.

444. The objects which it is desired to secure may be thus stated, I think: facility in bringing a vessel alongside, security when she is there, expedition in discharging her cargo and protection for it when discharged, and facility in getting a vessel away from her berth, especially in the event of fire, without contact with other ships? Those are just about the points I considered in my own mind, and I am still of opinion that this plan of Mr. Selfe's is the most advisable. There is a clear berth for every ship, and facility for getting them in and out; and there is a long straight wharf for vessels of extra length. It appears to me that this plan offers all the facilities we want in Sydney Cove. I look upon Lieutenant Gowlland's plan as a very convenient arrangement, if it were the object to accommodate as many ships as possible in a limited space, but I am of opinion that it would concentrate too much commerce in Sydney Cove. Mr. Selfe's plan appears to be a great improvement upon the present state of things, and at the same time it would not unnecessarily crowd either the streets that lead from the Quay, or the Quay itself.

445. Having reference to the area of water in Sydney Cove, should you consider it a very advisable thing to take up as little of it as possible—in other words, is there any space too much now? No, there certainly is not. I think this (Mr. Selfe's) plan does not unnecessarily contract the navigable waters of the cove. F. Hixson, Esq. 19 May, 1874.

446. Would not the jetty system rather encroach on them? The jetty system would rather encroach upon the cove, no doubt; but I am very much in favour of jetties, from the fact of their giving greater convenience for shipping; there is nothing like a jetty in that respect.

447. Should you feel warranted in expressing any opinion as to the material it would be most desirable to use in the construction of these improvements: you may or may not have given attention to that subject? I would never advocate sending out of the Country for material if it can be obtained in it. We have the best possible hardwood, which appears to answer the purpose in all private wharfs, and I certainly think hardwood would answer all the purposes that we require.

448. Without reference to where the material may come from,—which do you consider the best—stone, wood, or iron—with a view to permanence? I think stone would be the most permanent.

449. Do you state your opinion with any confidence—that is, have you paid any attention to the subject? I am no great authority on the subject.

450. *Mr. Hoskins.*] Of which material do you think the works could be constructed with most expedition? Wood.

451. *Mr. Macintosh.*] Would there be any difficulty in getting a ship in or out of berth No. 3 on Mr. Selfe's plan? No, I think not. She could move clear of the other ship. She is over-lapping the harbour steamers' jetty, which is objectionable. In fact we want a great space there now, the North Shore traffic is becoming so great.

452. By this plan of Mr. Selfe's two of the ferry wharfs would be destroyed? As the plan is drawn here, two of them would be destroyed; but they could be removed to the other corner of the Quay.

453. Is not the south-west corner the most valuable for shipping now? No; the most convenient berths for shipping now are along the western side of the quay.

454. What is the difference between this plan and Mr. Moriarty's? On Mr. Moriarty's plan the ships are all lying broadside on to the wharf, and there is considerable over-lapping. At this projecting berth (No. 5) where the "Sobraon" is shown moored, there would be considerable difficulty in mooring a long vessel.

455. *Chairman.*] It is proposed to have dolphins for mooring the vessel at that berth? Dolphins would be in the way; and besides, it would be difficult to erect substantial ones for securing a ship to in such deep water as there is there.

456. *Mr. Macintosh.*] The particular difference between Mr. Moriarty's plan and Mr. Selfe's is that Mr. Selfe's lines are more diagonal than Mr. Moriarty's? Yes; and therefore give greater facility of ingress and egress. If this ship "Sobraon" were to lie here (*at No. 5 on Mr. Moriarty's plan*) in winter-time, when strong westerly winds prevail, there would be considerable difficulty in getting her slewed round. In Mr. Selfe's plan the ships lie more at an angle, and a steamer would have nothing to do but lay hold of them and take them away.

457. *Mr. Wearne.*] What kind of ships do you think we shall have to accommodate at these new wharfs? For many years ships have been increasing in size, and I should think they will still continue to increase in size. I do not think we have yet arrived at the maximum size of the ships that will trade to Sydney.

458. What space should we provide now at each of these wharfs, in order to afford each ship the best accommodation? Each wharf or jetty should be about 250 feet long—but I am speaking somewhat at haphazard on this subject.

459. *Mr. Hoskins.*] So that vessels could unload at two hatchways? Yes, there must certainly be convenience for unloading from both hatchways at the present day.

George Richard Dibbs, Esq., called in and examined:—

460. *Chairman.*] You are a member of the Marine Board, I believe? I am.

461. And you have been acquainted with this port and the shipping connected with it for some years? I was born in Sydney, and I have been about the wharfs and the harbour as long as I can remember, having been connected with business now nearly twenty-six years. G. R. Dibbs, Esq. 19 May, 1874.

462. This Committee is sitting to consider the best method of improving the wharf accommodation in Sydney Cove, with a view to affording greater facilities for discharging and loading ships. I suppose you are aware of that? I am.

463. Several plans have been submitted to the Committee for carrying out these improvements—by Mr. Moriarty, the Engineer-in-Chief for Harbours and Rivers; by Lieutenant Gowlland, by Mr. Selfe, and by Mr. Musson, and I think one or two others. Have you seen any of these plans? Yes, I have seen them all, I think.

464. The Committee have invited you to attend here, in the hope that you would be able to express an opinion, derived from your experience, as to which of these plans would afford the largest amount of convenience, facility, and security in carrying out the objects we have in view. The plans are before you, if you like to refer to them? I should. There are some alterations in some of the plans, I believe. I would like to see what they are. (*Mr. Moriarty's improved plan placed upon the table.*) The plan of the Engineer-in-Chief was exhibited at the Chamber of Commerce, and it appears to be very much the same now as it was then, with the exception that the "Sobraon's" berth is made wider (No. 5). That plan was exhibited with the other plans, and I did not like the look of it then, and I do not like the look of it now, for mooring ships. I may state that I was once lessee of the Circular Quay for three years, and had a good deal of experience in mooring ships at the time there was a great rush of business in 1854 and 1855. The objection I see to this plan of the Engineer-in-Chief is to the mooring and unmooring of ships.

465. You are aware, I presume, that the plan contemplates a continuous shed for taking the goods into after discharge? I believe so; something on the principle of the Liverpool Docks in England.

466. A shed to run all along the line of shipping? Yes.

467. Which particular berths do you think would be awkward as to the removal of vessels? It would be difficult to move ships at berths 6 and 4 without moving the other vessels also; and it would be difficult to moor the "Sobraon" on the jetty pier (No. 5), without interfering with the ships lying at berths 4 and 6.

468. *Mr. Wearne.*] It is proposed to put dolphins at each end to moor the vessel at the jetty berth? That

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That would make the matter still worse, because it would narrow the available water considerably. The dolphins would take up so much space that it would be difficult to bring a ship in between the dolphins and the jetty. A dolphin at that spot would have to be a very large and heavy piece of work to hang a ship to, and it would be very awkward, in my opinion, in getting ships into their berths. What I think we want here is means of bringing ships to the wharf, and mooring them as simply as one of the A. S. N. Company's ships is moored—that they should be taken in and put into their berths with the utmost simplicity—not, as at the present time, half-a-day wasted in mooring a moderate-sized ship. (*Mr. Selfe's original plan placed upon the table.*) This is like the plan we saw at the Chamber of Commerce.

469. *Chairman.*] Now if you will refer to the one under it.—(*Mr. Selfe's improved plan exhibited*)—that is what Mr. Selfe himself calls his improved plan, by which, amongst other alterations, he has a very long straight wharf—830 feet. What is your opinion of that plan? The ships appear there as if they could be moored and removed conveniently and with simplicity.

470. Have you seen the model of Mr. Selfe's plan? Yes; that was exhibited at the Exchange for about a month. I have seen that; and it is a very useful sort of thing to assist one in forming an opinion. (*Lieutenant Gowlland's plan exhibited.*) Yes, I have seen Lieutenant Gowlland's plan, and for part of the requirements of the port I think the jetties would be useful; but in studying Mr. Gowlland's plan, my principal objection was that he crams too many ships into a limited wharf space. With vessels discharging from three hatchways, as they do, and a ship on each side of one of these jetties, there would be difficulty in clearing the cargo from the fore-hatch and passing it by the cargo from the after-hatchways. It would lead to delay and confusion; and the cargo from the extreme end of the jetty would have to be taken away by trucks, which would necessitate double labour. I think the jetties for loading purposes would be better than either of the other plans. In that case vessels receive their cargo slowly, over a period of perhaps a couple of months in the case of a London ship, and the cargo could be easily passed along the jetty; but in discharging there would be a complete jam for the land carriage. For mooring and unmooring ships Mr. Gowlland's plan would be as good a scheme as there possibly could be; and it is to be commended for that reason.

471. *Mr. Wearne.*] Would vessels lying at these jetties be affected by a southerly wind? I do not think it would affect them at all. No wind blows in this harbour to affect any ship moored at any of these places. There is no wash of the sea, and no swell.

472. *Mr. Macintosh.*] What description of wharfs are private persons most in the habit of making? There is a variety; some are flat stone wharfs, and some are wooden jetties; but there is no other wharf in Sydney besides this, the Circular Quay, where there is the same extent of space.

473. Wool is not much shipped at any other wharf except the Circular Quay? There is wool shipped at the Cosmopolitan Wharf. The great principle in discharging is to get ships broadside on, so as to spread the cargo; for loading you want a ship safely moored, and as the loading is put in more slowly a jetty would be better than a broadside berth.

474. Do you think the roadway is not sufficient to take away the cargo as fast as it is discharged? Not if you put the vessels on the jetty plan.

475. When Macquarie-street is opened up, will not that have the effect of relieving this portion of the Quay? No, very few goods will go up Macquarie-street.

476. *Chairman.*] Have you seen Mr. Musson's plan? (*Mr. Musson's plan exhibited.*) With the exception of the centre piers, I see little difference between this and Mr. Moriarty's plan.

477. *Mr. Macintosh.*] Will the size of the vessels, as drawn on Mr. Musson's plan, represent the size of the vessels that you expect will arrive here from England? I think we shall have longer ships than these.

478. *Chairman.*] As a mercantile man with a long acquaintance with the shipping interest, will you give us your opinion as to which of these plans is the best, keeping in view the general objects we want to secure—facility in bringing ships to their berths, expedition and protection for the cargo in discharging and loading, and facility in getting a ship out from her berth, especially in the event of fire? Having considered the matter, I should prefer Mr. Selfe's plan to any I have seen yet, because Mr. Selfe's plan does not put too many ships into a limited space. I think most of the designers of these plans have erred in the desire to put too many ships into a small space. They seem to have forgotten that there are other places in Sydney Harbour where ships could be accommodated. As a commercial man, I think we should improve the accommodation at the Circular Quay; but I think also that we ought to have some regard to the owners of wharfs in other parts of the harbour. I think the Government should give permission to private proprietors to utilize their wharf frontage as much as possible.

479. Should you feel yourself at liberty to state an opinion as to what material is most desirable to be used in the construction of the proposed improvements? I have thought a little about that subject, and have had some communication with Tasmania, where they have wooden jetties; and, looking at the thing as a speculation, if I were erecting wharfs for my own accommodation I should go in for wood.

480. Could you state any reason why you prefer wood to stone? I should prefer stone for permanent work, but I fancy stone would be the more costly of the two. I said that if I were doing the thing for my own convenience I should study to get the greatest possible benefit at the least possible cost, and to do that I would have wood. If I had an unlimited run at my bankers I should prefer stone.

481. Which do you think would be the wiser course to adopt—to construct the wharf with a view to accommodation for a certain number of years, say a generation, or to construct it with a view to greater permanence? If we were to construct a wharf that would last for the next fifty years we should be doing our duty to those who come after us. In fifty years we may have some other means of getting backwards and forwards. Perhaps, under a wise administration, the Colony may produce so much in fifty years that we should be great exporters instead of importers.

482. *Mr. Hoskins.*] Do you believe a wooden wharf could be erected in which the piles would last for fifty years? I think so.

483. *Mr. Macintosh.*] Would you copper the piles? No. I remember that the whole jetty at the north end of Campbell's Wharf has been in existence since the time when I was a boy; when quite a youngster I fished off it; and that jetty has never been renewed; some trifling repairs have been made to it within the last six years.

484. You believe our timber would last for fifty years without coppering? Yes; from information I have obtained from Tasmania I believe that if our timber was charred, and then coated with hot coal tar, it would last for fifty years certainly. In Tasmania they have adopted that plan with much inferior wood, and after fifteen years trial there is not the sign of a cobra mark upon it. When my firm were lessees of the Circular Quay, I remember a piece of wood being fished out of the harbour which had belonged to a

vessel

vessel that had been burnt at the Queen's Wharf and sunk about thirty years before. It was an old rudder-stock that had been made of colonial ironbark, and it had been well charred in the burning of the ship. The pine backing which had been attached to it, and which had not been charred, was a mass of cobra shells and excavations; but wherever the charring had gone over it, it was as fresh as if it had just been put in the water.

485. You have been at Valparaiso and other ports. Have you observed any iron wharfs at any of the places you have visited? I have never seen any iron used except here. I have been round the docks at Liverpool, Greenock, London, and other ports in England and Scotland, and I have seen stone and wood used there, but never iron.

486. Did you observe the Thames embankment? Yes; that is of granite.

487. After all the experience you have had, you would recommend that the improvements in Sydney Cove should be constructed of the timber of the Colony? The timber of the Colony against anything for economy and utility.

488. *Mr. Wearne.*] Or stone? Or stone, if the cost be no object. We know the timber will last, from the experience we have had of it; and we know stone will last to the end of time. I think it is a pity the Government does not grant every facility to the owners of private wharfs to enable them to go on extending, improving, and modernizing their wharfs. There is a desire on the part of wharf proprietors to do it, but there is some difficulty, owing to the refusal of the authorities to allow any encroachment on the harbour. These plans, if carried out, will be an encroachment on the harbour; and if private proprietors were allowed equal privileges, and to make the most of their water rights, I think it would be of great assistance to the port of Sydney.

489. *Mr. Macintosh.*] Do you think the private proprietors give any facilities to the public for the great facilities they receive—what have they given? They have given this much,—that any person can discharge his ship at a private wharf at less cost than at the Government wharf.

490. *Mr. Hoskins.*] Not in the same time? Yes, in the same time.

491. *Mr. Macintosh.*] Suppose there was a street along the water-frontage of Darling Harbour, do you think it would be a benefit to the public—a street along the edge of the water, extending from Liverpool-street to Miller's Point? I dare say it would.

492. Do you think it would be too much to ask the private owners of land to give up a portion of that land, in consideration of the privilege they receive in putting out jetties into the harbour? That is a matter for the private owners to decide. I do not think my opinion would be of any value on that point. The Government evidently proposes to do for the public in the matter of wharf accommodation what it does in every other direction—it makes roads and bridges all over the country. But why not allow the owners of water frontage, who have already wharfs, which were suitable for the Colony twenty years ago, to modernize their wharfs, without interposing difficulty on the part of the Government. They cannot do it now without encroaching more or less upon the harbour, and the Government will not allow them to do that which it is going to do itself. If you owned Moore's Wharf, and you desired to improve it as the Government propose to improve the Circular Quay, you would be met with the difficulty that you would not be allowed to encroach upon the harbour. With the large harbour space we have, I think there should be more liberality shown in this matter than is the case now. There is one thing I should like to mention to the Committee,—that in erecting wharfs the first thing to be thought of is, what are the wharfs intended for. For instance, I notice upon one of these plans there are two steamers shown. I think it would be very desirable to have a special wharf for steamers, or to have berths reserved for steamers, on the same principle as at Newcastle, there is a special crane for them. Neither on the Engineer-in-Chief's plan nor on Mr. Selfe's original plan do I see any special provision of the kind.

493. *Mr. Wearne.*] Which of Mr. Selfe's plans do you prefer,—the original plan or the improved plan, showing the long straight wharf where steamers of any length could be berthed? It would be better to have that straight piece, because there would be room for a long steamer, and for a shorter ship astern of her. Steamers should have a broadside berth, and I think this berth should be reserved for them—ready for them always. Under these small-berth plans it would be necessary to turn a ship out to put a steamer in. Whatever plan of wharf is ultimately decided upon, it would be very desirable to have a long berth specially laid aside for steamers.

494. Could they not be berthed on the western side of the cove? I think it would be better to reserve this straight piece on Mr. Selfe's plan. Those berths on the west side are the best discharging berths in Sydney at present. You could only cut them up into about two long berths.

495. In the event of our adopting Mr. Selfe's plan, you would prefer his improved plan, with the long straight wharf, to his original plan having three berths at the same place? Yes, in view of having these long berths reserved for steamers.

496. *Chairman.*] What are the general reasons why you prefer Mr. Selfe's plan? It does not crowd the ships so much; each ship has a separate berth, and can be moored without interfering with any other ship's moorings; there is ample space for each ship to discharge her cargo, and they can be moored or unmoored, in the event of fire, with the utmost facility.

497. *Mr. Macintosh.*] This plan seems to take away the watermen's stairs? In dealing with wharf accommodation the Government ought to make up its mind to reserve either the head of the cove for the passenger traffic, or to remove the passenger traffic to Dawes' Point. At present there is considerable danger to women and children going to pic-nic parties, especially on holidays, from the crowded state of that part of the quay, where steamboats take up and land their passengers. The suggestion was made to the Treasurer some time ago by the Marine Board, that provision for the passenger traffic should be made at Dawes' Point, and a sort of light bridge thrown across at Campbell's Wharf, connecting with George-street, so that if ever we had tram-cars running to George-street North they could come to the various points of arrival and departure of steamboats, without interfering with the shipping at all. At the present time there is a large traffic between the Circular Quay and the North Shore, Manly Beach, and Watson's Bay. I live at the North Shore, and I notice that we are frequently detained with our steamer by vessels moving in and out, and also that the Manly Beach and Watson's Bay steamers are inconvenienced in a similar way. There have been collisions in consequence of the small steamers having to come up amongst the ships. There is an unsightly piece of land at Dawes' Point, which could be turned to good account in this way. Either take up the entire head of the cove for the passenger traffic, or shift it down to Dawes' point as a whole.

THURSDAY,

THURSDAY, 21 *MAY*, 1874.

Present:—

Mr. HOSKINS,	Mr. WATSON,
Mr. SUTHERLAND,	Mr. WEARNE.

THE HON. HENRY PARKES, ESQ., IN THE CHAIR.

Edward Orpen Moriarty, Esq., Engineer-in-Chief for Harbours and Rivers, called in and examined:—

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498. *Chairman.*] You wish to continue your evidence from the point where it was broken off, I believe? Yes. I should like to show the Committee, in the first place, some samples of wood of various kinds which I have got, showing the action of the worm upon the timber. The first sample I have to exhibit is a piece of an ironbark pile (*produced*) from the Dunmore Bridge, on the Paterson River, about six miles above its junction with the Hunter. The water is occasionally salt or brackish, occasionally fresh, according as there is much or little fresh water coming down the river. This pile shows the action of the worm upon it. In consequence of a flood scouring away the bottom of the river, it was exposed below the copper, and the result was that in about four years it was destroyed, as you observe here. All the piles exposed by the scour were injured in the same way, and had to be replaced. The piles of this bridge were coppered, and 6 feet of the coppered portion driven into a very hard gravel bottom, which it was thought would protect them; but the flood of 1867 scoured away the bottom and left them bare down to the rock, and the effect was that the piles were destroyed below the copper, as you see in this sample.

499. Is that cut close to the copper? I think it must be, from the size of the pile. It was cut below the copper.

500. When was the bridge erected? About fifteen years ago.

501. Did you superintend the erection of the bridge? Yes, the bridge was constructed under my department.

502. Did you personally inspect the piles before they were driven? No, but I had a Clerk of Works upon the spot whose duty it was to see the piles properly coppered.

503. Had you any certificate from him that they were sound piles? I had, and that they were coppered for 6 feet below the bottom of the river. I should explain that in the Clerk of Works' book the length of the copper on every pile is shown, and these piles were coppered 6 feet into the gravel bed of the river. The next sample I exhibit is part of an ironbark log (*produced*) that was sunk for about ten years in the waters of Sydney Cove, close to Mr. Flood's stores. It is part of one of a number of logs taken down to the wharf for shipment, but by some accident tumbled into the water and allowed to lie there for ten years. I remember the circumstance of their being thrown off the wharf. Complaints were made about their being in the way of ships, and I had a diver employed to remove them. This is a sample off one of them. The remainder of the log may be seen now at Fort Macquarie. It is utterly destroyed by the worm in Sydney Cove.

504. Do you know in this case whether the logs had been recently cut, or whether they had been used for any other purpose before they fell into the water? I cannot of course say how long they had been cut, but they seemed to have been sound seasoned timber; they never had been used for any purpose whatever before they were thrown into the water. The next sample is a piece of a pile (*produced*) from the A. S. N Company's Wharf, in Darling Harbour, close to the outlet of one of the sewers of the city. The original piles were all destroyed, and have been within the last year or two replaced by a completely new set of piles driven through the original planking. This is cut from one of the old piles, and measured about 15 inches before it was damaged, as you see here, by the worm. This pile, I think, is turpentine wood. It will be observed that the insect has penetrated right through the very heart of the timber, and that it has eaten through it in all directions.

505. Have you any knowledge of the length of time this was under water? I have no absolute knowledge of it, but I have been pretty well acquainted with the harbour and the wharfs about it for many years, and from my recollection of the place I should say it had been fifteen or sixteen years in the water. You will observe that in this pile, as in all others that have been in the water, there is the action of two insects, one the large one, the *Teredo navalis*, commonly called the cobra, the other, a small insect, *Limnoria terebrans*, which eats the wood away on the surface. The cobra eats through the heart of the wood, and is not so visible on the surface. That pile is entirely destroyed. The next sample I exhibit is a piece of wood (*produced*) taken from another pile from the A. S. N. Company's Wharf, the original size of which was 15 inches, and that, it will be observed, is also eaten through by the insect. The next samples I exhibit are samples of turpentine wood (*produced*), the timber which is said to resist the worm. These turpentine piles were driven at Newcastle by direction of the Minister for Works, Mr. Sutherland, some two years and a half or three years ago, when it was stated by a gentleman in this city that the turpentine was found to resist the sea-worm. We were driving some piles at Newcastle at the time, and Mr. Sutherland directed that they should be of turpentine, in order to test the matter. It will be observed that the insect has penetrated these completely through. The next sample of timber I exhibit is one (*produced*) from a small wharf that has been constructed at the foot of Darling-street, Balmain. Some time since, Mr. Booth was going down the harbour with Mr. Sutherland and myself, and he was then ridiculing the idea of any timber withstanding the worm; and he said to me, in Mr. Sutherland's presence, "If you go to the Balmain wharf and try, you will find the worm has penetrated the piles of the wharf, which was built of turpentine in order to test it." I sent over and got some samples, and there they are. This wharf was built in 1871, and the samples, taken in May, 1874, show that the worm had penetrated the timber as Mr. Booth had described. The next sample I exhibit is part of a plank (*produced*) taken from the bottom of a punt built for the Nambuccra River, of turpentine, in order to test the accuracy of the statement that the worm would not penetrate that timber. The punt has been in the water about two years, and became so leaky in consequence of the penetration of the worm that she had to be taken up and resheathed. The next sample I exhibit is a piece of turpentine (*produced*) taken from the bottom of the punt built for the Middle Harbour Ferry. She was also built in 1871, of turpentine, by Mr. Sutherland's orders, to test the correctness of this statement. It will be observed that the insect has gone right through it. She has recently been brought up, to have the defective planks taken out, and to be re-planked and sheathed with copper. The turpentine for this punt was ordered specially from Bulli. The next sample

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sample of timber I exhibit is a piece (*produced*) of the far-famed jarrah of Western Australia, which is said to resist the worm, and it will be seen it is eaten through. This is part of the false keel of the ship "Fairfield," which was taken on the ship at Newcastle, and this piece of jarrah or Swan River mahogany cut out of her keel. I have compared it with some samples of jarrah which were sent to this Colony to the Exhibition, by the Colonial Secretary of Western Australia, and find it to be similar wood. I think these samples show pretty conclusively that wood unprotected will not resist the worm in this harbour for any length of time.

506. *Mr. Wearne.*] Have you tried any pile-driving with the bark on? Yes, and I have found that in about a year, when the bark gets penetrated, the worm goes into the timber just the same. The turpentine piles I have spoken of at Newcastle were driven with the bark on.

507. With reference to the first piece you showed us from Dunmore Bridge, where was it that the cobra has eaten it so much—what part of the log? Towards the end of the pile. The piles were driven through about 18 feet of large boulders and shingle on to the rock bottom, and were coppered from above the water-level to 6 feet below the shingle or bed of the river; but in the flood of 1867 the shingle was scoured away and the bottom of the piles laid bare.

508. *Chairman.*] This piece was taken from the exposed part of the pile between the termination of the copper and the rock, after the shingle had been washed away? Yes. The pile was driven to the rock but not coppered to the rock, and when the shingle was washed away the lower end of the pile was exposed. We generally find it sufficient to copper the pile for some feet into the shingle, but in this case the bottom was washed bodily away.

509. *Mr. Wearne.*] The pile was completely eaten through? Yes. As I was going to observe, I think I have shown that timber unprotected will not last in this harbour. It has been found necessary to protect timber in consequence of the ravages of the worm, and the substance generally used for the purpose is copper. I exhibit a sample of copper (*produced*) taken from the Circular Quay, which was used for the protection of the piles. Copper, it is well known, corrodes very rapidly in sea-water. The object for which it is used in ships generally is, not so much to protect them from the action of the worm, as to preserve a smooth surface on the ship's bottom—to prevent the vessel fouling, in fact; and the way it prevents fouling is by the copper exfoliating; the copper disintegrates and comes off in the shape of a soluble salt; so that all marine insects that would attach themselves to the vessel's bottom, if it afforded a firm surface, get on to a shifting surface which comes away with them, and they drop off the ship; instead of being attached to the wood or iron, they drop off the copper, and the ship's bottom remains clean; but they do so simply because the copper is disintegrating. This is a sample of copper taken off one of the Circular Quay piles; it will be seen by the Committee that it is utterly destroyed, it has very little more substance or strength than brown paper now; so that if piles be coppered, the protection is only for a limited time. I exhibit another sample of copper (*produced*) taken from the Woolloomooloo Bay Wharf—a wharf I have constructed myself, with unusually heavy copper. Seeing the rapidity with which the copper was corroding in Sydney Cove, I got very heavy copper for the Woolloomooloo Bay Wharf, and it will be observed there how it is eaten away.

510. *Chairman.*] When was this wharf constructed? About fifteen years ago. That piece of copper was taken off last year. This is another sample of copper (*produced*) from the Woolloomooloo Bay Wharf, eaten through in several places. The moment it gets eaten through, the worm enters and destroys the timber. Here is another sample of copper (*produced*) from the Circular Quay, also destroyed; and these (*produced*) are two others, all in the same condition. I think these specimens will show the Committee that timber unprotected is not fit for permanent work, and that the protection afforded by copper is of a very temporary character.

511. Do you wish to say anything to the Committee, in addition to the evidence you have already given, upon your own plan for the improvement of the Circular Quay? In reference to my own plan only, do you mean, or in reference to any other?

512. Or in reference to your own in connection with any other. I presume you are aware that several other plans have been submitted to the Committee, notably one by Lieutenant Gowlland, of which I know you are aware, one by Mr. Selfe, and another by Mr. Musson? Yes, I am aware those plans have been submitted to the Committee.

513. Tenders were sent in for the construction of one or more of them, were they not? Yes. I would begin with Mr. Gowlland's, as his plans were submitted to the Committee last year, and tenders were invited for them. I stated in my evidence last year that the wharf, if carried out on Mr. Gowlland's plan, would cost about £264,000. Mr. Gowlland, I think, stated that it would cost £60,000. The following were the tenders sent in:—

Daniel Williams, schedule sum	£285,838
lump sum	299,787
Mason, Elkington, & Co., schedule sum	214,127
lump sum	199,420

I should state that there is an obvious error, I think, in this tender, both the piles and the girders being put down at a price at which the timber could be barely supplied, without any labour. However, that may be or it may not.

A. and R. Amos, schedule sum	£271,795
lump sum	272,029
J. Musson & Co., schedule sum	254,380
lump sum	247,900
Gother K. Mann, schedule sum	370,181
No lump sum given.	
W. Wakeford, schedule sum	257,430

The mean of all these tenders comes to £274,000, and the approximate estimate which I gave the Committee, without having the detailed plans worked out, was £264,000—£10,000 under the mean of the tenders.

514. I think Lieutenant Gowlland is under the impression that he has been placed at a disadvantage in the preparation of the specifications for his plan—that the work has been made unnecessarily heavy, in order that the tenders should be large in amount—that the specification placed the piles more closely together than they need be—and, if I understood him aright, I think he said work was included as specially

belonging

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belonging to his plan, which must be executed in respect to any plan for carrying out the wharf, and so on? If Mr. Gowlland has stated that, he has made a misstatement. With regard to the piles, they are precisely the same distance apart—10 feet from centre to centre—as those of the Circular Quay, the Woolloomooloo Bay Wharf, and all the wharfs at Newcastle. I deny the statement *in toto*. The piles are exactly the same distance apart as the piles of the Woolloomooloo Bay Wharf, constructed by me many years since, the piles of the Circular Quay, not constructed by me, but by Mr. Walcott many years ago, the Newcastle wharfs, constructed by me some years ago, as the piles of all the wharfs I have constructed in this Country, and as the piles of the jetties at Melbourne. So that I have done Mr. Gowlland no injustice there.

515. Perhaps I had better read you this portion of Mr. Gowlland's evidence? [*The Chairman read from Mr. Gowlland's evidence, question* 283.] Well, there are a great many statements there that are wholly at variance with fact—that have not, in point of fact, a tittle of truth to justify them. In the first place, Mr. Gowlland's complaint that one engineer should not prepare specifications for another's plans would scarcely apply, because Mr. Gowlland is not an engineer. I do not think he has the slightest pretension to be considered an engineer; and secondly, I do not think he ever prepared a specification. I have never seen one, nor heard of it. If he has, he has kept it very religiously to himself.

516. What I understand him to mean in that part of his evidence is, that an engineer in his interest, or at all events not in some interest supposed to be antagonistic, should have prepared his specifications? I gather from what you read that Mr. Gowlland refers to a specification drawn up by Mr. Young. I have never seen it. The other papers came officially before me, and I can answer for the fact that theI was no such specification among them.

517. In any case, would it not be your duty, as an officer of the Government deputed to do this part of the business, to prepare the specification, whoever might tender or suggest the plans? It would. I did not volunteer to prepare the plans or specifications. I was directed to prepare plans and specifications, as an engineer, for works suggested by an amateur, and I did so in strict accordance with the plans and specifications I have been preparing for years for the Government; and I can assert that there is not one tittle of difference in any detail. I have not made it one iota stronger, I have not put the piles one inch closer together, and I have not made the piles heavier. Commencing at the foot of the piles, the shoes are the same, the piles are of the same dimensions, the caps are of the same dimensions, the braces are of the same dimensions, the planking is of the same dimensions, all the iron fastenings are of the same dimensions, and there is not one shadow of truth in the statement that I have made this work one atom stronger than I have been making all similar work for the Government for years past. I should consider that, if I did so, I should be doing a very wrong and ungentlemanly act. I certainly did not do so, and have not laid myself open to that charge. With regard to the wall—In my evidence before the Committee, I referred to this wall. On Mr. Gowlland's plan it is shown. There is the wall (*pointing to the plan*). The thickness I gave to the wall was the minimum thickness that could under the circumstances be allowed. In point of fact, it was thinner than I should design it myself. I deny that there is one tittle of truth in the statement, and I should be ashamed of myself if it were true.

518. Have you anything more to say in respect to these tenders? The tenders were all declined, by reason primarily, I think, of the design being of a character to destroy the available water area of the cove, and secondly by reason of the excessive cost.

519. You have seen the plan now before the Committee by Mr. Selfe? Might I make a few more observations with reference to Mr. Gowlland's plan. The jetty system, it seems to me, would be comparatively harmless—the jetties running out at right angles to the shore—if very short vessels only were used, but, when you come to use very long vessels, it occupies so much of the water-way as would practically be destructive of Sydney Cove. A ship like the "Mikado" would go very nearly half-way across the cove, if moored end on. Mr. Gowlland seeks in some degree to avoid that evil by putting his jetties at an angle, which it does no doubt to some extent effect; but if the angle be increased the objection is lessened in proportion, becomes less and less as you bring the berths in towards the shore, and vanishes altogether when you bring them parallel to the shore. But the jetty system has the great disadvantage that it does not allow sufficient water-way for the movement of vessels passing to and fro. Mr. Gowlland's jetties, I think, speaking from memory, are 200 feet in length; a vessel like the "Mikado" would project a considerable distance beyond the end of the jetty—I believe she is 380 feet long—and she must therefore be secured by anchors and chains run out from her bows; so that not only would the water-way of the cove be interfered with by the full length of the vessel, but would also be still further encumbered by the moorings run out to secure her. Another objection is that the way these jetties are proposed to be run out in Sydney Cove would bring them broadside on to the southerly gales, which blow with great violence here, and come down Phillip-street with great force. The gust that sometimes comes down there would render it absolutely impossible to moor a heavy ship at right angles to it. It is the same at the north end the vessels are at right angles to the north-easter, which is the prevailing wind in summer, and we know it blows very strong at times. Again, the jetties are so arranged that it is impossible for two vessels to come in between two of the vessels moored at the jetties, to put coal or stiffening on board, without fouling the yards of those vessels. In point of fact two large vessels' yards would interlock, if kept square; and in case of a fire occurring either with a strong southerly wind or with a strong north-easter, I believe the whole tier would be burnt, because it would be impossible to remove vessels in time—they would all be blocked in at the head of the cove.

520. What is the distance between the jetties? 180 feet. If two vessels were lying at two adjoining jetties, opposite to one another, you could not put two other vessels in between them, and at the same time leave room for them to work in and out, without risk of collision. Another objection is that at the end of Mr. Gowlland's jetties the whole traffic would be concentrated at a narrow portion of the wharf; the goods would be inevitably mixed, and the utmost confusion would, I believe, obtain in getting the goods away. Some of the jetties were proposed to be 80 feet wide, some less; but taking them at 80 feet, there would only be 40 feet at the end of each jetty available for the delivery of the whole cargo of a ship, which I count as a great evil. Mr. Gowlland's plan also proposes a considerable extent of reclamation. It will be observed that he proposes to go out a considerable distance with a solid filling into the harbour. That, if not protected by a retaining wall, would necessarily fall down and fill up the space between the jetties; and it would be simply impossible to get a dredge in to dredge these berths—there would not be room to work a dredge in that narrow space. That is all I think I wish to say about Mr. Gowlland's plan.

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521. I think you say you have seen the plans submitted by Mr. Selfe? Yes; I asked permission to inspect them, and I was allowed to do so. In point of fact, I asked to have the papers referred to me, and I have them here. It seems to me, with reference to Mr. Selfe's original plan (*on the table*) that there is not sufficient room left on the reserved road between the corner of the shed and Mr. Flood's stores; the width is reduced to about 55 feet there, which would be quite inadequate to accommodate a large traffic. It is the same with berths 5, 6, and 7. Then the spaces between the jetties at each berth and the wharf are only 50 feet, and these spaces could not be dredged if once filled up—it would be impossible to get a dredge in. Between berths 6 and 7 the rock occurs, and there would be all the cost of deepening those berths, which I think, speaking from memory, is not included in any of the tenders. The sheds are, in my opinion, of a most unsuitable kind, giving no protection to the goods; neither are they included in any of the tenders. This plan is, I am told, designated "the separate berth system," but it seems to me to be nothing of the kind. There is no protection given for preventing goods from being taken off the wharf altogether. Between the foot of Phillip-street and number 3 berth the space is also too narrow to be available for the large traffic between the shed and the end of the street. At berth number 1 a vessel's jib-boom would project a considerable distance into the available waterway; and to get a vessel into berth 2, with the jib-boom of the vessel in number 1 projecting, would be almost an impossibility. Again, at berth number 3—supposing a vessel of 270 feet in length, like the "Sobraon," were at number 2, with her bowsprit out and her jib-boom rigged in, she would take up about 300 feet, and it would be impossible to get a vessel into berth number 3, because the bow of the vessel at number 2 would block the entrance completely. I do not see so much objection as regards berthing vessels at numbers 4, 5, and 6; they differ, in fact, very little from my own plans. I should say this plan is obviously constructed under some very grave error, because it will be observed that there are no stringers in the wharf from end to end—nothing to connect one bay of piles with another, except the planking; the planks are made to cover a space of 10 feet.

522. *Mr. Hoskins.*] Is there a specification? Yes.

523. Are you quite sure there are no stringers? I am perfectly confident there are no stringers shown from end to end. If a ship was made fast to that wharf, in a gale of wind she would pull the whole thing down. As an illustration, I would like to mention what occurred at Newcastle. The wharf at Newcastle is constructed as I proposed to construct Mr. Gowlland's jetties. During a gale of wind there the ships moored to it carried away 2-inch cables and 8-inch hawsers, and when the gale was over, the wharf was covered with a mass of ruined cables and hawsers. During the height of the gale the wharf was observed to spring 6 inches and come back again. This wharf in such a gale would be carried bodily into Sydney Cove. I might read, as a commentary upon that, an observation made in the tender of one of the tenderers, Mr. John Young, who has been often quoted here. His tender for it, as designed and specified, is £38,600; and he puts this memo:—"If the whole wharf is well braced and the piles coppered it would cost about double." That is a commentary on an engineer's plan. The transparent absurdity of the thing is obvious.

524. *Chairman.*] Suppose the wharf were built of stone? I am coming to that presently. That was for a timber wharf uncoppered; and I have shown you how little reliance is to be placed on timber uncoppered. The next plan is Mr. Selfe's plan for a stone wharf, No. 2 (*placed on the table*). To this plan are attached the cross sections of the wall. In the first place, it is important to bear in mind, with regard to the specification for this wall (*referring to one part of the plan*), that there is no maintenance clause; the contractor is not bound to keep it up for one hour. He is paid 80 per cent. on the masonry as measured every fortnight. I say the wall would not stand for an instant. The Committee will observe that the thickness of this wall at the base is one-fourth of its height; at the second footing just the same, one-fourth. This wall (*referring to another section*) is still higher, and is not one-fourth of its height in thickness. The fatal objection to the whole thing is that it will not stand. If that wall was built, it would tumble into Sydney Cove, and the whole thing would have to be built up again. I have thought it would be more satisfactory to the Committee if I show them some examples of wharf walls, so as to give some idea of what the ordinary dimensions of such walls are. The first example I give is that of the Humber Dock wall, in which there are counterforts, but the thickness at the base of the mere face wall, without taking the counterforts into account, is very nearly half the height; but taking one-third of the counterforts, the wall is just half its height in thickness at the base. In reference to these Humber walls, it is stated that their thickness at the bottom is 10 feet, at the top 4 ft. 6 in., and the height is 24 ft. 6 in.; so that the thickness at the base, irrespective of the counterforts, is very nearly half the height of the wall. Here is another example, which is more than half its height in thickness—the Brunswick Wharf wall, on the Thames. It is faced with iron sheet piles, and, in addition to a certain thickness of concrete wall at the back, which is about two-fifths of the height, there are powerful land ties to resist the thrust of the backing, as well as the sheet piling at the foot.

525. From what work are these examples given? Cresy's "Encyclopædia of Civil Engineering." In some parts this wall of Mr. Selfe's will be 52 feet high. Probably the Committee will understand the matter more readily if they consider what 52 feet means. 52 feet means about the height of the top of the chimney of this building from the ground. Behind a wall of such a height there would be a backing of "rubbish," and that mass of backing would at times be thoroughly saturated with water; and the whole pressure of this enormous mass of earth, as high as this building, has to be supported by a wall, at the very most, 10 feet wide at the bottom. But in addition to the weight of the backing you may have two or three hundred tons of a ship's loading on the wharf as well, all tending to thrust the whole thing bodily into the cove. Here is a section of the Portsmouth Dockyard extension wharf now being built; Sir Andrew Clarke being the engineer. That is very little short of half the height in thickness at the base, in addition to which, this wall rests on sheet-piles, and is prevented from moving forward by these piles driven into the soft ground at the bottom. Here is another wall, at the Victoria Docks, London; this wall is about 20 feet thick at the bottom, or about half the whole depth from the coping. Here is the Burgh Quay in Dublin, which has recently been repaired, and I refer to it particularly as an instance of failure. That wall is almost exactly half its height in thickness at the base, in addition to which, piles have been driven to protect it, and iron land-ties have been put in to prevent its being thrust forward into the river. Here are the walls of Portsmouth Dockyard, the new wall; that is a little more than half the height in thickness at the base. I now refer to Sir John Rennie's book on Docks and Harbours—a recognized authority. These are the walls of Sheerness Dockyard; that is very nearly as broad at the

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base as it is high, or, taking it at the narrowest point, it is more than half its height in thickness. Here are some other wharf-walls constructed by Sir John Rennie at Portsmouth Dockyard, just half their height in thickness at the base. Also the new wharf-wall at Dover, a little more than half its height in thickness. I could adduce hundreds of other instances.

526. *Mr. Macintosh.*] Is this wall of Mr. Selfe's proposed to be built in mortar or cement? No, it is specified to be a dry wall, with open joints. After the tenders had been received it occurred to Mr. Selfe that it might be necessary to put a little mortar into the joints, and a communication was addressed to the various tenderers to know what they would require for building the wharf within a coffer-dam and with mortar, and their offers have been received. Taking the lowest of the tenders, that of Mr. Watkins, a well-known contractor, who has given a schedule rate, and whose schedule prices are the lowest of the lot, and making an estimate of the probable cost of either of these plans, I find that according to the second plan the cost of that work would be £213,000 for six berths if the walls were built with proper substance—the substance required by their depth, and in accordance with acknowledged practice. The cost of the amended plan would be £196,000 for five berths. Now, with reference to Mr. Selfe's improved plan, I should like to point out that a ship of 320 feet long, as shown in berth No. 3, that ship (*pointing to the plan*), to clear the ship lying at berth No. 2, would have to run into that vessel's stern at berth No. 4, and to clear the former vessel's bowsprit she would have to go there, so that it would be simply impossible to get that ship out with any ship at berth No. 4, or a ship of 250 feet long at berth No. 2.

527. *Mr. Hoskins.*] Would not that be an exceptionally long vessel? Yes; but still, even with a short vessel there, a vessel of 250 feet could not come out without the other vessels being removed. I would like to observe, with reference to this arrangement, that I think it is a radical defect to make any plan by which very long ships are to be brought into this inner portion of the cove. This south-east corner of the cove will always be difficult of access, and should be reserved, I think, as I have endeavoured to reserve it, for vessels of medium size, and the long vessels that come to this port should be placed in different positions. To attempt to bring them here is, in my opinion, a radical mistake, and would lead to an inevitably excessive expenditure. There is also a great defect, in my opinion, on this plan, that vessels do not discharge under cover; the sheds are too far back from the face of the wharf. These vessels could not discharge in wet weather. This is called the separate berth system. Now I should like to know what separation there is between the berths numbers 4 and 5. Why should it be called the separate berth system?

528. *Mr. Watson.*] He may call it what he likes? But it is a complete misnomer; he should not call it what he likes if the name does not apply.

529. *Mr. Hoskins.*] Would you favour us with your views on this plan for mooring vessels? It has some merits and some demerits. The projecting heads of these jetties I think are bad; the effect of them is simply to protect the head of the vessel in the berth, and that object might be attained at a much cheaper rate by putting a dolphin there. It is necessary to consider what we want the wharf for. If we want to support a vessel's head, it can be done much cheaper by a dolphin.

530. *Mr. Watson.*] A dolphin would block up the waterway? Not so much as a jetty;—it would occupy about 5 feet, and one of these jetties occupies 50 feet.

531. *Mr. Hoskins.*] The front part of this jetty would afford opportunities for unloading from the fore-hatchway? That I beg to deny, because if a ship's fore-hatch is forward of her foremast you cannot get out the goods without bringing them aft, because the break of the forecastle comes right down to the fore-rigging, and there are no means of establishing a stage between the fore-rigging and the break of the forecastle; so that when goods are discharged from the fore-hatchway they have to be brought aft of the fore-rigging to nearly amidships.

532. *Chairman.*] Could you finish your general observations on the plans? In Mr. Selfe's specification it is stated that the backing is to be rubbish. I have shown that these walls are not strong enough to stand, without supporting a backing of rubbish, and without supporting the cargo of a ship. The piers are proposed to be founded on stone ballast packed by hand—it is so stated in the specification. Now, such a foundation would be manifestly ridiculous. It will be observed how the rock shelves here in places. This is a sketch (*produced*) that I have had prepared to show the difference between the cost of stone piers and iron cylinders. Any attempt to found a masonry wall on ballast packed by hand on such a bottom would be simply ridiculous. Mr. Sutherland asked me to run out an estimate of what the cost of using stone piers instead of cast-iron cylinders would be, and I have taken out the quantities.

533. *Mr. Hoskins.*] What do you estimate to be the difference in cost of the improvements contemplated at the Circular Quay, if they were carried on in timber or in iron? The estimate for my own plan, if constructed of iron, was £88,458; if constructed of wood and the piles coppered, £98,727.

534. How long would you calculate it would take to construct these improvements, if the material used was timber, as against iron? I consider they could be constructed of iron in considerably the shorter time of the two. My reason for making that statement is this. I know it is very difficult to get large and long piles now, and I know that when carrying out the Woolloomooloo Bay Wharf the contractor was considerably over his time in consequence of the difficulty he found in getting the piles he required. On the other hand, iron-work can be constructed in England with great rapidity, and there would be no difficulty in getting it out to this Country, I should say, in twelve months at the outside.

535. How long do you estimate it would take, supposing we constructed these improvements of wood, to complete them. I should say fully two and a half years.

536. How long do you suppose it would take if you used iron? I think less than two years.

537. Are there any expensive wharfs constructed of iron in this Colony that have been finished in two years? No, there have not been; there has been only one wharf constructed of iron—the Darling Harbour Wharf, and that has taken more than two years.

538. Has that wharf a longer frontage than the Woolloomooloo Bay Wharf? I think it has; but really I cannot now give you the exact figures. The Darling Harbour Wharf has a frontage of 1,260 feet, and I think the Woolloomooloo Bay Wharf is about 1,000 feet.

539. How long were you from the time the contract was signed till the wharf was completed, constructing the wharf at Woolloomooloo Bay? I think over two years and a half.

540. How long has the Darling Harbour Wharf been under construction? From two years and a half to three years.

541. How long will it be before it is completed? About four or five months more.

542. Fit for use? Yes; the planking is now being laid on it.

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543. You are acquainted, I suppose, with the general character of the wharfs constructed in this harbour by private individuals? Yes.
544. They are nearlyall of timber, are they not? Nearly all.
545. Have the piles, as a rule, been coppered? As a rule they have not been coppered.
546. Can you give us any idea, from any knowledge you may have acquired, how long these wharfs generally last? Yes, I am acquainted with some wharfs in Darling Harbour that were pulled up and of which I examined the piles, after they had been seventeen years down. I am also acquainted with what is called the Cosmopolitan Wharf, which I was called upon to repair some years ago, before I was connected with the Government, and the owner informed me the piles had been down about fifteen years.
547. I suppose you would be surprised to hear of piles having been in use at private wharfs for thirty or forty years? I should like to know the circumstances. I think it quite possible some piles might last for that time, because piles driven in shallow water and on putrid mud will not be attacked by the worm, and if driven at nearly low-water and the water is very foul, they might last the time you have named.
548. How long have the piles at the Circular Quay been driven? About eighteen years.
549. I believe none have been replaced? A great number have been replaced. With reference to the Circular Quay, the cost of keeping that work standing for the last fourteen years has been £19,901—from 1859 to 1873.
550. How long have the piles been driven at Woolloomooloo Bay? Eleven or twelve years.
551. You have not had to replace any piles there? None.
552. Were not the piles in these wharfs squared? Not at Woolloomooloo Bay; the piles in the Circular Quay were squared. I have always used round piles.
553. Your experience has led you to believe that round piles last longer? No, I find they stand driving better; that is why we adopt the circular pile, although it takes somewhat more copper.
554. You would place the life of a timber wharf at twenty years? Coppered; not coppered, I should not say so.
555. Did you not say the piles in private wharfs had not been coppered? Yes.
556. Have you not heard that owners of private wharfs are in the habit of having the piles charred and tarred before being driven? Yes, I am aware of all that; but it is only a very partial protection; the tar washes off in a short time, and the insects get in between high and low water marks—the worst at low-water mark. With reference to the lasting of piles, you must not consider merely how long a pile will stand of itself—you must take into account the length of time it will be able to sustain the necessary weight. If you will go to the Woolloomooloo Wharf, you will see, by the quantity of coal stacked upon it, that it requires a good pile to carry it. There are from 1,000 to 1,500 tons of coal stacked on that wharf, bringing on it a pressure of 10 cwt. to the square foot. Such a pile as this I have exhibited which was eaten through in about ten years would not carry any weight.
557. What are the comparative advantages, as regards the repairing of wharfs, between iron and timber? They are infinitely more easily repaired in iron than in timber.
558. Will you explain why? Because you can always get at an iron wharf in all directions, as regards the superstructure, and repair it as you please.
559. I am not referring to the superstructure but to the piles? The piles can be also got at without the slightest difficulty. I have here a sketch of a plan adopted for getting at the outside of the piles (*sketch exhibited*), for the purpose of, if necessary, cleaning and painting them. It is a wrought-iron casing made to encircle the cylinder.
560. I should like to ask you a question which requires a well-considered answer. Are you prepared to say that, in your opinion, the contemplated improvements at the Circular Quay can be constructed of iron in a shorter time and at a less cost than wood? I believe they could if you copper the piles; I am confident they can, if you copper the piles. The cost of the copper alone on such a structure would be about £23,000, and the cost of the iron cylinders about £14,000.
561. *Chairman.*] Might I ask whether your answer applies to any plan—Mr. Gowland's plan for example? No, it does not apply to Mr. Gowland's plan, for this reason,—that at part of the cove where Mr. Gowland proposes to construct a jetty there is a great depth of mud—the borings went down 113 feet, and cylinders of that depth would be very costly. By my plan I keep along the margin of the shore and avoid going out to deep water, and the plan has been carefully arranged with that view, so as to keep within water at moderate depth. All the other plans go beyond me. Even Mr. Selfe's walls are in some places 52 feet.
562. Does your answer apply principally to your own plan? Yes, I intended it to apply to my own plan. The cost of copper sheathing would be £23,349, and for bolts £1,897.
563. *Mr. Hoskins.*] Then your estimate of the relative difference in cost between timber and iron for these proposed wharf improvements would have no relevancy or value as applied to the plans of Mr. Gowland or Mr. Selfe? I intended it to apply only to my own plans. It would take some consideration, and I would have to go into details if I gave you the same answer with regard to the other plans. I do not intend my answer to go any further than my own plans.

FRIDAY, 22 MAY, 1874.

Present:—

MR. HOSKINS, MR. PARKES,
MR. MACINTOSH, MR. WATSON,
MR. WEARNE.

THE HON. HENRY PARKES, ESQ., IN THE CHAIR.

Edward Orpen Moriarty, Esq., Engineer-in-Chief for Harbours and Rivers, called in and further examined:—

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564. *Mr. Watson.*] In your evidence yesterday you submitted some specimens of copper taken off piles at the Circular Quay—Will you state how long that copper was on the piles? Seventeen or eighteen years. That is about the time that elapsed between the time of building the Circular Quay and the time I took the copper off.
565. How long had the copper taken off the piles at Woolloomooloo Bay been upon them? About eleven years.

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566. What was the weight of the copper? Speaking from memory, the copper at Woolloomooloo was about 20 ozs.; the weight of that at the Circular Quay I cannot tell you—it was put up before my time.
567. It was you who gave instructions to have specifications drawn for Mr. Gowlland's plan? Yes.
568. Were tenders invited for the erection as well as the delivery of the iron? Tenders were taken for the whole of the work of Mr. Gowlland's plan—everything complete.
569. Were all the tenders sent in accordingly? Yes, I think so; I think I may safely say all the tenders for Mr. Gowlland's plan were sent in for the completion of the work.
570. Then, if any of the tenderers would tell me they did not tender for that, they were stating what was not the fact? I think so: I am pretty confident of it.
571. Were the tenders called for in the Colony and in England the same? I think you are under a mistake; you are speaking of Mr. Gowlland's plan; they were only invited in the Colony.
572. No, I am alluding to your plan now? You said Mr. Gowlland's plan.
573. Were the tenders called for your plan for the erection and completion of the work? The tenders invited for my plan were for the delivery of the iron only, both in England and in the Colony. Two of the colonial tenderers tendered both for the supply and erection of the iron-work; one of the tenderers only for the supply. I think you will find that stated in my former evidence. Mr. Musson's tender was, I found afterwards, solely for the supply here.
574. I suppose no contract has been entered into yet for this iron-work? No, nothing.
575. When Mr. Parkes yesterday read that extract from Mr. Gowlland's evidence, you said it was an untruth? I said it was untruth that I had made any difference in the character of the work from what I have been accustomed to make in my own work.
576. You have known Mr. Gowlland for some time? Yes.
577. I suppose he is a gentleman whose word you would take? Yes, for any statement that depended upon his own knowledge; but it is a falsehood if he states that I made any difference in the specifications for his work from what I should require for my own.
578. Suppose Mr. Young were called in, and he said he was prepared to carry out Mr. Gowlland's plan for £100,000,—do you think it could be done? You may carry out a work for almost any amount of money; but if you are to have the work properly executed, it could not be done for the money. I have tenders from other persons quite as competent as Mr. Young; and their tenders, as I have read them to you, vary from the lowest, £214,000, according to the schedule sum, up to £370,000. The average of all these tenders amounts to £274,000, which is £10,000 over my estimate.
579. Supposing Mr. Young tenders for any work, his tender is always looked upon as *bonâ fide?* Yes, certainly; but he has not tendered for this work.
580. You would consider Mr. Young a competent person to undertake a contract of this kind? I do not wish to answer vague questions about Mr. Young; he is not a gentleman with whom I have had anything to do; he has not done any work for me.
581. I suppose at the time these specifications for Mr. Gowlland's plan were drawn, it was intended to carry out the work, if the tenders had been accepted? Yes, I presume so. That of course rests with the Minister for Works and the Government.
582. Was there any information supplied by any officer of the department, when gentlemen called to see the specifications, to say that they need not be particular, as it was not intended to carry out the work? I have no knowledge of any such statement.
583. If Mr. Young came here and stated so, would you believe him? I cannot tell you what anybody else might have stated. Such a statement would have had no countenance from me.
584. What was the probable cost of the retaining wall on Mr. Gowlland's plan? I made it in my estimate fifty odd thousand pounds.
585. Were any tenders sent in for that? Yes. Masonry (that meant the retaining wall):—

Daniel Williams	£93,000
Mason, Elkington, & Co.	72,900
A. and R. Amos	87,000
J. Musson & Co.	84,000
Gother K. Mann	132,000
W. Wakeford	90,000

586. Deducting the cost of the retaining wall from the lowest tender, what would be the estimate for the wharf? £127,000.
587. That is for Lieutenant Gowlland's wharf with twenty berths? Yes, without any retaining-wall, which was part of Lieutenant Gowlland's plan.
588. Supposing Lieutenant Gowlland says it was not? Lieutenant Gowlland may say anything; I assert that it was; the plan could not have been carried out without it; all the filling in would have tumbled into the cove, and the berths would have been filled up.
589. Did you intend a retaining-wall in your plan? My plan proposes to utilize the present retaining-wall—to place the back of the wharf upon it, with the exception of one place where I propose to make a retaining-wall.
590. Do you consider it absolutely necessary that a retaining-wall should be there? I do. If you put filling of any kind at the back of the wharfs, it would be necessary to keep them up by a retaining-wall.
591. Is there a retaining-wall at Darling Harbour? Yes, stone ballast, and on that a retaining-wall. It forms part of the plan. I may tell you the reason it is not there now is, that the ballast which has been placed there requires twelve or eighteen months to settle before putting the retaining-wall up.
592. Was the construction of a retaining-wall at Darling Harbour Wharf included in your estimate of £76,000? I never said anything of such an expenditure.
593. What is the amount of your estimate for the completion of Darling Harbour Wharf? £10,000. I told you the other day we had spent £46,000, and we had £10,000 more to complete it.
594. Including the retaining-wall? Yes.
595. You took objection to Mr. Gowlland's jetties being only 200 feet long: what length are your berths? My berths are 180 feet long; but the circumstances are different.
596. How are they different? Because in one case the vessels are laid parallel with the shore, and can be supported by dolphins placed at the ends of the berths; in the other case the vessels radiate from the shore,

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shore, and not only is a great portion of the vessel projecting unsupported beyond the jetty, but the jib-boom and bowsprit run still further out; so that to attempt to move ships in Sydney Cove with a *chevaux-de-frise* of jib-booms sticking out all round would be simply impossible.

597. More difficult than on your plan? Yes, a great deal more. In one case there would be only one jib-boom, in the other there would be a dozen. Any man accustomed to move ships knows that if a vessel is approaching another's broadside she can be fended off, but if she runs into a *chevaux-de-frise* of jib-booms there is nothing by which she can be kept off at all. A vessel drifting upon any of these jib-booms could not by any possibility be fended off; and if she got foul among them, it would be almost impossible to get her free without cutting away everything.

598. Could not a vessel at one of these jetties be drawn far enough before she was turned at all to take her clear? It would not be a very easy matter. The moment she cast off her fastenings she would begin to drift upon the next ship before weigh could be got upon her.

599. You raise an objection to having a ship at each side of these jetties? Yes.

600. Why? Because you have to discharge the whole of a ship's cargo at the shore end of the jetty; and I contend that in that narrow space, only 40 feet for each ship, you cannot get it away so conveniently as if you have the whole length of the wharf for the purpose.

601. Mr. Gowlland shows 200 feet of jetty? I am speaking of the narrow end of the jetty, where it abuts upon the wharf proper—that is all the width that is available for taking away cargo.

602. The jetty is 80 feet wide? You have only half of that for each ship. I say you cannot discharge a ship with the same convenience through that narrow space as you can when you have the whole length of her berth to work upon.

603. Would it be impossible at a jetty 80 feet wide to discharge two ships? I do not say it would be impossible, but it would be inconvenient.

604. You have been at Melbourne? Yes.

605. Is it not possible to discharge twelve ships at once at the jetty at Sandridge? It is quite possible; but the circumstances are different. The jetty is, in point of fact, the terminus of the railway; and the goods are not loaded on the wharf as they would be here, but are put directly from the ship's tackles into the railway trucks, and taken away at once to Melbourne; and the railway terminus at Melbourne is, in fact, the distributing end of the jetty. That is the practice, though there may be exceptional cases.

606. You said in your evidence that it would be impossible to get two steamers in between vessels moored at jetties on Mr. Gowlland's plan? Perhaps "impossible" was too strong a word; but it would be very inconvenient.

607. There is 180 feet between two jetties? Yes.

608. What is the width of a ship? Of a large ship—40 feet.

609. Are there any vessels coming here that are 40 feet wide? Yes, I am sure there are; they may be a foot under it.

610. I suppose 30 feet is the average? I think not.

611. Say 40 feet—Two ships would then occupy 80 feet? Yes. You must allow for two fenders on either side and the ship's yards projecting.

612. I suppose the ship's yards could be braced? Probably they would; but that would not be very convenient.

613. Small steamers, colliers, would not be more than 20 feet wide? A screw collier would be about 25 feet.

614. Two of these would take up 50 feet, leaving 50 feet to spare? That is supposing they are ranged in like a row of candles. You must allow a little room to work a ship.

615. There would be some difficulty, on your plan, to get colliers in to put coals into the after-hatch, when one vessel was overlapping another? They do not load coals, as a general rule, into the after-hatch. Most of the colliers discharge from one hatch, and put the coals into a ship at one hatch.

616. Are not coals loaded from all the hatches in large ships? I have generally noticed that they are loaded from one hatch.

617. You said yesterday that Mr. Gowlland was not an engineer? I did, and I repeat it.

618. It does not require an engineer to draw practical plans? Yes, I think it does. I think a man who has not been brought up to medicine may just as well give a prescription for a dangerous case as an amateur give a detailed engineering plan.

619. I presume Mr. Gowlland has nothing to gain by his plan being adopted? I do not know that he has.

620. Is he not in the employ of the Imperial Government? I do not know.

621. Is he in the employ of the Colonial Government? I cannot say. I have heard that he has retired, but I cannot say whether it is true.

622. You have had a large amount of business requiring calling for tenders? Yes.

623. Have your estimates always been within the tenders? No. I suppose I am like other people in that respect. No engineer ever lived who was always right in his estimates. I would beg to point out that tenders vary in the most extravagant way. The tenders for Mr. Gowlland's plan vary, for instance, from £199,000 to £370,000. We find the most extraordinary differences in the tenders of even the most experienced contractors.

624. What was your original estimate for Darling Harbour Wharf? I cannot tell you the original estimate. Speaking from memory, we took a vote of £35,000 on account. My original proposal for Darling Harbour was for a much greater length of wharf than was carried out. When we got the vote of £35,000, it was thought better at the time to send the whole of the money Home to get iron, and to wait for a fresh vote for the remainder of the work; so that the whole of the first vote was absorbed in the purchase of iron, and an additional vote was obtained for the retaining wall and filling in, planking, &c.

625. You have submitted what you consider an improvement upon Plan B appended to the Report of last Session. Wherein do you think your improved plan gives greater accommodation or greater facilities for loading or unloading than are afforded at the present time? In this way: that vessels have at the present time to lie off at the end of a long stage, about the distance from the shore that I propose the front of my wharf to go, and all the goods have to be trundled along a narrow stage from the ship's side to the wharf, there to be thrown down, sometimes in wet and mud, and reloaded on drays and taken away to their destination. Now I propose to have a wharf close alongside which a ship can lie, covered in for its whole length, so that the goods may be taken from the ship's side under cover, and discharged directly on to the wharf without any risk of wet or damage, in the same way as in the London Docks, the East India Docks, the Victoria Docks, in fact all the docks in London. The goods go immediately under cover. 626.

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626. You offer no greater accommodation as far as the ships are concerned? Yes, I offer a great deal more. A vessel has now to lie off, secured by anchors and chains, whereas I propose she should lie against the solid wharf.

627. Do you offer accommodation for a greater number of ships? Yes; I propose to extend the wharf very considerably. From the north berth where the "La Hogue" is shown to the northward there are no vessels at all berthed now.

628. How many vessels can load or discharge from the Prince's Stairs down to the Government Boatshed? The utmost number I have ever seen lying between the "Sobraon's" berth on the plan and the Prince's Stairs is six, and it is a very uncommon thing to see six vessels there. There are generally three vessels in the space between where you see the "Sobraon" marked and the North Shore ferry. I do not propose to increase the number of berths there. I propose to make berths where ships never lie at all now.

629. On this plan of yours, in your evidence you spoke of having 24 feet depth of water? Yes.

630. Have you taken soundings all over it? Yes.

631. Will you have to blast the rock to get that depth of water? No, we shall be able to dredge it all.

632. No rock? No.

633. Yesterday, speaking of Mr. Gowlland's plan, you raised great objection to the wind coming down Phillip-street—Would not one ship be a protection to another? No, I do not think so.

634. Supposing vessels were lying on your plan, would they not be completely exposed to a westerly wind such as is blowing to-day? No; on my plan vessels would be completely protected from westerly winds by the high land and houses about Dawes' Point.

635. Are not vessels on Mr. Gowlland's plan protected in the same way from southerly winds by the top of Macquarie-street? No; Phillip-street is a complete funnel for the southerly winds.

636. I suppose the same objection would apply to any plan—Take the Sandridge pier in Hobson's Bay, for instance—vessels are exposed there? Yes, they are; but the pier at Sandridge runs about north and south, and I believe the heaviest gales of wind are from the south, so that vessels would be end on.

637. Do you know any harbour in the Southern Hemisphere more protected from the wind than Sydney Harbour? I admit it to be well protected; but still I have seen extreme gusts of wind come down Phillip-street.

638. The westerly winds are very heavy, are they not? They are, but they are not to be compared to the southerly bursters, and one southerly burster might do an infinity of damage. The cove is almost completely protected from westerly winds by the high land and houses about Fort-street and Cumberland-street.

639. Supposing a strong westerly wind were blowing, would it not have the same effect coming down the Argyle Cut as a southerly wind down Phillip-street? No.

640. Why not? Because it is merely a narrow tunnel, and the moment the gust passes through, it expands in the space beyond and its force is reduced.

641. In the event of fire, would not vessels be more easily got out on Mr. Gowlland's plan than on Mr. Selfe's or yours? No, I think not; I think it is one of the objections to Mr. Gowlland's plan, that in the confusion that would arise in case of fire, the ships lying with their yards locked would be more difficult to be got out. The moment you cast a ship off from the jetty, she would drift bodily down on to the next ship and get her yards locked; and once they became entangled in that way, it would be impossible to move them, and the whole tier of ships might be burnt.

642. Supposing a fire broke out among ships moored on your plan, would they not be in the same position? Not a bit: you would simply have to cast off a ship's head fastenings, bring her round, and tow her away.

643. You seem entirely in favour of iron? Yes.

644. And you estimate that this wharf could be completed in two years and a half? Yes.

645. Supposing a gentleman said he could build it in eighteen months—of timber? I do not think he could; and if he did, I do not think it would stand. Mr. Hoskins asked me some questions yesterday about the Woolloomooloo Bay Wharf. I spoke entirely from memory, and was not able to give the exact dates. I have since ascertained them. The timber-work of the Woolloomooloo Bay Wharf took nineteen months to complete. The contract for the first part of it was entered into on the 19th July, 1861; the timber-work was completed in February, 1863, and the stone-work at the back was completed in November, 1863. For the Darling Harbour Wharf, the contract was entered into on the 25th February, 1870; the iron-work was commenced to be landed here on 4th February, 1871, and the landing of all the iron-work was completed on 6th January, 1872. The contractor for Woolloomooloo Bay Wharf was six months over his time; the contractor for the Darling Harbour Wharf, twelve months over his time. The area of the Darling Harbour Wharf is about two and a half times the area of the Woolloomooloo Bay Wharf.

646. Have you seen any wharfs on the *échelon* plan before? There is one very good instance not far off—the Williamstown Jetty, which is found to work very conveniently.

647. Is it built of timber or iron? Of timber.

648. How long has it been up? I know it has been completed four or five years; how much longer I cannot say.

649. Of all the plans submitted to the Committee, I suppose you think none of them come up to yours for offering accommodation? I conscientiously do.

650. It cannot be improved upon? I do not say that. In my plan the length of the wharf and the berths was limited by the vote. I have been working to keep within the vote, and I think I have managed to do so; and I have also been working so that provision should be made in part of Sydney Cove—the south-east corner—for medium-sized vessels coming to this port. I never contemplated bringing the very largest class of vessels into that corner; and so I have to arrange the expenditure to utilize to the fullest extent the wharf frontage, and make provision for medium-sized vessels in that part of the cove. It would be quite possible, for a few extra thousand pounds, to move the whole of my wharf a couple of hundred feet to the north-east, and thereby lengthen each of these berths. I know objection has been taken to the supposed difficulty of moving vessels at berths 6 and 7, but I do not think the objection would apply to the medium-sized ships for which those berths are only intended. But, as I have said, if there be any objection to the shortness of the berths, the whole arrangement might be extended 200 feet further, which would entail an additional cost of £10,000.

651. *Chairman.*] While on this point, would you give the Committee your opinion as to the advisability of filling out that bight opposite the Custom House (*referring to the plan*), so as to make the curve less: instead of the curve of the wharf going into the bight in the manner shown on the plan, would it not be

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a great improvement to fill it out so as to make the curve round the cove more uniform? I do not think it would. There is this objection to doing that,—that it would be bringing out the line of reclamation into very deep water, and the cost of bringing it out, even supposing there would be any advantage, would be far greater than that advantage would compensate for. Once you get a medium-sized vessel in there, she can lie securely in a convenient berth, and the arrangement proposed gives more area for moving vessels outside. The rock dips to a considerable depth there, and whatever means are adopted to keep the filling back must be very costly. I do not think you would gain any advantage by it. I may explain that in my plan I have proposed to come out as far as I could safely do without incurring unreasonable expense. I propose to come out 20 feet opposite Mr. Flood's stores, to widen the roadway there.

652. With reference to the answer you gave just now to Mr. Watson, about the wooden jetties at Williamstown, would you be good enough to telegraph to the harbour authorities there to ascertain how long they have been up, whether they have been coppered, and whether they have suffered from the worm? Yes.

653. Will you append that information to your evidence? Yes. I may tell you that I know as a matter of fact, with reference to the Sandridge jetty, that the piles have been eaten away repeatedly, and have been renewed.

654. *Mr. Watson.*] Were they coppered? I am not certain, but I do not think they were.

655. I suppose if Parliament decide to build this wharf of timber, we can get the timber in the Colony? We can get the timber, but it would take a great length of time. I found extreme difficulty in getting piles of the length and size required at Woolloomooloo Bay; they had to come from the Clarence, the Richmond, and the Manning.

656. Are you not aware that they are sending timber from the Clarence to New Zealand now? Yes, I saw the jetty being erected at Lyttleton.

657. Mr. Selfe is an engineer, is he not? I never heard of him as one; he is a draftsman, I believe.

658. *Mr. Hoskins.*] You stated, in reply to questions put by Mr. Watson, that the contract for the Darling Harbour Wharf was signed in February, 1870? Yes.

659. And the last shipment of iron for that wharf was received in January, 1872? Yes.

660. And the wharf at present is not completed, but will be finished in four months? As regards the iron-work, it has been completed for over twelve months, but the timber planking, for which we invited tenders, has not been completed; the tenderer demanded twelve months to supply the planking.

661. When was the iron-work completed? Over twelve months ago; the date of completion was 30th April, 1873.

662. Therefore, from the date when the contract was signed by the contractor until the completion of the iron-work for Darling Harbour Wharf, upwards of three years elapsed? Yes; but I may tell you the contract time was two years. The work was to have been completed, according to the contract, on the 31st December, 1872. The contractor was twelve months over his time.

663. Nevertheless it took three years? Yes; but I would like to add to that answer that scarcely a contract of any importance is ever completed in this Colony within the contract time. The same complaint I had to make in regard to Darling Harbour Wharf applies to every contract for railways or anything else all over the Colony.

664. The water frontage of the Darling Harbour Wharf is, I believe, 1,260 feet? Yes.

665. And the area 49,800 superficial feet, providing accommodation for nine vessels. Will you have the kindness to say what will be the wharf frontage you provide in your plan for the improvement of the Circular Quay? 1,940 feet of wharf frontage.

666. Providing berths for eleven vessels? Yes.

667. Now, seeing that it required, according to your statement, three years to finish the iron-work for the wharf at Darling Harbour, which has only 1,260 feet frontage, how do you reconcile that with the statement you made yesterday, that it will only take two years and a half to finish the wharf at the Circular Quay with 1,940 feet frontage? You must not endeavour to make a rule of proportion of that. It may and does happen that there is considerably more work in regard to the iron wharf at Darling Harbour than there would be in regard to the plan for the Sydney Cove. In the one place it was necessary to have back girders and large cylinders; in the other the back girders and cylinders are dispensed with, in consequence of the back of the wharf resting on the solid ground. The mere length of the wharf is not a criterion of the actual quantity of work in it.

668. Can you give me any approximation to the weight of the iron used in the Darling Harbour Wharf and the weight that would be used in your proposed improvements at the Circular Quay? There was about 2,300 or 2,400 tons of iron used in the Darling Harbour Wharf, and it is proposed to use about 2,900 tons at the Circular Quay—1,098 tons of cast-iron and 1,834 tons of wrought-iron.

669. Do you believe that you would be able to get the order sent to England for 2,900 tons, the tenders called for, the iron manufactured, exported to this Colony, and erected, more quickly than you did the 2,300 tons in the Darling Harbour Wharf? I am perfectly confident of it. Tenders have already been received, and we could telegraph to England to accept a certain tender, and the iron could be shipped almost immediately. With regard to Darling Harbour Wharf, the work was carried on so unsatisfactorily that we had to take it out of the hands of the contractor; his sureties asked permission to be allowed to carry it on, and were permitted to do so; but the work was never carried on as it should have been. A good deal of the delay arose from the incapacity of the contractor to carry out his contract.

670. You say tenders have been called for in England for the iron-work of your proposed improvements? Yes.

671. Suppose it were thought fit to make modifications in the design, as you suggested just now, you could not then telegraph the order to England? If another £10,000 were voted to make additions to the length of the berths—although I do not think there is any occasion for it—by moving the whole thing 200 feet to the northward, all that would be required would be to order a few more cylinders and girders of the same pattern. They are made in bays of 30-feet span. So that we might telegraph—"Accept so-and-so's tender for the wharf," and send subsequently by the mail a supplementary sketch showing the additional length of girders required.

672. Do you mean to say you would advise the Government to send an order for this costly work by telegraph? Most assuredly. The plans and specifications are already in England, and I do not see why I should not.

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673. *Chairman.*] What you mean is this—that the plans and specifications having gone to England, and tenders having been sent in on those plans and specifications, the acceptance of a tender could be communicated by telegraph? Yes, that is what I say. The plans and specifications are at this moment in England.
674. All you mean to communicate by telegraph is the acceptance of one of the tenders which have already been made upon specifications and plans previously sent by mail, and now in England? Yes, that is what I mean; and if it were proposed to add an additional 30 feet to each berth, or to any portion of the berths, it would be simply ordering an additional girder and additional cylinder for each.
675. *Mr. Hoskins.*] How long do you suppose any contractor in England would be in manufacturing 2,900 tons of this iron in various shapes, ready for shipment? I think he would have the first shipment put on board in about three months.
676. Was the iron-work shipped from England for the Darling Harbour Wharf in three months? No; but it does not at all follow that because one contractor is dilatory another should be. Perhaps his monetary arrangements stood in his way, which would not be the case with the Government.
677. You produced a piece of timber here which you said was lying in the water opposite Mr. Flood's stores for some years: can you tell us what timber that is? Ironbark.
678. Are you sure of that? Quite certain.
679. A gentleman versed in timber said here yesterday evening that it was not ironbark? I say it is. It is yellow ironbark.
680. With regard to the Dunmore Bridge, the piles of which you said decayed so soon,—that bridge was erected in fresh water, was it not? No. Sometimes after very wet weather the river is fresh, at other times, in dry weather, it is salt, but it is more usually brackish; it varies from fresh to salt, according to the season.
681. Has it been ascertained, in Sydney Harbour, that since the sewage has been carried into the harbour there has been less destruction of timber by the cobra? I believe that to be the most complete delusion ever entertained. There is not a tittle of evidence to justify it. At the foot of Darling-street, Balmain, I got a live worm the other day, and you can see it in this bit of wood now. If you go and look at several logs recently taken from the water opposite Flood's stores, and now stacked at Fort Macquarie, you will see the effect of the worm.
682. Are you aware that they have lately built a new wharf at the A. S. N. Company's? There has been an old wharf repaired, and I think they have lengthened the old wharf.
683. No, they have made a new wharf? I am not aware of it; and I should be disposed to doubt it, except on very good evidence, because all such applications come to me to report, and to my certain knowledge there has been no application to make a new wharf.
684. I suppose you would conceive that the loads stacked on the A.S.N. Company's Wharf are quite as heavy as those on the Circular Quay? No, quite the reverse; they are all light goods. If you go to the Circular Quay you will see loads of copper, tin, railway iron, and other heavy goods piled upon it. At Woolloomooloo Bay coal is piled up nearly as high as this room.
685. Do you know how long the piles have been driven in the Pyrmont Bridge? Yes. I built that bridge. They have been driven about eighteen years.
686. None of them have been replaced? No. They were all carefully coppered.
687. At the Glebe Island Bridge the walings are under water? Yes.
688. They have never been repaired? No, I believe not.*
689. They are not covered with copper? No, I do not think they are.
690. Do you remember the old King's Wharf opposite the Commissariat Stores? No, I do not.
691. You never saw any of the piles that were in that? No; but I can tell you, with regard to the Circular Quay, that we have had to renew almost the whole of the piles, and nearly the whole of the caps and girders.
692. You called our attention to some iron that had been taken from the barque "Robert Sayers," sunk in the harbour many years ago? Yes.
693. And you showed us in what a good state of preservation that iron was? Yes.
694. In what condition was the timber? Some of it was in a wonderfully good state of preservation. Some of it I had cut up and used for timber for the Government steam launch.
695. Then you are building vessels for the Government from a portion of the timber obtained from the "Robert Sayers"? I have used some of the timber in the frames of the Government steam launch. But perhaps you will allow me to go a little further into that matter. It is necessary to bear in mind that the conditions which preserve timber destroy iron. The conditions required for their preservation are essentially different. If you put a log of timber on putrid mud, such as you find at the head of various bays in the harbour, the insect will not touch it; but the sulphuretted hydrogen given out by that mud is what, above all, corrodes iron; so that if you attempt to argue that, because wood is preserved, iron must be, the inference is wholly fallacious.
696. In proposing additional wharf accommodation for this harbour, which do you prefer, the system of jetties or broadside wharfs? I am wholly opposed to jetties. In Sydney Cove the water area available for mooring vessels is limited, and to encroach on that water area by mooring vessels end on with their jib-booms sticking out in a circle would, in my opinion, be a complete mistake. Not only is the space for mooring vessels limited, but if a vessel got in amongst these jib-booms there would be nothing to ward her off—you could not put out a fender; whereas, when ships are lying broadside on, if there is any danger of collision they can be easily fended off.
697. Can you tell me the distance between the edge of the wharf on the eastern side of Sydney Cove and the wharf on the western side? About 900 feet. You will see that although the water area is very limited, there is a very large shore area; there are 3,500 feet of frontage available for berthing ships, and if you keep the ships close in to the wharf-line the whole of the water area will be available; but if you run your ships' heads out all round there will be little space left. If the "Mikado," 380 feet long, were moored at one of these jetties, she would go half way across the cove.
698. It is not intended to moor these large vessels in that way? I imagine the jetty system proposes to do so.
699. Are you of opinion that more vessels can be berthed on the broadside than on the jetty principle? No, they cannot; but the principle I have gone on is to afford the most perfect kind of wharfage, rather than crowd a large number of vessels in inconveniently. 700.

* Note (*on revision*):—I have since ascertained that the braces are much eaten by the worm.

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700. Have you visited the Cosmopolitan Wharf lately? Yes.
701. Does not that afford an illustration of the number of vessels that can be berthed and moored in a limited space? I do not know that it does. The circumstances at the Cosmopolitan Wharf are totally different. From the Cosmopolitan Wharf to Lavender Bay there is a considerable width of space available for mooring ships, but there is no such width in Sydney Cove. At the Cosmopolitan Wharf you have one bay facing another, giving the widest space that can be obtained; so that though it may be reasonable to run out jetties where the owners want to get in as many vessels as possible, it is totally different here where the water space is so limited, and the object should rather be to provide first-class accommodation for a moderate number than inferior accommodation for a great number of vessels. I may say that I reconstructed that wharf about sixteen years ago, as contractor's engineer, and I drew the piles of the old wharf there; I went to look at them to-day, and they are all rotten, being about sixteen years old.
702. I made inquiry the other day, and I find that at the Cosmopolitan Wharf they have only 270 feet of water frontage, but by running out two jetties each 200 feet long, one 30 feet and the other 40 feet wide, they provide accommodation for four large sailing-vessels? Will you supplement your information by stating that opposite the Cosmopolitan Wharf there is a width of harbour of nearly $\frac{3}{4}$ of a mile, whereas in Sydney Cove there is only 900 feet.
703. You know the jetty in the London Docks? No, that has been built since I left England: I know there is a long jetty there.
704. You cannot make a comparison between the amount of water space in the London Docks and in Sydney Cove? I do not remember the exact figures; but you forget that in the London Docks the jetty is run out from the narrow end of the docks.
705. There is not as much water space? There is a great deal more water space taken in the direction of the length of the jetty.
706. I think you are mistaken? However, they have to do a great many things in the docks where they are tied up for space, that we need not do in Sydney.
707. In the event of a steam-vessel accidentally running into a wharf constructed of wood, would it be more expensive or more difficult to repair damages than it would be if the wharf were constructed of iron? It would be infinitely more difficult to repair a wooden wharf than an iron one. Supposing a vessel runs into a girder of a wooden wharf, you have to strip the planking and take up the girders; the girders are generally of great length, and you have to get back to the start to take it; you have to lift the whole of your planking, and, if the cap is injured, you have to take out the whole of the girders connected with it as well as the planking. That involves an enormous amount of work; but if an iron wharf be damaged, you have simply to cut out a piece of the plate and put another in.
708. You would have to remove the planking? Yes, of course, but not to so great an extent.
709. And remove the girder too? No, take out the injured pieces and put in sound ones.
710. How would you weld them? You do not weld them, you rivet them in place. You do not require to take the girder out; you get additional plates and whatever is required, and rivet it on the spot.
711. You have stated that there are only 50 feet between the jetties and inner sides of the berths on Mr. Selfe's plan, and therefore the space between could not be dredged—Are you not aware that Mr. Selfe provides that there shall be silt-pits at the head of each berth? Yes; but these silt-pits are utterly useless. One heavy shower of rain fills all the silt-pits, and then the silt goes into the harbour: besides, the cost of dredging up the silt and taking it away in punts is really very much less than the cost of taking it up from the pits and carting it away. It is much better to dredge it up and send it out to sea than to put it in a cart and cart it away the Lord knows where. Besides which, the action of the tide sweeps the sand in round the head of the cove. The tide itself is very apt to fill it up.
712. Could not a stern-wheel dredge work within a space of 50 feet? You require not only the width of the dredge, but the width of a punt to receive the silt as it is brought up.
713. Is that more than 50 feet? Yes; the punts are very nearly as wide. (*The witness explained his meaning by a sketch.*)
714. Are they not using centrifugal dredges in England and Glasgow? No.
715. I am speaking of places where they are confined for space—have you never heard of them? I have often. I do not think the Harbour Commissioners in Glasgow are using them.
716. You said Mr. Selfe's plan was defective inasmuch as there are no girders or braces—Are you aware that it is provided that there are diagonal or spur-piles? There are two spur-piles, but no braces and no girders.
717. Do you think a spur-pile at the head of the wharf would not prevent it from drawing? I am quite sure it would not, unless you secure the spur-pile by a proper bracing to the ordinary upright piles. If you look at the section (*referring to the plan*), you will see that many of these piles have absolutely not mud enough to hold them up. In some places the mud is so liquid that the boring-rod goes down 20 feet at once, and in other places it goes right down to the rock. Anybody accustomed to driving piles knows you must have something to keep them up. Unless you have powerful bracings to keep them up the piles will get out of place.
718. Do you mean that you object to having piles used altogether? Most assuredly I do on that plan, without proper bracings. If you have piles, you must make up your mind to brace and secure them properly.
719. You were saying yesterday that on Mr. Selfe's plan the wall was too narrow at the base? Yes.
720. And you illustrated your objection by reference to the bases of various walls at docks in England? Yes.
721. Should not the solidity of the structure in a wharf-wall vary in proportion to the rise and fall of the tide? Scarcely; it depends more upon the weight of the bracing. (*The witness illustrated his meaning by a sketch.*)
722. In nearly all the cases you referred to yesterday, are not the foundations of the walls either piles or concrete—are they not artificial? Generally they are. But you will observe that the addition of sheet-piling to the base of a wall adds enormously to the expense.
723. If we know that the bottom of the cove is rock, and that the rise and fall of the tide is not very serious, seeing that your statements made yesterday, about the width of walls, referred to places where the rise and fall of tide is great ——? I beg your pardon; they did not. A great many instances referred to were docks where the water is kept at a permanent level.

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724. Are you not aware that at nearly all the principal ports in England the rise and fall of the tide is much greater than it is here? It is greater; it varies from 10 or 12 feet up to 48 feet.
725. Does it not average 20 feet in London? In the river part it does, but at the docks it does not.
726. I am coming to the docks presently. To make a strongly-built wall, would it not necessitate having a wider wall, where the tide rises and falls, than in this harbour, where you have a solid bottom, and a rise and fall of tide of not more than 3 or 4 feet? Of course, where you have a weak bottom you require to spread your bottom course by footings.
727. Would not that be much less where the rise and fall of the tide is not more than 3 or 4 feet, and where the water is generally pretty still? No; if you will look at it in this way you will see that it is not. (*The witness illustrated his meaning by a sketch.*)
728. Do you not think a rocky bottom, a good foundation, would justify you in making a narrower wall? Yes, it would justify you in one way, as regards getting efficient support from the bottom, but not at all in making it too weak to resist the thrusting at the back.
729. Would not the necessity for having stronger walls, or walls wider at the base, be more apparent in the docks, where the water is frequently pumped out two or three times a day, than in a harbour like Sydney? It is not so. The very essence of the construction of a dock is to keep the water-level permanent.
730. The docks are pumped out to admit vessels, are they not? No; vessels are locked into dock. The object of a dock is to keep a vessel at a permanent level, so that she shall not rise and fall with the tide.
731. You said to-day, in reply to questions put by Mr. Watson, that the retaining wall of Darling Harbour Wharf was dry hand-packed ballast? No, I said I put in a bottom of dry hand-packed ballast. I have given that eighteen months to settle, and as soon as that is done, I propose levelling it down to a proper depth at low-water-mark, putting in a concrete base, and building the wall on that.
732. Then the expense will be greatly increased? It will not be increased beyond the estimate. This wall will stand then upon the natural surface deposited for centuries at the head of Darling Harbour; but at the Circular Quay it is now proposed by Mr. Selfe to go out at once to deep water, and build a wall 57 feet high. My wall in Sydney Cove would not be more than 20 feet high.
733. *Mr. Wearne.*] In preparing a new plan for wharf accommodation, having so much water frontage as we have, should we study to get as many ships as possible into a small space, or should we try to give every vessel as much berth room as possible? I think each vessel should have as much room as possible. I think it would be a great mistake to attempt to crowd too many vessels into the Circular Quay.
734. I want to compare the space you allot to each vessel with the space Mr. Selfe allows? The space I allow to each vessel occupies considerably more frontage for the same number of vessels than Mr. Selfe's plan. I bring No. 11 berth close up to the foot of Pitt-street. I lay the vessels alongside the wharf, and the result is that, by my arrangement, I take up more room.
735. In allowing space to each berth, would you be guided by the benefit to the general public, apart from the expense, or any other consideration? Apart from considerations of economy, I should say give as much space as you possibly can, and on that principle I may say I am prepared to recommend the extension of the berths on my system by 30 feet each, which, as I have said, would involve an additional expenditure of £10,000.
736. How much further would that extend the wharf? 200 feet.
737. Where would that land us? Opposite Fort Macquarie. Starting from the foot of New Pitt-street, and landing nearly at this point (*referring to the plan*) I should have the same number of berths.
738. You think that would be an improvement on your present plan? Certainly; it would give more accommodation, but it would cost more money.
739. How much more? £10,000. Perhaps, before I leave off, I might be permitted to read a few extracts with regard to the comparative merits of iron and timber structures:—"The report, for 1857, of the Chief Engineer of the Pennsylvania Central Railroad, contained the following remarks:—'The bridges have all undergone a thorough examination, and many of them found to be much decayed. This examination leads to the conclusion that about nine years is as much as can be calculated upon for the duration of an uncovered wooden superstructure; and when the liability to fire and the expense of watching are taken into consideration, shows most conclusively that economy, as well as safety, is in favour of iron structures.'" Here is another statement by Sir William Fairbairn, F.R.S., M. Inst. C.E.:—"But it is now generally acknowledged that it is safer and more satisfactory to increase the estimates than to incur the necessity of frequent repairs and renewals, the risk of accident, and the danger arising from the use of a material subject, like timber, to rapid decay * * * * * A wrought-iron girder, when properly proportioned, contains within itself the elements of lightness, with great powers of resistance to strain; and although, like all other materials, it is liable to oxidation and decay when exposed to the action of the atmosphere, it may nevertheless, with a little trouble and attention, be preserved for many years in a state of perfect security." And again he says:—"It was true that a certain deterioration was constantly going on in iron structures, particularly wrought iron, which oxidised more rapidly than cast iron; but with care and attention, a riveted plate or lattice bridge of wrought iron, if occasionally painted and looked after, to prevent oxidation, should last not only a hundred years, but for 500 years." That is the statement of Sir William Fairbairn, the best authority in the world. Here is another by Mr. Zerah Colburn, an American engineer of great eminence, and for many years Editor of the scientific paper called "*Engineering*." Speaking of bridges in America, he says:—"Iron was occasionally employed there as long ago as 1835, but it is only within the last ten or twelve years that it has been used to any considerable extent. At the present time it is generally admitted by American engineers that the original cheapness of timber structures does not compensate for their rapid decay, their frequent destruction by fire, and the constant repairs and watching they demand."

THURSDAY.

THURSDAY, 4 JUNE, 1874.

Present :—

MR. HOSKINS, | MR. SUTHERLAND,
MR. WEARNE.

THE HON. HENRY PARKES, ESQ., IN THE CHAIR.

Edward Orpen Moriarty, Esq., Engineer-in-Chief for Harbours and Rivers, called in and further examined :—

E. O. Moriarty, Esq. 4 June, 1874.

740. *Mr. Wearne.*] At the close of our last meeting I asked you if you would furnish us with a plan giving more berth-room for each vessel than is proposed in your original plan, in accordance with a suggestion thrown out by you in your evidence—Have you prepared such a plan? Yes; I mentioned the subject to the Minister, and took his instructions to prepare such a plan. That plan I have already forwarded to the Committee, with an explanatory letter.
741. Is this the plan (*plan laid upon the table*)? Yes.
742. How do you distinguish it from your other plans? I have called and marked it "the *échelon* plan, for nine berths."
743. What is the difference between this plan and the other plan? The main difference is that this plan gives longer berths and fewer of them. Instead of there being eight berths on the east side of Sydney Cove, as proposed in my former plan, there are only six shown on this plan. Each berth is longer, and consequently there are not so many of them. The berths embrace a greater area, and would be more convenient for the very large class of vessels, such as the "Sobraon," and the very largest class of sailing-ships that have ever come to this port.
744. Does this plan occupy more of the water-way than your first plan? A little more, but nothing of any consequence. It is designed on the same principle, to keep the ships as close in to the shore as is consistent with obtaining a due depth of water. The amount of encroachment is so slight that it may safely be disregarded.
745. *Mr. Hoskins.*] In what way do you encroach more? Each berth is a little further out than is shown on the original plan.
746. How much? The encroachment varies at different points. Opposite to Mr. Flood's stores, where on my former plan the wharf was broken into three berths, on this plan there are only two berths, and the average encroachment on the water is a little more than on the other plan, but in some parts it is a little less—for instance, at the northern corner of berth No. 6. Taking the whole scheme, it encroaches a little more, but only a few feet.
747. *Mr. Wearne.*] Of the plans you have laid before us, which do you consider the best plan? Well, this plan makes provision for a larger class of vessels than the others have done, and it looks probably further into the future. The other plan made provision for a certain number of the vessels of a large class which are provided for here, but it also gave two additional berths for vessels of the present medium size coming to this port, and it was also cheaper.
748. What would be the difference in the expense of this and the other plan? According to the best approximate estimate I have been able to make—of course one cannot go very closely into matters of this kind without having the whole detail before one—the difference would be from £12,000 to £15,000.
749. This plan would give two berths less, and cost £15,000 more? Yes; and there could be no cavil or objection to any vessels getting into any of these berths. You will observe that at berth No. 6, which is 240 feet long, a vessel of the size of the "Ascalon," one of the medium or perhaps rather larger than a medium-sized vessel, is shown in blue, and she does not occupy the whole length of the berth; but the "Sobraon" is shown in brown, and she does occupy the whole length, projecting a little beyond it, her fore-hatchway coming within the limit. The "Sobraon's" jib-boom and bowsprit would be perfectly clear of the vessel lying at berth No. 7, so that she would not have the slightest difficulty in being taken out. The same at berth No. 5. At berth No. 4 a ship of the size of the "Mikado" might, with perfect safety, be berthed, being secured by the head and aft to dolphins, and amidships to the wharf. A vessel of the size of the "Parramatta," which is a very large vessel, would very little overlap the wharf. No. 4 is 180 feet; the others are 240 feet, with the exception of berth No. 7, which is 180 feet, and berth No. 9, which is 210 feet.
750. At each of these vessels you have allowed room for lighters or vessels to come alongside on the outside? Yes, you will observe that there is abundant room for that. There will be 150 feet of clear space between the bowsprit of the sternmost vessel and the break of the forecastle of the vessel next ahead of her.
751. In the letter just read to the Committee you have stated the price of this wharf built of stone according to this plan—Do I understand the price of stone will be double the price of iron? Very nearly.
752. Did you reckon on getting the stone adjoining the wharf? Yes, I did; but the price I assumed for the stone-work was the lowest schedule price tendered for the stone wharf as proposed by Mr. Selfe. Several schedule prices were given, amongst which was that of Mr. Watkins, a well-known contractor; this price I took, and it came to about double the cost of iron.
753. Which would you recommend in building this wharf—wood, stone, or iron? I should certainly recommend iron. I have no doubt whatever as to the lasting of iron, not the slightest; and, in point of fact, it is somewhat late in the day to question it. All the great works of the kind in the world have been built of iron for many years past—the Britannia Bridge, the Conway and Victoria Bridge—all the large bridges on the Thames; the Solway Bridge, &c.
754. *Mr. Hoskins.*] We are not speaking of bridges—we are speaking of wharfs? Bridges are the same in principle, so far as the endurance of the iron is concerned.
755. *Mr. Wearne.*] Where are there any wharfs constructed of iron? The Brunswick Wharf, the Gravesend Pier, Brighton Pier, the foundation of the Thames Embankment, which is practically a wharf, and in the Sunderland Dock some of the wharfs are of iron sheet-piling, the Victoria Docks, and many others.
756. Do you think that if they had in England the timber we have here—if iron were dear and hardwood timber cheap—do you think they would use iron? I am satisfied that in great works in England they would not use timber, as it is so perishable a material when exposed to the action of the sea-worm.
757. What would be the thickness of the thinnest part of the iron you would use in the construction of this wharf?

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wharf? I suppose the wrought-iron work would be from about five-sixths to three-eighths of an inch. All the wrought-iron work would be perfectly clear of the water, and could be kept painted so as to be scarcely subject to corrosion. It is stated that the amount of corrosion in the Britannia Bridge, during the last twenty years, may be measured by pounds, it is so trifling.

758. There is an iron wharf like this in New Zealand, is there not, into which a steamer ran and cut it in two? I saw that when I was at Wellington, and I can assure you it is nothing of the sort.

759. Will you tell us what it is? The Wellington Wharf is a lattice girder resting between two cylinders. A vessel did run into it, and indented it for a foot or eighteen inches. You can see the indentation now—they have not even been at the trouble of repairing it. It is as strong as ever. I looked very carefully at it, and I could not see any evidence of a single plate having been cut out or a new one put in. Every engineer knows there is nothing in the world more easily repaired than iron. Take the case of the "Macgregor," at this moment in the dock. She came in with an enormous hole punched in her bottom, and she is plated up already.

760. You produced some timber, last time you were here, out of a punt—will you give me the name of the timber? It was turpentine. I produced two samples—one from the Nambuccra punt, built ostensibly of all turpentine, and which was certified by two gentlemen thoroughly competent to judge to be turpentine. The other punt was one that I had built, by Mr. Sutherland's direction, also of turpentine, got specially from Bulli from a man named Hicks, and carefully selected as being undoubtedly the best sample of turpentine we could get, to give the thing a fair trial. I have shown you a sample from that after the punt had been in the water two years. The punt can be seen now at Cockatoo.

761. Where was she in use? At the ferry at the Spit in Middle Harbour. She was dry on the beach for nearly half her time, which is all the stronger against it.

762. Is it only two years since she was built? Only about two years.

763. The timber of your steam yacht—what is that? Some of the frames are of water gum, and some of an old elm plank taken out of the "Robert Sayers," that was sunk for about twenty years above the bridge at Darling Harbour. The planking is all of new kauri. The "Robert Sayers" got buried five or six feet in the mud, and I exploded two charges of gunpowder under her, and blew her out of the mud and broke her up. The plank spoken of was from the part of the vessel that was buried in the mud.

764. The mud preserves the timber? Yes; every man acquainted with timber knows that mud preserves timber from the action of the *teredo*.

765. We have had witnesses here who have brought us specimens of timber which has been in the water for thirty years or more? (*Mr. Hoskins*: Forty, fifty, seventy years.) If that was said with reference to the clean water of this harbour, I should simply disbelieve the statement. I do not think there is any evidence to prove it.

766. There was some from the Gas Company's Wharf? It might have been from there, for anybody can see that there is almost always a film of gas tar over the water, and the piles are fresh coated every time the tar is discharged.

767. That would account for the timber being preserved so long? Yes. We know the cobra enters from a little below high-water-mark to a little below low-water-mark, and no doubt the tar would have a considerable effect. But I have not found that to be the case anywhere else; in any other part of Darling Harbour I have found all the wharfs rotten. You may also find a pile at the heads of some of the bays, where there is very little water, and where there is filthy mud, that will not show any effects of the worm. You may lay timber on a mud-bank, such as we have in this harbour, and the cobra will not attack it. Some of these piles in that position might, no doubt, have been in the water for a considerable time; but in the pure part of the sea-water of this harbour I am satisfied no timber that ever grew will resist the worm.

768. How long do you suppose a wooden wharf would last? If unprotected by copper, I do not think it would last in a condition to sustain a load for more than about seven years.

769. *Mr. Hoskins.*] I think you gave in evidence twenty years? I said protected. A pile may look right enough on the surface, but it may be so honeycombed as to be utterly unfit to sustain heavy loads.

770. *Mr. Sutherland.*] It has been stated that you, in your report on "Docks," have spoken against the use of iron for such purposes—that you have said that in building docks or pontoons iron should not be used? I think I stated that a wrought-iron pontoon dock was objectionable, because, by reason of its being immersed in water and its enormous size, it could not be got at to be cleaned and painted, and would, therefore, be subject to corrosion. But in this wharf the wrought-iron would be all perfectly clear of the water—high above the water. I find by reference to my report that this is what I said:—"The corrosive action of sea-water on cast-iron is not nearly so rapid as it is on wrought-iron; except, therefore, in so far as applied to pontoons, the foregoing observations would not apply with much force to cylinders and other apparatus of a hydraulic lift." This is, I think, fully borne out by the extracts I have laid before you from the Transactions of the British Association. We all know that wrought-iron is more subject to corrosion than cast-iron; but all the wrought-iron work of this structure would be perfectly clear of the water altogether; it would never be subject to the action of sea-water, but would be simply in the dry air, such as we have in this climate.

771. *Mr. Wearne.*] Is not the spray almost worse than the water itself? There would be no spray. The top of the wharf would be about 12 feet above low-water-mark, and the bottom of the girders 3 feet 6 inches above high-water-mark, a long way clear of any danger of contact with sea-water. The fact that these hydraulic lifts, referred to in my report on Docks, are extensively used, shows that the best authorities are not at all afraid of the use of iron in structures costing two or three hundred thousand pounds. That shows that engineers have no fear of corrosion by sea-water affecting cast-iron cylinders. The Chairman directed me to telegraph to Melbourne for some information about the piers at Sandridge. I telegraphed to Mr. Wardill, the Inspector General of Public Works, and he, in reply, sent me this telegram:—"At Sandridge, ordinary hardwood piles much injured by *teredo*. We now use jarrah or red gum, which it is believed will resist. Piles not sheathed. Question as to Railway jetties at Williamstown sent to Railway Department for reply. Sandridge piles 8 to 10 feet apart." The piles of Mr. Gowlland's wharf, which he complained of my putting too close together, were 10 feet apart.

772. *Mr. Hoskins.*] I did not hear you state what was your estimate of the cost of this wharf on the plan you have put in to-day, if constructed of iron, stone, or wood? It is marked on the plan. If constructed of iron, £104,000, or eight berths of masonry and one of iron, £224,000. Berth No. 9 must in any case be of iron, because I have had borings taken there to the depth of 109 feet, and could get no bottom.

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773. Are you aware whether Mr. Gowlland sent in an estimate of the probable cost of his plans for the improvement of the Circular Quay, if it were constructed of iron or stone? No, I never heard of it. He gave an estimate of £60,000 for the wharf, if constructed of timber; but I never heard that he proposed to have it constructed of iron or stone.
774. How many ships would his plan berth? Twenty.
775. What would be the length of each jetty? 180 feet.
776. Have you ever made an estimate of what it would cost to construct a wharf on Mr. Gowlland's plan of iron or stone? Not of stone, because it could not be done—the cost would be something fabulous. The cost in iron I did not go very much into, but I made a rough approximation, and I think it was about £300,000.
777. That would berth twenty ships, giving each ship 180 feet of wharfage? Which would be utterly inadequate for long vessels, such as the "Sobraon," and others shown here.
778. How long do you calculate the wharf would last if constructed of iron? I cannot fix a time. I think it would last for many centuries.
779. *Chairman.*] Do you say that advisedly—"many centuries"? I do. The very best authorities say that in cast-iron the corrosion is so slow that it does not amount to a quarter of an inch in a century in pure sea-water, and that wrought-iron in bridges and other structures, not exposed to the action of water, would last—to use Sir William Fairbairn's own words—"not 100 years, but 500 years." It is in fact indestructible, if ordinary care be taken to clean and paint it.
780. *Mr. Hoskins.*] Do you know whether Mr. Selfe sent in an estimate of the probable cost of the improvements which he designed? I think he did.
781. What was his estimate? Perhaps it would be better to refer to the figures; I cannot carry them all in my memory. I think £98,000 was the tender for six berths of stone.
782. Did not Mr. Selfe send in an estimate for twelve berths? No proposal of Mr. Selfe's, that I have ever seen, embodied an estimate for more than six berths.
783. Have you made any estimate of the cost of Mr. Selfe's plan yourself? I have made an estimate of the probable cost of Mr. Selfe's plan, with walls of such a substance as would stand.
784. Not the walls he proposed? Certainly not; they could not stand.
785. What was your estimate of the cost of providing twelve berths on Mr. Selfe's plan—that was what he proposed? Pardon me—six berths. All my replies were given as applying to the plan proposing six berths, for which tenders had been invited.
786. This is the plan (*Mr. Selfe's original plan referred to*)? Yes, there is a note here which shows the portion proposed to be constructed first. That contained six berths; and the estimate for that was £98,000, with walls which could not possibly stand—they could not hold up the backing.
787. Why have you now sent in a plan providing less wharf accommodation than you did originally—nine berths instead of eleven? You may have heard Mr. Wearne, after the examination the other day, mention what he has just now stated. I mentioned the matter to Mr. Sutherland, and he gave instructions to have a plan prepared giving larger berths for a smaller number of ships.
788. Do you think it advisable, on reflection, to give larger wharfage for each vessel than that designed in your original plan? No; I am still of opinion that, looking to the present requirements of the port, and making provision for medium-sized vessels, the other plan affords a greater amount of accommodation; but it will not afford so much accommodation for the very largest vessels. I may mention further that there is in the other plan a means of approximating the accommodation to future requirements. If it should be hereafter discovered that it would be better to throw berths 8, 7, and 6, into two, it could be quite easily done by extending the *échelon* arrangement over the centre of the intermediate berth, and doing away with it altogether. The first plan can be made to approximate exceedingly closely to this; but I admit it would cost more if ultimately done than to do it now. I say, if it is decided that longer berths are required, go into them at once, because it would cost more to enlarge them hereafter. Still it could be done hereafter, and the advantage of a larger number of berths for ordinary vessels retained for some time.
789. I gather from the evidence you have given that you are of opinion that greater facilities would be afforded for mooring ships, if the improvements were made on this last plan? Yes. I do not see the slightest danger of any ship coming into contact with any other vessel at any of these berths.
790. Are you not aware that objection was urged to your original plan,—that there was not sufficient accommodation to enable vessels to remove readily from the wharf? Yes, I know there was that objection raised to these three berths, 6, 7, and 8; but I do not attach much weight to it. We know that vessels going into the docks at Home are compelled to rig in their jib-booms. The Harbour Master stated to me that captains of vessels did not like to do so; but I should not care whether they liked it or not. It is in fact one of the Harbour Regulations at this moment. No doubt the captains like to see their ships fully rigged out; but it is occupying space for which the Government wish to get rent. If I were Harbour Master I would make them rig in their jib-booms.
791. In works of this kind, what has been the difference between your estimate and the actual cost? Which works do you refer to?
792. Darling Harbour Wharf, for instance? My estimate for the iron-work in Darling Harbour was £24 a ton, and the actual tender was £20 15s.
793. You stated the sum the wharf would cost? I think £76,000 was what I asked for the whole extent I proposed.
794. What will it cost? The whole length has not been carried out—only 1,260 feet. The whole length is 1,800 feet as originally proposed, for which the estimate was £70,000 or £75,000. A vote for half the amount (£35,000) was taken, and it was thought better to spend the whole of that sum in iron; and £35,000 worth of iron was imported, which gave a length of 1,260 feet, instead of 1,800 feet. The planking and back wall were left to be done by a subsequent vote.
795. Generally speaking, how do your estimates compare with the prices paid by the Government for work? I do not like to boast, but I think my estimates have been remarkably close. The Glebe Island Bridge was done £1,000 or £1,500 within my estimate.
796. If it has been stated that your estimate was 50 per cent. under the actual price, it is not correct? It is not correct. With regard to this work at the Circular Quay, we are dealing with absolute tenders submitted by the best firms in England, and which are singularly close.
797. You think the work will still be done for the prices that it has been tendered for? I am satisfied of it. We know that iron is getting cheaper every day.

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798. You stated just now that you have still a preference for your original plan, confining the accommodation to the smaller class of ships? I have a preference for it, but a very slight one.

799. What should be our object—should it not be to give accommodation to the largest class of vessels? Yes, I admit the full force of that; and have in the plan now submitted provided for it, if it be thought desirable to have the wharf constructed on that principle.

800. *Mr. Wearne.*] I have a few questions here which I have been desired by Mr. Watson to put to you. What is the average thickness of your retaining wall in Captain Gowlland's plan for any given height? It would be nearly half the height. I cannot say exactly. I may tell you, with reference to Captain Gowlland's plan, that though I have been accused of piling it on, I kept everything at the very lowest mark, in order that I should not lay myself open to this imputation of overloading it.

801. Of what is the filling or backing composed in that plan? The same material that has been stated by Mr. Gowlland in his evidence—I took his evidence as my guide. Stone ballast.

802. Will you answer the same questions with reference to Mr. Musson's plan? I do not know anything about Mr. Musson's plan.

803. And Mr. Selfe's plan—who prepared the specifications for his plan? He did himself, I presume. The walls shown on Mr. Selfe's specification could not possibly stand. In the first place, they were not thick enough to sustain the backing; and in the next, he specified that the foundation should be laid on hand-packed ballast on a shelving rock, and it does not require an engineer to see that the first thing would be for the ballast to slip out and then for the wall to come down; and there is no maintenance clause, as I have before pointed out.

804. What is the horizontal pressure or thrust per square foot against a wall when the material is earth, sand, or silt, with holes in the wall for drainage, and the rise and fall of water being the same on both sides? That requires some calculation, for which would be required the height as well as the character of material forming the backing, the pressure varying at every part in a ratio compounded of the height and angle of repose at which the backing would stand. The horizontal pressure varies with the depth of the wall. In the case you put, you would have a thoroughly saturated mass at the back, and nothing at all in front when the tide was down. Nobody could answer that question as it is put. The pressure varies with the depth of the wall.

805. What would be the pressure under the same circumstances if the backing or filling was with hand-packed stone only? It would be less, but still very considerable.

806. What thickness should a wall be, if 30 feet high, to produce equilibrium under the circumstances mentioned? According to the best authorities it would vary from about two-fifths to one-half the height in thickness at the base, with ordinary good backing; with "rubbish" backing, as specified by Mr. Selfe, it would require greater thickness.

807. What is the pressure of water per square foot against the wall of a dam? It depends directly on the depth.

808. Would you make any allowance in the thickness of a retaining-wall, whether built on rock foundation or on piles? None, except in so far as the foundation is sound. A retaining-wall has to support itself, and it must be put upon a foundation that is sound. It has also to keep some material back. If the foundation is not strong enough to support the wall, it will go down for that reason. If the wall has not sufficient mass to resist the forward thrust of the backing, the backing will throw it down. You have two things to look for,—first, an unyielding foundation, which, if it happens to be clay or other weak material, you obtain by driving piles until you reach a stronger foundation; and second, having supported your wall at a given height, you must make certain that it is strong enough to resist the thrust of the backing. The foundation is to support the wall, the wall is to support the backing.

809. *Chairman.*] When you revise your evidence, will you specially notice these questions, and if any further answer occurs to you add it to your evidence? Yes.

ADDENDUM.

I ADD hereto a list of some Wharf Walls of ordinary construction, to illustrate what I have stated as to dimensions usually allowed.

A few instances of Quay Walls constructed at the undermentioned places:—

Quay wall at Portsmouth Dockyard, designed by Sir John Rennie—
Height of wall, 31 ft.; thickness at base, 14 ft.; thickness at top, 5 ft.
Proportion of thickness at base to height = ·45, or nearly $\frac{1}{2}$.

Quay wall at Portsmouth, designed by Sir Andrew Clarke—
Height, 39 ft.; thickness at base, 16 ft.; thickness at top, 7 ft.
Proportion of thickness at base to height = ·41, or nearly $\frac{1}{2}$.

Quay wall at Victoria Docks, London—
Height, 40 ft.; thickness at base, 20 ft.
Proportion of thickness at base to height = $\frac{1}{2}$.

Quay wall at Liverpool, designed by Mr. G. Fosbery Lyster—
Height above datum, 26 ft.; thickness at datum, 13 ft.; thickness at coping, 5 ft.
Proportion of thickness at datum to height = $\frac{1}{2}$.
Total height, 39 ft.; thickness at base, 18 ft. 6 in.
Proportion of thickness at base to height = ·47, or nearly $\frac{1}{2}$.

Basin wall at Chatham Dockyard, designed by Sir Andrew Clarke—
Height above datum, 39 ft. 6 in.; thickness at datum, 20 ft.; under coping, 7 ft.
Proportion of thickness at datum to height = $\frac{1}{2}$.

River wall, Chatham—
Height about foreshore, 20 ft.; thickness at foreshore, 12 ft.; under coping, 6 ft.
Proportion of thickness to height = $\frac{3}{5}$.

Thames Embankment, designed by Mr. J. W. Bazalgette, M.I.C.E.—
Height above base, 26 ft.; thickness at base, 12 ft. 3 in.; under coping, 5 ft. 3 in.
Proportion of thickness to height = ·47, or nearly $\frac{1}{2}$.

Humber Dock wall—
Height, 24 ft. 6 in.; thickness at base, 10 ft.; thickness at top, 4 ft. 6 in.
Stiffened by counterforts 9 ft. thick, projecting at bottom 8 ft., at top 3 ft. 6 in., from the back face of wall.

E.O.M.

TUESDAY,

TUESDAY, 9 JUNE, 1874.

Present:—

MR. SUTHERLAND, | MR. HOSKINS,
MR. G. A. LLOYD.

THE HON. JOHN SUTHERLAND, ESQ., IN THE CHAIR.

John Young, Esq., called in and examined:—

J. Young, Esq. 9 June, 1874.

810. *Chairman.*] You are a contractor and builder in the Colony? Yes.
811. I suppose you know this Committee has been appointed to take evidence on the best means of improving the wharf accommodation of Sydney Harbour, and providing greater facilities for the loading and unloading of vessels? Yes.
812. You have been largely interested in such works in the Old Country, have you not? Yes.
813. What works of the kind—I mean wharfs and docks—have you been engaged in in the Old Country? I was employed under the Aire and Calder Navigation Company in Yorkshire, under the engineer; and many works of this kind came under my notice in the West Riding of Yorkshire, at Goole principally, Hull, Leeds, York, and other places. At Goole there were very large docks erected, in which I assisted; and on the Ouse, Trent, Don, Humber, and other rivers in Yorkshire, we had works of a similar character to what is proposed to be done here.
814. You have tendered to carry out the work at the Circular Quay, according to some of the plans, have you not? I tendered for the work according to Mr. Selfe's plan—no other.
815. Will you explain to the Committee the reason of your putting a rider upon your tender to the effect that it would cost about double if certain works were done that were not specified to be done in it? My tender for wood, as specified by Mr. Selfe, was, I think, for about £38,000; and being personally opposed, I may say, to wood for that particular purpose, I wished it to be distinctly understood that there was no coppering specified, nor any bracing of the piles, which I thought was necessary; I thought the bracing of the piles was necessary, although I did not think the coppering was. I wished it to be understood that there would not be so much difference as might have been supposed between the cost of wood, if these matters were taken into consideration, and the cost of doing the work in stone.
816. You thought timber was not the best material to construct the wharf with? Not for a permanent work—not for that particular spot. I am now alluding to that one particular spot. I do not mean that timber is not applicable for other works in other places, but that spot, in consequence of having a rock bottom, is not suitable for piles.
817. For permanent works you would recommend stone or brick? Stone or brick undoubtedly.
818. And, if I understand you, you think the expense would be very little more for stone or brick than for wood, if the wood were coppered and the work done in the most permanent way that wood could be? Precisely; I think if the wood-work is done in the very strongest manner, and copper used for the piles, stone would be almost as cheap. If timber of sufficient size of scantling is used, and the piles coppered, it would come to nearly as much as if the work were done of stone or brick, or, in fact, I may say iron too.
819. *Mr. Hoskins.*] Speaking as a gentleman of great experience in these matters, which material would you prefer to be used mainly in the construction of any proposed improvements of the Circular Quay—timber or iron? Neither.
820. Which would you prefer of the two, I ask? If I were putting up a temporary structure I would prefer wood to iron. I believe timber in this Country is more durable than iron. I am opposed to the use of iron for that particular structure, for a variety of reasons. The first reason is its liability to oxidise and decay. The position the iron is in has a great deal to do with it, being near the salt water. Of course the spray of the salt water would be continually coming upon it, and it does not last so long in that position as if it were in a dry atmosphere, away from the salt water altogether. I am speaking of wrought-iron now; I will speak of the cast-iron cylinders presently. You must bear in mind that wrought-iron for any structure—not alone for this structure, but for any structure at all—has not been in use probably for more than about fifty years, therefore there cannot be the experience of it that there is of other materials that we know more about. Therefore, if a person were to say wrought-iron will last a certain time, he must necessarily assume that—he cannot prove it. On the contrary, I have myself taken out lattice girders which had not been made more than twelve years, and were exposed in a damp situation, and I could break them with my hands at the junctions. They had been half decayed in twelve years.
821. Will you state where that was? That was in England—at Goole, in Yorkshire. I may state that these were not used exactly as lattice girders, because lattice girders were not very well known at the time I speak of; but still it was iron placed in a similar position to what lattice girders would be, and near salt-water, as this work would be at the Circular Quay. In the course of my experience out here, in Victoria and the other Colonies, I have noticed the action of water upon iron in many other instances, not particularly girders formed in this way, but other things, where two portions of iron came together and were exposed to the weather for a certain length of time; and my opinion is derived from all these small evidences put together. Of course in a man's experience such is generally the case. Some first-class engineers are opposed to the use of iron for such purposes.
822. What purposes? I am speaking now of wrought-iron girders for the support of this wharf. I have an extract here giving the opinion of Professor Rankine, who is a great authority on these matters:—

CORROSION AND PRESERVATION OF IRON.—Professor Rankine says:—"Cast-iron will often last for a long time without rusting, if care be taken not to injure its skin, which is usually coated with a film of silicate of the protoxide of iron, produced by the action of the sand of the mould on the iron. Chilled surfaces of castings are without this protection, and therefore rust more rapidly. The corrosion of iron is more rapid when partly wet and partly dry than when wholly immersed in water or wholly exposed to the air. It is accelerated by impurities in water, and especially by the presence of decomposing organic matter or of free acids. It is also accelerated by the contact of the iron with any metal which is electro-negative relatively to the iron, or in other words has less affinity for oxygen, or with the rust of the iron itself. If two portions of a mass of iron are in different conditions so that one has less affinity for oxygen than the other, the contact of the former makes the latter oxidate more rapidly. In general, hard and crystalline iron is less oxidable than ductile and fibrous iron. Cast-iron and steel decompose rapidly in warm or impure sea-water. Pieces of iron which are kept constantly in a state of vibration oxidate less rapidly than those which are at rest; for example, the rails of a railway on which constant traffic runs rust much more slowly than those on which there is little or no traffic."

If you notice, he says that iron which is in an unequal state rusts more rapidly, that is to say, iron sometimes immersed in water, as this would be, and at other times not,—that would be unequal, and therefore

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therefore it would be more likely to oxidize fast. There is a distinction between iron in this position and iron in a railway bridge; iron in a bridge is nearly in the same condition always, except difference of temperature. Another reason is this:—Wrought-iron when first used by the principal engineers of England or Europe was a new substance for engineering purposes, and it was not generally known how to treat it; therefore they erred on the safe side. Witness the Southwark Bridge for example; there are great masses of iron in that. They used it, not knowing its properties sufficiently, and they used it probably in excess. Therefore it is from these works, where iron is in excess, that we now take our deductions, and not from works recently erected. It is the custom now in using iron lattice girders (in consequence of the urgent need of being economical) to specify the various scantlings of iron,—the minimum strength to begin with, or very nearly so. The consequence is that the minimum of holding together is sooner reached than it was in former times when they used an excess. Therefore, it is not like a wooden structure, where of course the actual breaking of it is much further off, and you may have a great deal of decay before you come to the actual minimum strength. There is another reason why I object to wrought-iron for such purposes, that is, that the iron made at the present day is not so close in fibre as the iron made twenty, thirty, or forty years ago. It is more open in the grain, and presents more surface for oxidation. In fact, it is rotten, as compared with the iron of twenty-five years ago. Therefore the experiments which most engineers now take for their guide in the construction of iron works are unreliable, because they were carried on when iron was much better in quality than it is now. Another reason is, that the price of iron within the last three years has certainly gone up 40 per cent., while it has certainly decreased in quality 25 per cent. All these things being put together, I believe I am justified in thinking that iron should not be placed in that position at the Circular Quay. And there is another objection to the use of wrought-iron in a hot climate like this. One of the principal reasons why wrought-iron is used is because of the length—the girders can be made without supports. The effect is, that when the hot sun acts upon the enormous length of iron the girder expands very considerably, and in cold weather it naturally contracts, but if there is a weight on it, and the weight should remain while this expansion and contraction are taking place, in cold weather the contraction is not equal to the expansion in hot, and therefore, in time a sagging takes place. That is one objection to the use of wrought-iron in all positions where great length is required, and one reason why it is not so lasting as engineers suppose. Then there is the particular reason that being near the salt water the reflection of the sun is stronger there than at any other place you could put it. It is very different from a railway bridge up the country. Then we come to cast-iron. Although cast-iron for cylinders is to a certain extent in salt water more durable than wrought-iron, still you will see that Professor Rankine's opinion is very much against it in impure and warm sea-water; and I may state that the late Mr. Keene, Examiner of Coal Fields, showed me a piece of cast-iron that within his knowledge had been less than twenty years in sea-water at Newcastle, and when he showed it to me you could take your pen-knife and cut it exactly as if it had been a piece of slate or lead pencil. I am not chemist enough to know what caused that, but there is the fact. Therefore I am opposed to cylinders of cast-iron, because I do not think they are durable.

823. Is it not the fact that the reason many engineers in England took to using iron for bridges was in consequence of the high price and scarcity of timber and the comparative cheapness of iron? In England there is no timber suitable for piles; oak timber is not straight for any considerable length, and elm timber will not last unless entirely in the water, and there is no other timber suitable for piles.

824. The same difficulty would not apply here? Not at all.

825. Have you seen many iron wharfs in England? I certainly have not, and I doubt if you will find a dozen wharfs of this description in England. I have never seen one.

826. Have you been at Liverpool and London? I never was at Liverpool, but I know London well. I may state that the Victoria Docks and other docks of that character are not of iron. The walls of the Victoria Docks are of concrete, and where any iron is used in connection with the walls, it is either buried in the concrete or a thin case, that is quite immaterial whether it decays or not after the concrete wall is consolidated; and in most cases in the whole of the docks in London you will find them either brick or brick and concrete.

827. Do I understand you to say you have never seen an iron wharf in England? I have never seen a wharf of iron in such a position.

828. And you have had a good deal of experience among wharfs? Yes. I have never seen a retaining wall and wharf attached, like that proposed at the Circular Quay, built of iron—never at all; and, in fact, I do not think you would find many; I do not say you would not find any.

829. You have never seen a wharf constructed with iron girders and iron braces upon iron cylinders? No. I have seen iron cylinders and iron girders for bridges and things of that kind.

830. You have been extensively engaged in the use of iron and timber in this Colony? Yes.

831. Supposing Parliament were disposed to have these proposed improvements at the Circular Quay constructed of one or the other of these materials, of which do you consider they could be done at the least amount of cost—timber or iron? I think timber would undoubtedly be the cheapest.

832. Suppose the piles were coppered? Timber would be the cheapest then, but there would not be so much difference.

833. And which could be erected with the greatest expedition? Timber.

834. Would there be any great difficulty in getting piles 50 or 60 feet in length, suitable for constructing wharfs here? None whatever.

835. How long do you calculate it would take to have these proposed improvements completed, if the Government decided to have them of wood? I think I could complete them in twelve months time.

836. Would you undertake to complete them in twelve months if they were to be of iron, and you had to get the iron from England? No, certainly not.

837. How long? I think they might be completed in two years if of iron.

838. Have you seen the Darling Harbour wharf? Yes.

839. Do you know how long that has been in progress? I should think three years.

840. Is it finished yet? No.

841. Of course you could use more expedition than the contractor there has used? I think I could have finished it in less time.

842. Supposing any vessel in moving about this Circular Quay ran into the quay and damaged it seriously, in which material could it be more cheaply and more expeditiously repaired, iron or wood? Wood is very easily managed.

843. Say, for instance, the wharf were composed of iron girders 60 feet long, how long would it take, and what would be the cost involved in repairing it? A timber structure of any kind could be repaired very easily.

844. Would it be much more difficult and expensive to repair it if of iron? It is more difficult to repair iron than it is wood undoubtedly; and in case of a cast-iron cylinder being run into and broken it would be exceedingly difficult to repair it; in fact, it would require a great deal of consideration whether it could be done at all.

845. You have seen bridges constructed upon cast-iron cylinders? Yes.

846. Did you ever see them repaired? No.

847. Have none of the bridges in England, where the piers are of iron cylinders, ever required repair in that respect? Not that I am aware of. The cylinders are made very large, and are filled with material which would stand if there were no iron at all.

848. Would that apply here? No, because they are so small; if the cast-iron casting goes, the whole fabric goes.

849. As a matter of fact, you have never seen cast-iron cylinders repaired? No.

850. And you believe there would be a great difficulty in repairing them? Yes, at present. I do not see how they could be repaired, unless with an immensity of trouble, because they would most likely fracture from top to bottom.

851. It has been given in evidence that an iron wharf properly constructed would be as durable as stone: do you believe so? No, certainly not. It would not be so durable as wood—I do not believe it; and no one can contradict me, because no one can have had a sufficiently long experience of it.

852. Have you ever taken the trouble to go round and inspect the wharfs here? Yes, I have seen most of them.

853. Do you know the average duration of timber piles in wharfs here? No, I have not been here sufficiently long.

854. Have you had any experience in the building of retaining walls for docks and piers for wharfs? Yes, I have built and superintended the building of them.

855. Where? I superintended the building of the Goole Docks; and I was superintending a portion of the work at Hull, belonging to the Hamburgh and Hull Steam-packet Company, where there is a retaining wall, I remember, very similar to what is proposed here, although there is a difference between that case and this in respect to the rise and fall of the tide; it is 21 or 22 feet there, which makes it much more difficult to build a wall that will stand.

856. Do you know the average rise and fall of the tide in this harbour? About 4 feet 6 inches I think.

857. Can you state from memory, of your own knowledge, what is the average width, at the base, of stone retaining walls, having relation to the height of the walls—what proportion does the width at the base bear to the height of the wall? The manner in which you build your wall has a great deal to do with it, as well as the bottom it stands upon. All that has to enter into the calculation as to the thickness of the wall. If it is a very bad bottom you must necessarily have a thicker wall; if it is a rock bottom it may be thinner. But a rock bottom requires other considerations. The walls I have had experience of in the north of England, at Hull for instance, were built upon alluvial deposit. That wall was about 40 odd feet high, and was built with brick. There was a footing course at the bottom of 8 feet, and then the base was 7 feet 6 inches, reduced at every 10 feet by 10 inches, that is to say, one brick less—the bricks being 10 inches long, larger bricks than they make here. The wall was surmounted with a coping of Bramley Fall stone, or Yorkshire granite, about 5 or 6 feet broad.

858. That wall was built upon an alluvial deposit? Yes; but in the rear of that wall there was rubble of sandstone, built flat in mortar, 12 feet thick at the base.

859. That was the backing? Yes; and there were counterforts every 10 feet, and these counterforts projected 12 feet. That wall was subject to a very severe test, because the rise and fall of the tide was about 21 or 22 feet, and this enormous pressure came on and off so quickly.

860. Can you state of your own knowledge what is generally the nature of the foundations on which retaining walls are built in England for docks and wharfs? They are generally very bad from their position.

861. Will you have the goodness to describe some of them? I will refer to a book I have here—Spons' Dictionary of Engineering, edited by Oliver Byrne—in which the following passage occurs, in reference to the Victoria Docks in London:—"The brickwork is commenced at a depth of 23 feet below Trinity high-water-mark, or 1 foot above the bottom of the dock, and is laid on concrete 3 feet in thickness. The concrete wall is carried up behind the brickwork, with an average thickness of 3 feet 6 inches." You will bear in mind that this wall is 23 feet below Trinity high-water-mark, and is only 3 feet 6 inches thick. "The back of the concrete wall is made straight and vertical, and against this the clay backing is filled in."

862. At the place you were before speaking of, Goole, there are extensive docks, are there not? Yes; they laid out about three millions of money there.

863. Will you describe the dock walls, as erected there? We commenced at three bricks on the top, and at every 10 feet added a brick, and that was backed up in the same manner as I have just described, with rubble laid flat, but the backing was not more than 8 feet, and the depth of water, I think, in one of the docks, was 32 feet, and in another dock 28 feet—the depth of water retained in the dock after it was built.

864. You did not tell us the height of the retaining wall and the width at the base? Say the wall was 35 feet high, and 3 feet on the top, then every 10 feet a brick would be added, 10 inches long; that would be about 6 feet 4 inches at the base.

865. A wall 35 feet high would be 6 feet 4 inches at the base, and then 8 feet of backing of rubble? Yes, and counterforts—walls that run out—every 10 feet, built of brick.

866. Have you noticed the retaining walls at other places, either in London or anywhere else where they have docks or wharfs—in what proportion the width of the base is to the height of the wall? The proportion ought to be according to the position it is in. The dimensions I have given you are those of walls I have been connected with myself in a business way, but I have noticed others of a similar character. I was at Grimsby, but I forget the dimensions of the wall there; it is a sea-wall protecting land taken from the German Ocean almost entirely; it has to bear almost the whole weight of the ocean upon it, and for that reason it would be no criterion in this case; it is an extraordinary piece of work.

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867. Could you give us an idea, based upon your experience, of the proportions between the base and height of retaining walls? I think it should vary according to the height of the strata it depends upon. If you have a bad bottom you must have a thicker wall; if a good one it may be less.
868. Have you ever noticed the width at the base and height of retaining walls in London? Yes, and in many of the docks they would not average more than 4 feet 6 inches—not the walls themselves.
869. What would be the thickness at the base? Somewhere about 6 feet. Plenty of the walls in docks are rather under 6 feet than over. You must bear in mind that when I speak of the wall I speak of the outside wall only; these walls that are only that thickness have something else to back them up.
870. What have they generally? Concrete, generally speaking. In this particular case at the Circular Quay it is not so necessary to have a thick wall as that the material behind the wall will not push it forward.
871. You tendered for Mr. Selfe's plan? Yes.
872. Is it not proposed in that plan to have a retaining wall? Yes. Here is a plan similar to the one on which I tendered. (*Plan produced.*)
873. That wall, I believe, on Mr. Selfe's plan is proposed to be 56 feet high? Very little of it is 56 feet high.
874. What would be the average height? The average would not be anything like that; that is the extreme height. This plan shows a pier wall about 53 feet high, but the retaining wall is 44 feet. This pier is 54 feet, but it is enclosed all round. It is in equilibrium—the water all round it is equal.
875. The retaining wall is about 44 feet high? That is the highest part of it, I think; there may be a dip in the rock, you cannot tell within a few feet.
876. Could the foundation for a retaining wall be any better than it is at the Circular Quay, where you have a rock bottom? You could not have anything better.
877. Was it not proposed in that plan of Mr. Selfe's that the rock at the foot of the wall should be all levelled to lay a level course upon it? Yes. Mr. Selfe's specification says:—"The bed of the cove is to be prepared by first dredging away the mud, and then levelling the rock by cutting off projections, or filling up hollows with hard ballast well packed in." And again—"The rock to be prepared in level beds for first course of foundations, and to be so stepped that no stone has less than 8 feet superficial on its bed, except in cases where there may be a steep angle on the bottom."
878. What width was it proposed the base of the retaining wall should be? 10 feet 6 inches for a 44-feet wall.
879. That would be about a fourth of the height of the wall? Yes.
880. It was also proposed that the wall should be backed with rubble? Yes, hand-packed rubble.
881. And then filled in with what? Ordinary filling was intended according to the specification.
882. The rise and fall of the tide there is 4 feet 6 inches? Yes.
883. Would you consider that a retaining wall built of stone or brick, with a base of one-fourth the height of the wall, backed as is proposed here with hand-packed rubble and filling, would be sufficiently strong to prevent its giving way from pressure of the material behind it, or from the water finding its way in at the back? I think it would stand, but I would prefer something different myself. I do not think Mr. Selfe shows counterforts. I would prefer to have counterforts in this particular place. I would even have a less thickness of wall than he shows here, but I would have counterforts; and in lieu of putting hand-packed rubble in the rear of it I would put concrete.
884. Would that make it much more expensive? No.
885. Are you sure of that? Quite sure of it. In that particular spot, I think, concrete is more applicable than rubble. But I think that wall as proposed would stand. Below the water-mark there would be a pressure against the wall equal to 64 pounds to the foot, and the height of the stone itself, that is to say the rubble laid dry, would be something like 130 pounds to the cube foot. Well, if that did not rest on its natural bed, the difference between the two would press forward. Now, in the case of concrete, it would be one homogeneous mass, and would fill up and rest upon the irregularities of the rock, so that there would be no forward pressure.
886. Supposing a retaining wall of the width proposed in Mr. Selfe's plan was backed with concrete and counterforts, you would be perfectly content? Yes, I would even take a less wall; I would take off the wall and put it into the counterforts, and have concrete.
887. Would not the use of concrete and having counterforts increase the expense? No.
888. Would you undertake to do the work in that way for the same cost? Yes.
889. You have no doubt about that? Not the slightest. I believe a cheap concrete could be made for this that would be the very best you could have. One reason why I believe in concrete is that it adjusts itself to the inequalities of the rock better than anything else. With your permission, I will read a few extracts which bear out my views. I take the following passage from the book I have already quoted from—Spons' Dictionary of Engineering:—"*Construction of Dock and Quay Walls without coffer-dams.*—In sea-water the engineer has to encounter enemies which do not exist in fresh water, or at least only to a trifling extent. The *Teredo navalis* and other worms quickly destroy timber, and the corrosive action of the sea-water, and other peculiar properties, have a prejudicial effect upon iron. In consequence of these deteriorating influences, these materials have not hitherto been much employed in sea works where durability is essential. There is no doubt, however, that they may be employed with advantage, if protected from the destructive action alluded to; and whatever materials may be used, it is desirable that the surfaces exposed to the sea should be of continuous stone-work or other material capable of resisting its effects." You see this authority speaks both against timber and against iron. Speaking of the mode of composing artificial hydraulic limes, the same authority says:—"Smeaton was the first to point out that it was to the clay or silicate of alumina in the composition of the hydraulic limes that they were indebted for their peculiar property. Subsequently the able researches of Vicat showed by actual experiment how all the rich or non-hydraulic limes might be rendered eminently hydraulic by burning them with a certain proportion of silicious clay. Indeed to Vicat is due the credit of having reduced the knowledge of limes to a system, and of having shown the practical application of concrete as an eminently constructive material. The excellent artificial cements now manufactured are most valuable to the engineer; and the concrete made with Portland cement can hardly be surpassed. That used at the new Westminster Bridge is harder and more compact than the greater number of building stones, even where put down in the bed of the Thames, and where it is exposed to the running stream. Portland cement concrete is also extensively used for the artificial blocks, weighing from 6 to 10 tons each, which form the hearting of the breakwater

breakwater at Dover, and that at Alderney, the proportions being one part of cement to ten parts of shingle." There are other kinds of concrete of course. The Marulan lime we have here has, I believe, very strong hydraulic properties, and mixed probably with a little burnt clay and other ingredients, would be a perfect hydraulic lime, and would make a concrete with broken free-stone that would be the very best thing to back that wall with. The dip of the rock at the Circular Quay has, I fancy, rather a steep angle; and therefore it is necessary in building a wall there to be careful, to be rather more careful than you would if the bottom were perfectly level.

890. Is it not proposed to level the rock? Yes; but still the weight of the backing would press more forcibly against the wall in proportion to the dip of the rock. It would have a tendency to slide. But concrete would adhere to the inequalities of the rock and take the weight, so as to prevent its going forward. It is for the same reason that I say counterforts are absolutely necessary, because these counterforts form buttresses to prevent the wall going out—the same as buttresses to the walls of a church, which take the weight off the walls when you want to cover them with a stone groin. I may say with reference to Mr. Selfe's specification, that I do not hold with the plan of building the walls by divers. It is necessary to bed the stone in a better way than divers could do it. All the blocks should be bedded.

891. *Chairman.*] Would you construct a coffer-dam? This is one of the matters in which a contractor shows his knowledge and ability in building, and in which he can make his money as a rule. In considering a tender for that work I had to consider how the work would be done. I came to the conclusion in my own mind that if I did that work it would not do to set the stone by divers. In the first place, I do not think it would stand; and I should not have done it so. I would have constructed a wrought-iron square caisson made with sheets of boiler-plate; at the edges I would have had angle-iron. This caisson I would have made the size of the wall, and backing of a certain length, whatever the length I might construct. I would then by sounding have got the various depths of the rock at the place where I was going to put this caisson down, and I would then have adjusted my plates to the bed of the rock as near as I possibly could, and formed a raft on the top, and as the plates were put on this wrought-iron ring I would let them down, or build them entirely on the top of the water before I lowered them, and when they got to the requisite height to get above high tide I would let them down by guiding piles till they got right down into the mud, where of course their weight itself would sink them right down into the mud perhaps six or eight feet. Then I would set my engine to work and pump out the water inside. There might be leakage, but we should have to keep the pump going. It would be necessary, of course, to have diagonals and stays, and adopt measures to keep out water. By that means men without diving-dresses could get to the bottom, and form a level bed for the stone-work. The wall could then be built, and the concrete backing put in, and as the work proceeds the iron struts and stays could be taken out, and temporary wooden ones used until wall is completed, when water could be let in and the caisson drawn up.

892. *Mr. Hoskins.*] Do you think there would be any difficulty in dredging the 50-feet spaces between the pier heads and the wharf on Mr. Selfe's plan? None whatever.

893. Have you ever seen dredging going on in such places at Home? Yes. I will show you a plan by which it can be done in almost any shape. Of course the dredge used in the harbour here would be too large to use in such places. But here is an "arrangement of dredge, designed and constructed by Morris & Cummings of New York, and which has been used with considerable success for dredging between the ships or jetties on the Hudson River." (*See Spons' Dictionary of Engineering, div. IV., page* 1295, *figures* 2572 *to* 2575.)

894. It has been stated in evidence, as an objection to Mr. Selfe's plan, that there would be no means of dredging to give a sufficient depth of water between the piers and the wharf? There need be no difficulty at all; it is only necessary to have a machine purposely for it. The dredging machine we have would not do it; but it would only cost £300 or £400 to make the arrangement shown here altogether.

895. You do not believe that need be a difficulty? None whatever.

896. How do they dredge between the wharfs on the Thames at London, which are very close together? By a spoon dredge.

897. Is that easily managed? Yes; it is a very small thing; there is no difficulty whatever.

898. Did you notice all the plans that were sent in for these improvements? I saw Lieutenant Gowlland's plan.

899. And Mr. Moriarty's plan? Yes, I think I have seen that.

900. Which do you prefer for increasing the wharf accommodation at the Circular Quay,—the system of broadside wharfs, or jetties of diagonal shape? In a matter of that kind, I think nautical men are better judges than I should be; but I may state that I think the simpler the plan the better; and for this reason, that I think in ten years time vessels of 4,000 tons will come to Sydney instead of the smaller vessels that come now. I think the tendency is to build larger vessels; and that it would be better to accommodate a few of them than to build a number of small jetties which would not accommodate them. I do not think we ought to be in the position they are in at Melbourne, that when a vessel of 4,000 tons, as the "Great Britain," comes in, they have to lighter her cargo. With Mr. Selfe's plan, it occurred to me that it would be better and most economical eventually, to make the wharf opposite Talbot's and the Blackwall stores straight, instead of cutting it up into berths.

901. Perhaps you are not aware that Mr. Selfe has proposed an improved plan carrying out that suggestion? (*Mr. Selfe's plan, showing a long straight wharf of* 830 *feet, exhibited to witness.*) Yes, I should prefer that.

902. How do you like Mr. Gowlland's plan? It is a very good plan, but accommodation for so many ships of comparatively small size encroaches too much on the harbour.

903. *Chairman.*] Did your tender for £38,000 for Mr. Selfe's plan in wood, include the stone wall or jetty shown there? No, not in that place.

904. *Mr. Lloyd.*] If it were a question between constructing the wharf of iron or wood, you would prefer wood? Yes.

905. Does that apply to the wood of this Country generally, or to any particular wood? I should prefer ironbark for such a purpose.

906. Would there be any difficulty in getting any quantity of ironbark? None whatever.

907. In stating your preference for wood over iron, you do not refer to turpentine, or any wood supposed to have special characteristics? I have had no experience of turpentine.

908. You would be quite content to take ironbark? Yes, or even other woods; for instance, blue gum, as it is termed, although it is a red timber, but it is a species of mahogany. There are several kinds of *eucalypti* that would do: blue gum or black-butt.

909.

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909. *Chairman.*] Have you ever constructed any timber wharfs in this Colony? Not in Sydney; I have in Victoria. I constructed a viaduct, 60 feet high, right across the valley of the Yarra, of timber, for a railway for my own use as a contractor.

910. How long since? Nine years ago. It was only intended for a temporary work, but it is standing now. It was only intended for temporary use, but the Government took it for a permanent purpose, and have used it ever since. It is not in decay yet, and there are no signs of it.

WEDNESDAY, 24 JUNE, 1874.

Present:—

MR. MACINTOSH, | MR. HOSKINS,
MR. G. A. LLOYD, | MR. CLARKE.

THE HON. JOHN SUTHERLAND, ESQ., IN THE CHAIR.

Norman Selfe, Esq., called in and further examined:—

N. Selfe, Esq. 24 June, 1874.

911. *Chairman.*] I believe you wish to give some further evidence to the Committee, and some papers to put in? Yes. In my former examination I said as little as possible on the main question, because I wished to leave it to the judgment of the Committee; but I am now prepared to show reasons for the course I have taken, and from the special knowledge I possess on this subject I am prepared to give facts to support my views. In order to simplify the matter I have put a short statement on paper which would meet many objections I have heard urged against my plan, if the Committee will permit me to read it. (*The witness read the following statement and list attached*):—

MEMORANDA on the subject of improved Wharfage Accommodation at the Circular Quay, for the information of the Committee, &c., &c. Handed in by Norman Selfe.

1. When the Government wrote to me in December last, informing me that there were no officers in the Works Department whose time could be spared to make the plans and specifications necessary for calling for tenders to carry out my proposed scheme, and asking me to do so at their expense, I distinctly stated that my position as the engineer to a private firm would not allow me the time, &c., to make any elaborate drawings, but that I should be happy to furnish, without charge, such particulars as would enable contractors to send in tenders; knowing that it would be a waste of time and money to make elaborate details until the work was decided on. The drawings and specifications now before the Committee are the same as were placed before the contractors, and I believe that their estimate of quantities varied little or any; but *it is distinctly intimated, both on the drawings amd specifications*, that working sections and detail particulars would be supplied on the work being put in hand, and provision is made for variations of sections, the addition of counterforts, or any other alterations that do not affect the total quantities of the various materials provided for, and which I can show are ample, when compared with similar works executed elsewhere. The Committee will therefore understand that these plans profess to embody general principles only, without attempting to go into technical details; at the same time, the schedule rates make provision for extra work should it be required.

2. In order to enable the Committee to see that the walls proposed by me are strong enough, and compare favourably with similar works in other places, I have prepared a drawing which shows six such walls from various places (*none of which however are founded on solid rock*). It will be seen that the heights of these walls vary from 4⅓ times to 24 times the thickness of the facing wall at bottom, and from 4½ times to 2⅞ times the total thickness of wall including backing. The sections underneath show the proposed walls for Sydney Cove, and these, it will be seen, appear to great advantage when compared with the walls above, as the dry rubble masonry backing, which will stand by itself, is really a part of the wall. I have not drawn in any sections of broader-based walls, as I would not insult the intelligence of this Committee by comparing Sydney sandstone with Thames mud or such like bottoms to build on, but the appended list shows the dimensions of several walls, some of which, from their being founded in quicksand, peat, or greasy clay, are broader at the bottom than any of those I have drawn. The remarks attached show that some of these walls have failed from slipping forward on their soft bottom, but of course they bear no analogy to the case of Sydney Cove. I may perhaps refer to the great dock works at Portsmouth being carried out under Sir Andrew Clark, as they have been illustrated in a Report on Docks recently laid before Parliament. (Ordered to be printed, 10th March, 1874.) I find the basin walls are 16 feet at bottom, 37 feet 6 inches high, or about 2½ to 1, and are built on timber and piles to get a foundation; but from the nature of the materials of which they are constructed—brickwork and concrete filling—their cost is very moderate. I find that the walls for the Circular Quay, 42 feet high, or 30 feet below low-water-mark (and which are the average deep walls without the piers), could be constructed in a similar manner for about £37 per foot run, as against £39 12s., the lowest schedule rate; so that to adopt the concrete system with thicker walls will cheapen instead of increase the cost of carrying out the plan suggested by me.* I did not propose concrete in the first instance, from the fact that Portland cement is imported, and we have as yet had no large works carried on here with hydraulic lime of colonial make, but these works would offer a good opportunity for developing the manufacture of colonial cements or hydraulic limes. I should add, that as the proposed walls have not to withstand the pressure of water either from within or without, they cannot be compared with dock walls whether wet or dry, as the cove is simply a tidal basin. I would quote some extracts from Spons' Dictionary of Engineering, p. 2742, article "Retaining Walls":—

"The *foundations* of retaining walls should be particularly secure, and especially walls with battering backs.

"In all cases where the ground is soft or treacherous, care must be taken that the greatest intensity of the pressure shall not exceed the power of the strata to resist compression or displacement. In such situations the maximum of statical stability will be gained by using light materials, such as brick-work; or by adopting a form of hollow walls, as used by Rennie at Sheerness.

"The filling at the back rests on the steps forming the back batter, thus adding to the stability of the wall; and if dry rubble be hand-packed over these off-sets, the stability will be very nearly as great as if the wall were built up plumb at back of solid masonry.

"Form

* The cost of vitrified bricks is taken here at £3 per thousand, and the cost per thousand of convict-made bricks at Portsmouth is only 9s.

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"Form of profile.—Walls are built of numerous forms of profile or cross section, varying from the rectangular to the triangular. A triangle is that figure which is theoretically the most economical; and the nearer that practical conditions will allow of its being conformed to the better."

Extract from Dobson's "Art of Building":—"The exact determination of the thrust which will be exerted against a wall of given height is not possible in practice, because the thrust depends on the cohesion of the earth, the dryness of the material, the mode of backing-up the wall, and other conditions which we have no means of ascertaining. Experience has, however, shown that the base of the wall should not be less than one-fourth, and the batter or slope not less than one-sixth of the vertical height wherever the case is at all doubtful."

I add some answers to a few of the objections which have been raised by uninformed or prejudiced persons to my proposals.

1st. That the space between the jetties would silt up. As there are *silt pits*, nothing can go into the cove *until they are full*, and the overflow from them discharges where it is *easily dredged*. In case of one requiring deepening after ten or fifteen years, two men with Spoonbag or Long's apparatus, as used on the Mississippi River, would probably clear it out for the cost of getting the large dredge towed to the place. Moreover, the machinery for a centrifugal dredge as used by the Lords of the Admiralty at Chatham would cost from £400 to £500, and would do the work perfectly.

2nd. The name "Separate Berth System."—As the vessels on the *échelon* plan are in one another's way, and in some instances stick their bowsprits over the next vessel's deck, I designed my plan so as to keep each vessel in a *separate* berth, and *separated* by a 30-feet jetty. Hence it is truly a separate berth system, and the adjoining vessels are 44 feet more apart from broadside to broadside than they are in the *échelon* plan, and there is thus no possibility of their yards interlocking, as might take place in that arrangement.

3rd. Berth No. 3 is an awkward one for getting ships into.—It has been shown here that the "Macgregor," 350 feet from stem to taffrail, can be got into this berth, and it has also been shown that in the same corner at No. 8 berth on the *échelon* plan a 200-feet ship of (say) one-third the tonnage could not be removed without first shifting the vessel at No. 7. So that whatever difficulties may attend the improving of this south-east corner, the separate berth plan provides accommodation for the largest vessels.

4th. That there is no maintenance clause in the specification.—Nothing shows an engineer's incompetence more than putting clauses to bind a contractor hand and foot, leaving him no option as to design, materials, or workmanship, supervising everything, and leaving him no discretion, and then throwing all the responsibility off your own shoulders on to his by a maintenance clause.

5th. It has been said that a dolphin would hold a vessel in Sydney Cove, and that the timber wharf as designed by me would be easily pulled down.—As there are five piles in a dolphin, and over 500 in the wharfs, beside diagonal bracing and fender piles, this is very unlikely, and as the ends of the girders are all secured to the stones of the present quay wall, if the new wharf moved, the stone wall would have to go too.

6th. That the pier-heads as proposed by me are of no use, as vessels do not deliver goods from the fore hatchway,—This is totally contrary to facts, as may be seen any day at the wharfs; and as long modern iron vessels divided by water-tight bulkheads have two fore hatchways to the separate compartments, they must have conveniences for discharging from both.

7th. That the timber wharf was not properly braced.—The ordinary diagonal bracing on wharfs resembles nothing more than putting shores in the garret of a house to keep the whole from falling. For this I substitute spur or diagonal piles from the rock bottom upwards, shouldered under the headstocks and bolted to them and the vertical piles. There are six of these to each jetty alone, and one of these has ten times the efficacy of an ordinary diagonal brace.

8th. That the rubbish behind the walls would push them down.—I have before answered this; but rubble, that is, dry masonry, has been accidentally mistaken for rubbish, as will be seen on reference to specification.

9th. That the walls rested on a ballast bottom.—The specification says they are to be built *on the solid rock, prepared in level beds.*

10th. I have heard it urged that the cost of repairing iron-work is much less than timber, and the "Macgregor" has been cited as an example.—I think this an unfortunate allusion, as the cost of mending the little hole in the "Macgregor" for labour and materials alone will, I believe, make a large hole in £2,000. It is, moreover, folly to quote the opinions of eminent engineers as to the comparative merits of timber and iron for bridges and such like structures in America, as it is well known that our hardwoods have ten times the durability that the soft timbers used there possess. An iron wharf, to be a consistent job, should be covered with Mallet's or other buckled plates, and asphalted or concreted on the surface, not planked with wood.

11th. I was asked on my former examination what was the thickness of the thinnest part of the proposed iron wharf, and answered with reluctance or hesitation. I have however since ascertained that there are in it at least 209 girders 36 feet by 3 feet 6 inches, which have their webs of plate-iron, half being one quarter inch, and the other half only five-sixteenth inch in thickness, so that there would be over 26,000 superficial feet of painting on quarter plate to be kept up on these girders alone. (See drawing No. 5, iron wharf details.) In the Civil Engineer and Architect's Journal for August, 1862, there is a review of a pamphlet written by a Mr. Webb, who was the inventor of a cast-iron breakwater, and had written the book to push his invention. There are in it five instances of cast-iron withstanding the action of sea-water for some considerable periods, and this has been shown to me, and brought forward by some persons to support the use of iron for such works in Sydney, *but the part quoted is not a portion of the editorial matter of the journal referred to at all*, and it will be seen on reference to the work that it is stated that a great deal of uncertainty attends the use of iron for such purposes. It has been urged that a ship would have to be swung to adjust her compasses before every voyage, after lying alongside an iron wharf.

In conclusion, I would say that the original iron wharf, plan B, had vessels of an average length of only 205 feet, and the improved plan only showed them averaging 225 feet, and that nothing less is suitable for the present time than accommodation for vessels of (say) from 250 to 350 feet long; also, that the iron wharfs have the objection so forcibly urged by Mr. Moriarty last Session against the jetty plans, "that all the goods have to be trammed off," for when goods are once put on a tramway it makes little difference whether they have to be wheeled 30 feet or 300; also, that the difficulty of removing the vessels is very great in case of fire or proceeding to sea, besides the chafing of moorings, &c.

And,

N. Selfe, Esq.

24 June, 1874.

And, having no interests to serve but to forward my desire of seeing Sydney the first port in the Australias, having no prejudices to contend with or preconceived notions to support, I have devoted a deal of time and attention to the consideration of this question; and from having been the designer of successful engineering works over a period of fifteen years or more, I can with confidence recommend to the Committee the result of my labours, as with all humility I am certain no project at present has been brought forward so worthy of their consideration; and apart from the accommodation afforded to shipping, there is no doubt but that noble quay walls of masonry of regular outline, with increased space where the wharf is so contracted and inconvenient at present, and sheds with some pretention to shape and architecture, will be a great improvement to the city in such a prominent situation, and far before any temporary structures whether wood or iron.

WHARF Dock or Pier Wall referred to in considering the proposed Improvements at Circular Quay, Sydney.

Particulars of wall.	Materials of which constructed.	Thickness of face.	Thickness of filling.	Thickness of back.	Total thickness of wall.	Proportion of base of face wall to height.	Proportion of total base to height.	Remarks.
		ft. in.	ft. in.	ft. in.	ft. in.			
West India Docks. 34 ft. high, on soft bottom. (Mr. Hamkshaw, Engineer.)	Brick, with concrete filling in centre.	3 4½ top 3 4½ bottom	5 7½ top 7 1½ bottom	1 6 top 1 6 bottom	11 6 top 13 0 bottom	1 : 7	1 : 2 : 6	This wall has a batter of half-inch to the foot, and in 1868 a length *slipped forward*, and in 1869 200 yards more yielded from the greasy nature of the clay, &c., under the foundations.
Chartered Gas Comy., Beckton, River Thames. (Mr. Evans, Engineer.) 36 ft. to bottom, 24 to bottom of brickwork.	Concrete bottom 12 ft. up, brick face and concrete for the remainder.	0 18 top and bottom			5 0 top 11 3 bottom	1 : 24	1 : 3 : 2	
Pier-head, Kingstown, Dublin. (Board of Works.) 55 ft. high.	Masonry face, dry rubble backing, hand-set.	5 0 top 8 0 offset 14 0 bottom	6 0 off-set 9 0 bottom		14 0 top 23 0 bottom	1 : 4	1 : 2 : 39	Rise and fall of tide 12 ft.
River wall, Bristol Docks. (Mr. Brunlees, Engineer.) 62 ft. high.	Rubble masonry face and back, concrete core.	3 6 top 11 0 bottom	6 0 top 6 0 bottom	2 0 top 5 0 bottom	11 6 top 22 0 bottom	1 : 5½	1 : 2 : 8 Through counterforts	
London Docks, curved wall, with counterforts, 28 ft. high.	Brickwork uniform thickness, footings spread behind 3 ft.	6 0 top and bottom	Counterforts 3 4½		6 0	1 : 4 : 66	1 : 3	Considerable difficulty in getting foundations at the London Docks.
London Docks wall, 39 ft. 6 in. on 3 ft. 6 in. of concrete, or 43 ft. total depth.	Brickwork stepped at each in offsets.	4 10½ top 14 0 bottom					1 : 2 : 8	
St. Catherine's Docks, London, quay wall, 33 ft. high, curved face, puddled back.	Brickwork with counterforts, 18 ft. apart.	5 3 top 10 0 bottom			5 3 top 10 0 bottom		1 : 3 : 33	
Mill Wall Docks, river wall, 34 feet high.	Brick face for 22 ft. set-off at intervals, the remainder concrete.	1 10½ top 3 ft. at 22 ft.			7 0 top 16 0 bottom		1 : 2 : 125 Backing alone.	This wall built in clay, peat, running sand, and soft clay.
Walls tendered for at Circular Quay, Sydney. 42 ft. high	Masonry wall.	11 bottom	22			1 : 3 : 8	1 : 1 : 9	To be founded on solid rock.
52 ft. high	Rubble back.	14 „	30			1 : 3 : 7	1 : 1 : 4	

I have understood that certain witnesses have stated that the walls proposed by me would fall down. I hand in to the Committee a drawing showing six walls, with all of which my walls bear favourable comparison, to show that it is not necessary to make a wall one-half the thickness, at the base, of its height. (*Drawing handed in. See Separate Appendix.*) There is a quay wall, built on a rubble foundation, on the river Mersey, at Liverpool, 40 feet high, 12 feet thick at the bottom; a quay wall at the London Docks, 28 feet high, 6 feet thick at the base; river wall at Bristol Docks, 62 feet high, 11 feet masonry, 6 feet concrete, 5 feet backing.

912. *Mr. Hoskins.*] What is the foundation? The foundation is on conglomerate. None of these walls are on rock. Wall at Chatham, 29 feet high, 6 feet thick, parallel, with a curved face, counterforts 16 feet apart; a concrete wall at Beckton, River Thames, 36 feet high, 11 feet broad at the base; pier head, Kingston, Dublin, 55 feet high, 14 feet thick at the base, of masonry, and 9 feet backing of hand-packed rubble. I will call the Committee's attention to this wall in comparison with mine. It is the same thickness at bottom as my wall 52 feet high, but it has 9 feet of dry rubble backing where I have 30 feet. None of the walls I have mentioned are as strong as mine. I may add that I have for many years not only designed but superintended engineering works of many kinds—that I have no object to serve but to get the best possible wharf for the Colony, and that the results of my experience and special researches on this question are embodied in the plans I have put before the Committee.

913. What works have you had charge of? I was apprenticed first to a mechanical engineer, and was afterwards employed in designing various works. I designed some of the extensive works of the Sydney Gas Company and the Western Kerosene Company's Works, including their tramway and railway at Mount Victoria. I was also engineer-in-charge of the Mineral Oil Company's Works, and erected the whole of the Gas Company's plant, and designed several of the most important buildings, and I also put in the concrete foundations and erected the hoisting machinery by which they land their coal. I now design the machinery for Mort's Dock and Engineering Company, and I am their scientific referee for any matter requiring technical knowledge. Therefore, a matter like this is a very simple affair to me; it is nothing to my every-day work. I am able to come to the consideration of a matter like this with a mind thoroughly prepared; and I am perfectly certain these works as designed by me would fulfil all the objects required of them. I am actuated by a sincere desire to make Sydney the first port in the southern hemisphere, and I am not prejudiced in favour of any plan whatever.

914.

914. It has been stated in evidence that in your plan the walls were to be erected on ballast or rubble, and that you did not provide that, at the base of the wharf wall the rock should be levelled, or that the wall should be built on the solid rock? In answer to that, I will simply refer you to the two first clauses of my specification, which has been printed and handed in to the Committee. N. Selfe, Esq. 24 June, 1874.
915. Are you of opinion that the retaining wall on this plan of yours should be half the height of the wall in width at the base? It is most decidedly not necessary. If part of the wall were built of concrete instead of solid masonry it would come to about £1 a yard, as against masonry at £3 10s., and we could then easily afford to make the thickness greater.
916. What thickness at the base do you consider sufficient? I have provided walls 14 feet thick for the whole of the pier-heads.
917. What is the average height? The extreme height is 52 feet, and the minimum height about 40 feet; but the maximum quantity of material is provided for in the estimate for the whole of these pier-heads, so that when the work is actually carried out, the walls will be very much thicker than would appear from a cursory examination of the specification.
918. By your plan, is the proposed width of wall at the base quite as much, having regard to the height of the wall, as the width at the base of dock walls in England? It is. It is more than in many works in similar places.
919. Would you consider that Sydney Cove is a very favourable place for the erection of wharf walls? Most decidedly; you could not possibly have a better place.
920. The rise and fall of the tide not being more than 4 or 5 feet? Yes; that would make the walls almost in equilibrium.
921. Supposing it were advisable to make these improvements of less expensive material than stone, which would you prefer, iron or wood? Most decidedly wood.
922. Why? Because in the proposed wharfs of iron, on the *échelon* plan of Mr. Moriarty, there are 209 transverse girders 36 feet long, 3 feet 6 inches deep, half of which is only one-fourth of an inch thick, and the other half five-sixteenths of an inch thick; and I am of opinion that these girders will tumble into the water in less than thirty years, judging from my experience of iron in similar positions.
923. Are you quite sure you are correct as to the thickness of the iron? Yes; I can only refer the Committee to plan No. 5 of Mr. Moriarty.
924. Which do you think the most durable material, timber or iron? For the reasons I have stated, timber most decidedly. I have had a good deal of experience about the wharfs round Darling Harbour, and have served my time as a worker in both materials, and I have no hesitation in giving a preference to the hardwood timber of this Colony over iron for works of this kind used in the manner proposed.
925. Which would be the most economical? Timber.
926. Which could be erected most expeditiously? Timber most decidedly.
927. Can you say whether there would be any difficulty in getting timber of sufficient length for piles? I do not anticipate the slightest difficulty.
928. Can you say whether any difficulty would be experienced in getting piles 50 feet or 60 feet long? None whatever that I am aware of.
929. In the event of accident to the wharf, which could be most expeditiously and cheaply repaired, iron or timber? Timber. One of the A.S.N. Company's steamers some time ago ran into their wharf and cut many feet into it, and it was repaired at a few pounds expense; but if she had gone in a similar manner into the Darling Harbour Wharf, 1,800 superficial feet of it would have been let down into the water, that is to say if the main girder had been cut through, and goodness knows what it would have cost to repair. Darling Harbour Wharf consists of iron girders 60 feet long resting on piers, and if you cut the girder the whole of that part of the wharf must tumble down into the water.
930. Could this iron girder be readily repaired? If it were cut into and tumbled down, it would twist all to pieces, and would have to be rebuilt altogether. If merely a lattice bar was displaced that could easily be repaired; but if the central girder were cut into, it would necessitate taking the whole thing to pieces.
931. Are you prepared to assert that as the result of your experience? I simply state that from my every-day experience, as I am concerned in the construction of iron works of various kinds.
932. Do you think the iron cylinders, on which it is proposed to support the iron girders at the Circular Quay, could be readily repaired in the event of their being damaged? For my own part I do not see so much objection to the use of cast-iron cylinders.
933. Could they be easily repaired? If one of them wanted repair you would have to shore up the wharf temporarily—that would be the only way to do it.
934. Could it be easily done? No; it would cost a good deal of money, and would be a very ugly job to do. The cylinders would be filled up with concrete, and you would have to cut into them and take out the concrete to get at the bolts.
935. Supposing the wharf were constructed of timber piles, and one or two of the piles were damaged, could they be replaced expeditiously? Piles 10 feet apart could be replaced at any time by making a hole in the floor of the wharf and springing the headstocks apart, the damaged pile could then be drawn out and a new one put in its place, and the headstocks put on again, or the new pile driven alongside the old one.
936. *Mr. Clarke.*] Are you aware that timber piles in the water, between high and low water mark, are liable to injury from the cobra worm? I am.
937. Is it the fact that in some parts of the harbour of Port Jackson wooden piles are not so much liable to be destroyed by the worm as in other places? It is. I believe, from my own observation and the experience of other people, that where the tide runs the cobra still exist. I know there are cobra in the new wharf at Darling-street, Balmain, but up at the heads of the bays it is not so. The coal wharf which the European Mail Company put up at Waterview Bay is standing now, but nobody ever dreams of looking at it to see whether it wants repairs. That will be twenty years old now. Wherever there is rotten mud the cobra will not live.
938. What is your opinion of the comparative duration of iron and timber for a wharf—which would last the longest? No doubt you can make the iron thick enough to last the longest, but in proportion to the money expended the timber would last the longest. I think one of the iron cylinders used in the Darling Harbour Wharf would cost as much as fifty piles at least.

N. Selfe, Esq. 939. Would you recommend the coppering of timber piles? Most decidedly not; I would char them and tar them. In the representations I made to the Government some months ago I made a calculation,
24 June, 1874. which was handed to the Minister for Works, showing that the interest on the cost of coppering would replace the piles twice as often as they would be worn out. I think I showed that it would replace them every fifteen years.*

940. *Mr. Macintosh.*] With regard to the timber wharfs at Darling Harbour, I presume there are none of them that have not been repaired or extended within the last twenty years—none of them are now as they were twenty years ago? I suppose there are always little matters which require to be done; but that shows the advantage of timber, that they can be repaired so easily without stopping the work of the wharf.

941. Have not nearly all of the Darling Harbour wharfs been lengthened and the ground filled in since they were first built? Probably many of them have.

942. So that there are few (if any) of them in the same state now as they were in twenty years ago? They may not be in the same outward form, but the same piles are underneath many of them.

943. Are not the A. S. N. Company's sheds now built on the spot where the ships used to land goods? I believe they are; but it was much more than twenty years ago.

944. As a colonist, of what material would you advise this wharf to be built in Sydney Cove, suitable to the requirements of the Country? As a public wharf, under the control of the Government, in the central portion of the city, I would advise stone; but as a private individual, if I were doing the work for my own benefit and advantage, I should perhaps construct it of timber.

945. Would you build the wharf with plain straight sides, or on the *échelon* plan? I would recommend the adoption of what I have handed in as my improved plan. No doubt a wharf with straight line of front would be the best in some respects, but in order to economize space it is necessary to construct it on a plan by which ships could in some degree overlap, so that vessels could be berthed without taking in their jib-booms. That is the reason why I have devised this plan of mine. But as it might for some reasons be considered advisable to have long wharfs, I have designed this arrangement which I call the continuous quay plan, and which shows a stone wall from the Tank Stream right round to Fort Macquarie, with an average depth of water of 30 feet at low tide. The soundings, the section of the wall which is after one at Bristol by Brunlees, and the cost both in stone and brick, are marked upon it. (*Witness handed in the drawing. See Separate Appendix.*)

946. Do you believe it is necessary to be so careful in economizing space when there are some 20 miles of water-frontage in Sydney Harbour? I think the Government should provide accommodation for ten or twelve large ships in Sydney Cove, besides the accommodation already existing on the western side of the cove, where there are now deep-water berths. Other vessels would find accommodation at the different private wharfs round the harbour.

947. What do you consider a safe load, per superficial foot, that a wharf built on your plan would bear? If the walls were constructed in accordance with the specification, they might be safely loaded to a ton per superficial foot, equal to 100 tons per square. But the provisions of the specification might be modified by substituting concrete, which I would recommend. I may explain that my reason for not putting concrete in the specification was that I was not aware until lately that we had any lime here with good hydraulic properties. I have since learned from two persons that we have lime possessing these qualities; and in carrying out this work I should feel justified in so far modifying the sections of the walls as to make them hollow perhaps, and to use concrete backing instead of rubble, and possibly by putting a few shots in the bottom of the cove, to make a number of holes, to prevent the backing and filling from slipping forward. I know from soundings that the rock is not a smooth surface; we know that in some places it may be deeper at 20 feet from the shore than it is at 25 feet. It would be easy by putting in a shot to blow out a hole to form a key to the wall from slipping forward.

948. *Mr. Hoskins.*] In your reading as an engineer, have you ever read of any wharfs or quays being built of iron? I do not believe there is at the present time a commercial wharf built of iron except the unfinished one at Darling Harbour. That called the Brunswick Wharf at Blackwall, built many years ago, was only iron sheet piling to hold up the backing. The Gravesend piers and hundreds of jetties all over the world, built of iron, are only for landing passengers from steamers, &c., and do not bear any relation to a commercial wharf. If iron wharfs had any advantages, no doubt they would be used at Glasgow, where iron is cheap and stone dear.

949. *Mr. Macintosh.*] Would not a stone wall be liable to be fractured by being run into by a ship, in the same way as an iron girder would be? I believe that some years ago the Governor-General ran into Campbell's wharf some 8 or 10 feet, but of course they simply took out a few stones and put them up again. There would be an advantage in building the wall with counterforts, that if a ship ran into it she would only damage the panel.

950. Are the sketches of wharf walls you have handed in this afternoon taken from existing structures at the places mentioned? Yes; I have taken them from the most recent work published; some of them from a number of *Engineering*.

951. Are the drawings taken as the works have been executed? Yes, most decidedly.

952. *Chairman.*] If you have anything further to add to your evidence, the Committee will be glad to have the benefit of it? A most important matter in connection with the improvement of wharf accommodation, and one that, so far as I understand, has not been prominently brought before this Committee, is the machinery required for safely and expeditiously loading or discharging vessels, and I am strongly in favour of hydraulic machinery for this purpose. In the estimate for nine timber berths which I forwarded to the Minister for Works, at his request, on September 30th last year, I included a set of hydraulic machinery. I had previously written to Mr. J. W. Dunlop, consulting engineer, of London, formerly partner and manager at Messrs. P. N. Russell & Co.'s works here, to obtain particulars for me of the most modern systems. Mr. Dunlop visited the docks and quays of London on purpose, and forwarded tenders for machinery from—

1. Sir William Armstrong & Co., Elswick Works, Newcastle-on-Tyne, complete set of hydraulic machinery, cranes, &c., suitable for Sydney Cove.
2. Brown Bros., London, sets of hydraulic machinery.
3. Allan C. Wylie & Co., patent shears for heavy weights.

The

* Note (*on revision*):—The cost of the copper at 5 per cent. supposed to replace the piles every ten years.

The prices confirm the estimates previously furnished to the Government, and the whole of the papers I shall be happy to furnish for the information of the Committee. N. Selfe, Esq. 24 June, 1874.

Constructing the wharf walls under water.

In the first instance it was contemplated to build the walls by divers, as I have seen performed at the Admiralty works at Dover, and without cement up to L.W.M., but the tender of Mr. Young included the whole work set in cement; and other contractors who proposed to use coffer-dams offered to set in cement for 5s. additional per yard, only one contractor intending to do the work by divers. From the consideration I have since given to this matter, I have devised a plan of submerged caisson in the form of a large diving-bell, furnished with a shaft and air-locks, which would permit of access to it at all times without lifting it out of the water. If this caisson was made large enough to accommodate (say) twenty men, and compressed gas was supplied to it, the work could be carried on both night and day, and the whole of the building would be constructed in the dry, the bottom could be levelled, the concrete put in, and the stones set with almost as much facility as if it were above water. Simple arrangements of balance chambers, and provisions to meet the irregular surface of the bottom, would make the caisson perfectly manageable; it could be easily shifted as the work proceeded, and the expense and risk would not be nearly so great as would be attendant on a coffer-dam up to high-water-mark, and which would have to be strong enough to resist the pressure of the water for the whole depth. This would of course materially reduce the cost of the whole work.

WHARF ACCOMMODATION.

APPENDIX.

[*To the Evidence of E. O. Moriarty, Esq., 5 May, 1874.*]

AA 1.

SYDNEY COVE WHARF—SPECIFICATION FOR IRONWORK.

TENDER for Wrought and Cast Ironwork for Wharf at Sydney Cove.

WE hereby undertake to supply the wrought and cast ironwork for the above wharf, with all consequent and incidental work connected therewith, in strict accordance with the terms and conditions of specification, and to the satisfaction of Mr. ——, on terms as follows :—

	Delivered in Sydney free of all charges.			Delivered free on board in London, Liverpool, or Glasgow.		
	£	s.	d.	£	s.	d.
For the longitudinal and cross girders, including all the wrought-iron as shown and described; also all bolts, nuts, rivets, and fastenings for the entire work, complete in all respects, at per ton						
Cast-iron in bed-plates, cylinders, columns, bollards, &c., complete in all respects as per drawing and specification, including caps and ornamental mountings						
Open sheds, at per 100 feet superficial.....						
Enclosed sheds, at per 100 feet superficial						

Delivery to commence in six months, and to be continued so as to complete the whole in eighteen months from date of acceptance of tender.

To

NOTE.—*Tenders to be addressed either to the Secretary for Public Works in Sydney, or to the Colonial Agent in London.*

SYDNEY COVE WHARF—SYDNEY.

SPECIFICATION of wrought and cast ironwork for a Wharf at Sydney, New South Wales.

THE work to be executed will be the manufacture of girders and cylinders for an iron wharf of the kind shown on the general and detailed plans or tracings, and in the manner hereinafter more particularly described in this specification.

The length will be about 1,935 ft., as marked from A to B on plans Nos. 1 and 2. The height of the deck, when finished, will be 13 ft. 6 in. above low-water mark of spring tides.

The superstructure will consist of a series of continuous longitudinal plate-girders, bolted on the piers, with transverse girders between the front and back row, and iron joists of the pattern shown for supporting the platform or deck. The girders to be supported on cylinders or piers of cast-iron.

The distances apart from centre to centre of the cylinders on the front or outer line of the wharf shall be 30 feet, but on the berth marked No. 5 the distances shall be 33 ft. 9 in.

Drawings.

No. 1 is a plan of the Sydney Cove, showing the position of the proposed works.

Nos. 2 and 3, general plans and elevations, showing the distances between the centres of the cast-iron cylinders or piers and lengths of cross-girders.

No. 4, general plan of sheds.

No. 5, details of iron plate-girders, cross-girders, and details of sheds and gates.

Any further details or working drawings beyond those already prepared must be made at the contractor's expense.

Piers.

The cylinders shall be 1½ in. thick, to be cast in lengths of 7 ft. except where required or shown to be otherwise. The outside diameter from about 12-in. below the low-water level to the rock bottom will be 3-ft. 6-in., above that level 3-ft., tapering cylinders 6-ft. long being used to meet the difference of diameters as shown. The horizontal joints shall be accurately faced up, and bolted with 1-in. bolts; the holes, 1¼-in. diameter, may be cast in, provided they can be made with sufficient accuracy to ensure a perfect fit between any two cylinders; but if not, they are to be drilled to a template. The cylinders must be cast upright with a good head of metal, and from the best hot-blast grey iron; they shall be perfectly straight and exact to the shape and dimensions shown in the drawings; the metal throughout shall be of uniform thickness, to ensure which the greatest care must be taken, as all cylinders of unequal thickness of metal will be at once rejected; each cylinder shall be cast with a number on it, and shall be thoroughly examined by the Engineer before it shall have been painted or otherwise protected, the contractor being held liable for all fractures or other defects at every stage of the work. The castings shall be sound and entirely free from air-holes, sand cracks, and flaws or defects of every description. Each front pier to be supplied and fitted with two fender brackets as detailed, to bolt on with four 1½-in. bolts in each.

Bed-plates.

The cast-iron bed-plates or top length of cylinders on which the girders rest shall be planed perfectly fair on the bearing and side surfaces; they shall be cast from a mixture of metal specially selected for hardness and strength.

Caps.

The cylinders to be mounted with cast-iron caps. Great care must be taken in the execution and finishing of these castings; the arrises shall be left sharp.

Girders.

The girders, which will be continuous, shall consist of top and bottom booms and single webs, stiffened with T-iron stiffeners as hereafter specified.

The plates to be perfectly true and uniform in thickness; the boom-plates, 15-in. wide; the plates to be of the exact lengths and thicknesses dimensioned on the plans.

Great

Great care shall be taken to have no joints of the angle-irons near the centres of the girders; and all butts shall break joint sufficiently, and be well fitted and covered with angle-iron wrappers ½-in. thick and 28-in. long.

The angle-irons shall be of equal section throughout.

The butts of all plates in the main girders and throughout the whole of the iron-plate work are to be planed and accurately fitted before being riveted, and the rivet holes shall be carefully punched or drilled to suit the respective sizes of the rivets as dimensioned, except where specified or shown to be drilled, so that the riveting may bring each piece into its proper position, and into perfect and accurate contact with the adjoining pieces. Should the slightest inaccuracy occur, so that any of the holes, either in the jointing-pieces, angle-irons, covers, or plates, &c., should not come fair with one another, the holes shall be carefully broached or rimered, and care taken that the rivets fill them, but no drifting will be allowed; all loose rivets shall be cut out and replaced with others of sufficient size and of the kind specified.

Rivets.

All the rivets shall be of the diameters figured on the detailed drawings: they are to be cup-headed, except where required to be countersunk; and shall perfectly fill the holes, but no riveting to be done until the work is fitted together, put up complete in the manufacturer's yard, and the position of the parts carefully examined and found correct.

The pitch of the riveting shall be 4-in., or other, as may be required.

No portion of the work shall be painted or otherwise coated before it has been thoroughly cleaned from dirt and rust and inspected and passed by the Engineer.

Plate-covers.

The joints of the plates are to be covered with plate-covers of the various dimensions shown on the drawings, which, shall be perfectly flush with the edges of the plating.

Camber.

Each girder shall have a camber of ½ inch when erected in the contractor's yard; and, to insure perfect curvature throughout, a template must be laid down for making up the various lengths and putting them together; and the whole work, main-girders and cross-girders, must be erected and fitted together into place complete before being finally inspected by the Engineer. After being passed, it must be painted as hereafter directed, taken down, the pieces marked and numbered, stiffened and strutted at the ends, weighed, and forwarded for shipment.

Longitudinal iron rolled girders.

The longitudinal iron rolled girders, of the given section, viz.:—12 in. deep, 5¼ in. wide, and ½ in. thick, to be of sufficient length to reach over two cross-girders at least, or about 20 ft. long. They shall be rolled as near to the form shown as possible; the bottom flanges shall be punched for riveting to the top booms of cross-girders, and the top ones with $\frac{5}{16}$ holes 4 in. apart diagonally, for the bolts for the planking.

Diagonal bracing.

The girders shall be braced with diagonal tie-plate bracing, riveted on the lower gusset-plates over the piers as shown. The plates shall be 12 in. wide, and shall be stiffened with bars of channel-iron, 4 in. x 2½ in. x ½ in.; and where the bracing is attached to the cross-girders, each plate shall be riveted to the angle-irons and plating of the cross-girders, and the joints strengthened with a ½-in. cover-plate 3 ft. 6 in. long, riveted through all.

Cross-girders.

The cross-girders between the back longitudinal girders and the masonry wall will vary in length and also in depth, as marked on drawing No. 4. The shore ends of the girders shall be fitted on strong cast-iron bed-plates, and secured thereto with four ⅞-in. bolts; four ⅞-in. lewis bolts to be supplied with each cast-iron bed-plate.

The whole of the work in the cross-girders is to be of a similar character to that specified for the main-girders; the butts of plating and angle-irons to be well fitted, the latter to break joint and be covered with angle-iron wrappers, ½ in. thick and 28 in. long.

The plate cross-girders generally shall be 3 ft. 6 in. deep from outside to outside of boom angle-irons; the joints of the web-plates shall be covered with ½-in. cover-plates and T-irons, one plate and one T-iron on either side, and shall be likewise constructed with a camber of ½ inch.

Sheds.

The whole length of the wharf shall be covered with iron sheds of the kind and description shown on the drawings. The distance between the columns transversely will be 32 ft., except in the case of Berth No. 8, which will be 27 ft., and the distance longitudinally will be 30 ft., except in a few instances where the echelons meet the projection or Berth No. 5; and generally the columns shall be bolted with four 1-in. screw-bolts on the girders, except where they are shown specially to rest on masonry foundations, but in both cases they will be about 15 ft. in length over all.

On the street side of the wharf the roofing will extend 10 ft. 6 in. beyond the inner line of columns, carried by wrought-iron cantilever brackets as fully detailed. The various lengths of this part of the roofing are shown on the drawings by red lines, but the following gives the lengths for each Berth:—

No. 1 Berth—	Length of projecting roof	.....	180 ft.
„ 2 „	„	.....	160 „
„ 3 „	„	.....	160 „
„ 4 „	„	.....	160 „
„ 5 „	„	.....	135 „
„ 6 „	„	.....	160 „
„ 7 „	„	.....	160 „
„ 8 „	„	.....	180 „
„ 9 „	including returns	.....	182 „
„ 10 „	length of projecting roof	.....	180 „
„ 11 „	„	.....	180 „
	Total length	.....	1,657 ft.

Principals.

The principals shall be 6 ft. apart, and shall be truly bent to a radius of 19 ft. 8 in., constructed of T-iron 2½ x 2½ x ⅜. The springings to be forged as shown, and riveted to the arched plate-girders with two ¾-in. rivets in each, and additionally secured with straps riveted to the principals and girders as detailed. The struts to be of T-iron of similar scantling.

Purlins.

Purlins shall be of light T-iron, 2 x 1¾ x ¼, riveted on the principals with small pieces of angle-iron riveted with ½-in. rivets.

Galvanized corrugated iron.

The roof and louvres of the closed or bonded sheds and sides of the same shall be covered with good stout galvanized corrugated iron of approved brands, No. 24 gauge; the butts shall be well and neatly lapped, and the sheets for the roof truly curved and fastened to the purlins with galvanized bolts in the most perfect and workmanlike manner.

Flashings.

The flashings shall be of 4 lbs. sheet lead neatly made and truly bent to the corrugations of the sheets.

Gutters.

Galvanized iron gutters of the shape and dimensions shown, to be supplied, provided with all necessary joint pieces, &c., &c.; four 4-in. down pipes and two 3-in. do. to be provided for each berth, of sufficient length to clear the bottom of the cross-girders.

Plate

Plate arched girders.

The girders shall be constructed of ¼ plate with 2½ x 2½ x ⅜ angle-irons; the bottom plate of $\frac{5}{16}$ in. thick, to be 12 in. at the base, and taper to the centre to 6 in.; the top plates to be ½ in. thick, and 8 in. wide; the girders shall be jointed in the centre with ¼-in. plates, one on each side as shown, and shall be bolted at the springings to the heads of columns with 8¾-in. screw-bolts, as fully detailed—great care must be taken to make the curves uniform. At each alternate row of columns plated girders of similar construction as detailed on No. 5 drawing shall be riveted to the longitudinal girders.

Louvre roofs.

On each bonded or closed shed or store a louvre roof shall be constructed, the louvres to be of $\frac{3}{16}$ wrought-iron plates pressed to the given shapes, fitted and riveted between the vertical angle-irons. In Berth No. 5 two neat and ornamental towers shall be constructed, fitted on the sides with louvres as shown.

Wrought-iron sliding gates.

The back of the wharf from the commencement of the bonded sheds to the next contiguous bond shall be enclosed with a strong wrought-iron sliding railing, fitted as panels between cast-iron columns.

The columns shall be bolted on the cross-girders and to the longitudinal timber at the back of the wharf, and they shall be provided with wrought-iron guide rollers and pins grooved and fitted in lugs as detailed, the rollers, sheaves, and pins to be bored and turned, the top rollers to act also as sheaves for the copper ropes in connection with $\frac{5}{16}$ in. chains leading below to the balance weight; two sheaves to be fitted at the base of columns, and also two sheaves with cast-iron frames to be fitted on the cross-girders.

Panels.

The sliding panels to be neatly constructed of wrought-iron, the side bars to be of channel-iron 3½ x 1½ x ⅜, the top, middle, and lower bars to be of flat iron 3½ x ⅜, the cross bracing of similar scantling, to be welded up and riveted to the channel-irons and cross-bar as detailed with ¾-in. rivets; the vertical bars to be of 1-in. round iron, with ornamental wrought pressed heads; the whole to be provided with all necessary bolts, pins, sheaves, rollers, copper ropes, and weights, and $\frac{5}{16}$ chain. The sliding panels and rollers to be made in the most workmanlike manner.

In Berths Nos. 1, 5, 8, 10, and 11, the columns for the panel rollers and sheaves will be placed (say) 15 in. back, to allow the panels to slide up clear of the plate arched girders supporting the principals of the roof, but on this point more detail will be furnished before the contract is entered upon. In Berth No. 5, it will be observed the cross-girders are 11·3 from centre to centre, consequently the panels will be longer here than in the other berths.

Each panel shall be provided with a strong brass padlock, with all necessary straps, bolts, and connections to deck planking.

Wrought-iron swing gates.

The spaces between the end columns of panels and the end roof column of the bonded store in the echelon berths to be supplied with fixed railings, similar in all respects as to dimensions, &c., to the other portions of the railing, and in each a strong gate 4 ft. clear opening, to be fitted with brass bearings, pivots, and locks of the most approved kind.

Bonded stores.

The bonded stores shall be enclosed with No. 24 galvanized corrugated iron, fastened with galvanized screw-bolts to the channel and angle irons; the channel-irons to be stiffened laterally with plate 6 in. at top and 12 in. at bottom. Window and door frames and sashes to be of cast-iron of approved pattern, each window to be made with a ventilating pivot sash, with fastenings and gratings complete. Doors to be of ⅜ plate strongly hinged with brass hinges and stiffened with bead iron, the whole to be supplied with sliding bolts, locks, rollers, and all requisite appliances for such purposes.

Character of the materials.—Wrought iron.

The whole of the wrought-iron used in the work is to be of the quality known as Beale's P. G. Crown, or Monk Bridge Crown plates, guaranteed, or of such other iron of at least equal quality as the Engineer may approve. They must be perfectly free from any defects, and of the uniform dimensions and forms herein described and shown on the drawings. The power is reserved of testing and rejecting, from time to time, any portion of the wrought-iron used in the construction of the girders; and it must be distinctly understood that the whole of the work is to be executed of the quality of first-class girder work.

The tests will be applied in the following manner, viz.:—

A piece of iron 2-in. wide, and ½-in. thick, or such width and thickness as to form one square inch, and of sufficient length to have 7 in. under actual tension, shall be cut, as directed by the Engineer, from any plate about to be used in the work, and the following tensile strains shall then be applied, and if the extension of the iron experimented upon exceeds the lengths given opposite each strain, the plate from which the piece of iron has been cut, and all other plates of similar manufacture shall be absolutely rejected.

18 tons strain must be borne without a greater extension than a ¼ of an inch.

20 tons strain ⅜ of an inch.

And all bars must bear a tensile strain of 22 tons per square inch before fracture.

Angle-iron to bear 23 tons per in.

The rivets to be made of iron of the toughest quality, the rods from which such rivets are made being capable of sustaining a load of 25 tons per sectional inch before fracture.

All costs and expenses attending the testing to be borne by the contractor.

The Engineer shall have the power of rejecting any part of the work which in his opinion does not satisfactorily bear the tests applied or which may be otherwise unsuited for the purpose, whether arising from imperfect workmanship or defective materials.

Bolts and nuts.

The bolts and nuts shall be neatly forged, of the best Staffordshire crown iron; the threads of all screws and nuts to be accurately and cleanly cut.

Cast iron.

The cast iron shall be of the best hot-blast grey metal, of such mixtures as the Engineer shall approve.

Test bars, cast in the presence of the Inspector, from the same metal as the cylinders, shall be tested to withstand a compressive strain of 40 tons per square in., without injury; and a bar 2 x 1 on a bearing 3·0 apart shall bear a weight of 30 cwt. suspended from the centre without fracture; such tests to be at the contractor's sole cost.

Bollards of the kind shown on the drawing to be provided.

Painting and protecting.

All plates, angle-irons, &c., are to be dipped in oil before they are delivered from the maker's yard; and after the girders are erected, complete and passed, the whole of the iron-work must receive two coats of Ellam and Jones' best metallic oxide paint, of different colours, to be approved by the Engineer; and after they are taken down, the exposed parts are to receive one coat of the last colour.

General conditions.

The principal features of the work to be executed are stated in this specification, or shown on the drawings, but all the work, although parts only of the same may be shown on the drawings, or referred to in this specification, is to be considered as included in the contract as much as if it had been particularly set forth and described. Also, any work that may be mentioned in the specification only, without being shown on the drawings, or which may be shown on the drawings only without being alluded to in the specification, is to be included in the contract the same as if it had been particularly set forth and shown on both the drawings and the specification.

Whatever dimensions are written or figured upon the drawings they are to be considered as correct, although they may not correspond with the dimensions measured by the scale. All details which are drawn to enlarged scales are to be taken as more correct than those of smaller scales; but if any discrepancy appears, or doubt arises, reference must be made to the Engineer for his decision.

The

The work is to be executed under the directions and superintendence of Mr. called the Engineer in this specification, or his assistants and inspectors, and must be constructed to his satisfaction; and his judgment, both as regards the quality of the materials or the workmanship, shall be absolute and without any appeal; and in case of any difference arising as to the terms of the specification, or compliance therewith, the decision of Mr. shall be final and conclusive.

The Engineer shall have the power of making any alteration in the dimensions, by either increasing or diminishing the thickness of the plates, or other parts of the works, and shall be at liberty to alter or vary the design in any manner he may think fit; and the contractor shall from time to time execute the work according to such altered design, without being entitled to make any claim for an extra amount in addition to the contract.

The method to be adopted for weighing the work is as follows:—

The weighing machine to be tested by a known weight in the presence of the inspector on each separate occasion before it is employed for weighing the work.

All the work to be weighed in trucks on this machine in the presence of the inspector, the tare of the truck being taken immediately before loading and weighing, the net weight being obtained by deducting the tare of the truck from the gross weight; or the weights may be obtained by any other method required by the Engineer.

The girders are to be riveted up in the yard after erection, in lengths as directed for shipment; and the contractor must use the greatest care that all the parts are made in such a manner that they may be erected with ease when in the Colony, distinctly and legibly marking every part with suitable figures or letters, and forwarding a complete schedule fully describing those parts so marked, with a description of the mode of putting them together again; at the same time, he must have due regard to the disposition of the various pieces, that they may be neither difficult of shipment nor liable to injury, and in all cases he is to supply either iron or wood to strengthen the weaker parts, so as to effectually prevent injury during the transport; all bolts and fastenings to be provided, and 10 per cent. excess rivets to be sent out.

The tender to be at a price per ton, delivered free on board, in the ports of London, Liverpool, or Glasgow, including all cost of packing and protection from injury and all necessary strong iron-bound cases; or the contractors may tender to deliver the iron-work on the Circular Wharf in Sydney, all charges being paid by them, and payments will be made on the full value of the iron-work so delivered; they may also tender for the supply of the iron-work of the wharf, sheds, &c., in Sydney, and its erection complete in all respects; to be made on the accompanying blank form; the weight to be ascertained as previously set forth, but at the expense of the contractor.

Drawings can be seen, on and after the , at the office of the Engineer-in-Chief for Harbours and Rivers, Sydney, or that of the Colonial Agent, in London, and tenders must be delivered at their offices on or before 12 o'clock on

E. O. MORIARTY,
Engineer-in-Chief
for Harbours and Rivers.

Sydney, November 1st, 1873.

AA 2.

ESTIMATE of Proposed Iron Wharf at the Circular Quay.

Inclusive of Sheds, Bonds, and Gates.					Exclusive of Sheds, Bonds, and Gates.				
Description of Materials.	Quantity.	Rate.	£	s. d.		Quantity.	Rate.	£	s. d.
Cast iron. Lowest tender—Lloyds, Foster, & Co.	1,098 tons	...	11,718	5 0	Do. do. ...	812 tons	...	8,572	0 0
Wrought iron. do. —Matthew T. Shaw & Co.	1,834 „	...	34,983	5 0	Do. do. ...	1,300 „	...	24,456	10 0
Freight, &c.	2,932 „	30/-	4,398	0 0	Do. do. ...	2,112 „	30/-	3,168	0 0
Erection of cylinders	735 „	7/-/-	5,145	0 0	Do. do. ...	735 „	7/-/-	5,145	0 0
Do. of columns, bollards, caps, &c.	363 „	3/-/-	1,089	0 0	Do. do. ...	77 „	3/-/-	231	0 0
Do. of wrought ironwork	1,834 „	3/-/-	5,502	0 0	Do. do. ...	1,300 „	3/-/-	3,900	0 0
Concrete.....	928 yds.	35/-	1,624	0 0	Do. do. ...	928 yds.	35/-	1,624	0 0
Galvanized corrugated iron roofing, guttering, &c.	1,249 sqrs.	3/10/-	4,683	0 0					
Planking	871 „	7/8/-	6,445	8 0	Do. do. ...	871 sqrs.	7/8/-	6,445	8 0
a Painting.....	112,500 yds.	6d.	2,810	0 0	Do. do. ...	84,000 yds.	6d.	2,100	0 0
Timber stringer on back wall	2,000 ft.	5/-	500	0 0	Do. do. ...	2,000 ft.	5/-	500	0 0
b Masonry in retaining walls ...	1,110 yds.	3/10/-	3,885	0 0	Do. do. ...	1,110 cub. yds.	3/10/-	3,885	0 0
Brickwork in walls, &c.	2,400 „	2/-/-	4,800	0 0	Do. do. ...	2,400 „	2/-/-	4,800	0 0
Filling ballast, &c.	.....	...	875	0 0	Do. do. ...	.....	...	875	0 0
Total	.....	... £	88,458	13 0	Total	.....	... £	65,701	18 0

a Area of wharf, as shown in original design submitted to the Select Committee, was 67,140 square ft.
Do. do. as now proposed to be carried out „ „ 103,128 „

b The width of roadway between line of wool stores and back of wharf, as originally designed, was 55 ft.
Do. do. do. do. as now proposed is 75 ft.
This necessitates the construction of a sea-wall, as above estimated.

AA 3.

AA 3.

Quantities of Wrought and Cast Iron in proposed Wharf, Circular Quay.

No. of berth.	Front girders, weight T 2 19 / 3 6		Back girders, weight T 3 10 / 3 19		Cross girders, weight T 2 13 3 / 2 7 0		Diagonal bracing, cwts. 17·1		Rolled joists, weight p. ft. 36 lbs.		Screw bolts.	Quantity of wrought iron without sheds and bonds.	Wrought iron in roof.	Wrought iron in bonds, doors, &c.	Wrought iron in sliding gates.	Quantity of wrought iron in sheds and bonds, &c.	Total quantity of wrought iron in one berth.	Area of corrugated iron in roofs.	Area of corrugated iron in sides of bonds.	Total area of corrugated iron in roofs and bonds.	Remarks.
	No.	T. cwt. qrs.	No.	T. cwt. qrs.	No.	T. cwt. qrs.	No.	T. cwt. qrs.	No.	T. cwt. qrs.	T. cwt. qrs.	T. cwt. qrs.	T. cwt. qrs.	T. cwt. qrs.	T. cwt. qrs.	T. cwt. qrs.	T. cwt. qrs.			Squares.	
1	6	17 14 0	...	.....	19	50 7 0	6	5 3 2	...	26 6 2	0 9 0	100 0 0	30 8 1	11 16 2	5 13 3	47 18 2	147 18 2				T. cwt. qrs.
2	6	17 14 0	5½	18 4 0	...	69 7 0	6	5 3 2	...	38 6 2	0 12 0	149 7 0	30 8 1	11 16 2	5 13 3	47 18 2	197 5 2				Total quantity of wrought iron without sheds 1,300 1 3
3	6	17 14 0	4	14 0 0	...	54 11 3	6	5 3 2	...	31 3 0	0 11 0	123 3 1	30 8 1	11 16 2	5 13 3	47 18 2	171 1 3				
4	6	17 14 0	2½	9 6 2	...	47 18 3	6	5 3 2	...	28 8 2	0 10 0	109 1 1	30 8 1	11 16 2	5 13 3	47 18 2	156 19 3				
5	4	13 4 0	4	15 16 0	...	43 0 1	4	3 9 0	...	23 3 2	0 10 0	104 2 3	45 0 0	11 16 2	2 17 0	59 13 2	163 16 1				
6	6	17 14 0	4	14 0 0	...	50 1 3	5	4 6 1	...	32 15 2	0 12 0	119 9 2	30 8 1	11 16 2	5 13 3	47 18 2	167 8 0	75½ × 11 = 868¼ sqs.	381 sqs.		Total quantity of wrought iron in sheds 533 9 3
7	6	17 14 0	6	21 0 0	...	67 7 0	6	5 3 2	...	37 6 2	0 18 0	149 9 0	30 8 1	11 16 2	5 13 3	47 18 2	197 7 2				
8	6	17 14 0	...	.....	...	44 13 0	6	5 3 2	...	23 8 0	0 9 0	91 7 2	26 1 0	10 15 0	5 13 3	42 9 3	133 17 1				Total 1,833 11 2
9	6	17 14 0	5	17 10 0	...	70 13 2	6	5 3 2	...	38 16 0	1 1 0	150 18 0	30 8 1	11 16 2	5 13 3	47 18 2	198 16 2				
10	6	17 14 0	...	.....	...	51 13 3	6	5 3 2	...	26 6 2	0 10 0	101 7 3	30 8 1	11 16 2	5 13 3	47 18 2	149 6 1				
11	6	17 14 0	...	.....	...	51 13 3	6	5 3 2	...	26 6 2	0 18 0	101 15 3	30 8 1	11 16 2	5 13 3	47 18 2	149 14 1				
		190 4 0		109 16 2		601 7 2		54 6 3		337 7 0	7 0 0	1,300 1 3	344 15 1	129 0 0	59 14 2	533 9 3	1,833 11 2	868¼	381	1,249¼	

Cast.

No. of berth.	Caps ornamented, weight 650 lbs.		Top castings, weight 1,419 lbs.		3′ 0″ cylinder, 7′ long = 3,038 lbs.		Conical piece, weight 2,872 lbs.		3′ 6″ cylinder, weight p. ft. = 509 lbs.			Brackets for fenders, 80 lbs.		Bollards, weight 13 cwt. 2 qrs.		Bed plates under cross girders, 2801bs.		Quantity of cast iron without sheds and bonds, &c.	Roof columns, weight 16 ct. 2 q.	Cast iron in bonds, doors, &c.	Cast iron in sliding gates column, 19 ct. 2 q.	Quantity of cast iron in sheds, bonds, &c.	Total quantity of cast iron in one berth.	Remarks.
	No.	lbs.	No.	lbs.	No.	lbs.	No.	lbs.	No. ft.	lbs.	T. c. q.	No.	T. c. q.	No.	T. c. q.	No.	T. c. q.	T. c. q.	T. c. q.	T. c. q.	T. c. q.	T. c. q.	T. c. q.	T. cwt qrs.
1	7	4,550	7	9,933	7	21,406	7	20,104	86	43,774	44 10 3	12	0 8 2	4	2 14 0	19	2 7 2	50 0 3	11 11 0	2 8 0	12 13 2	26 12 2	76 13 1	Total quantity of cast iron without sheds, &c.... ... 811 13 1
2	7	4,550	11	15,609	11	33,638	11	31,592	156	79,404	73 11 2	12	0 8 2	4	2 14 0	19	2 7 2	79 1 2	11 11 0	2 8 0	12 13 2	26 12 2	105 14 0	
3	7	4,550	10	14,190	10	30,580	10	28,720	144	73,296	67 11 1	12	0 8 2	4	2 14 0	19	2 7 2	73 1 1	11 11 0	2 8 0	12 13 2	26 12 2	99 13 3	Total quantity of cast iron in sheds, &c.... ... 286 4 0
4	7	4,550	9	12,771	9	27,522	9	25,848	136	69,224	62 9 1	12	0 8 2	4	2 14 0	19	2 7 2	67 19 1	11 11 0	2 8 0	12 13 2	26 12 2	94 11 3	
5	6	3,900	9	12,771	9	27,522	9	25,848	131	66,679	61 0 3	10	0 7 0	4	2 14 0	12	1 10 0	65 11 3	10 14 2	2 8 0	6 16 2	19 19 0	85 10 3	
6	6	3,900	10	14,190	10	30,580	10	28,720	159	80,931	70 13 2	12	0 8 2	4	2 14 0	19	2 7 2	76 3 2	11 11 0	2 8 0	12 13 2	26 12 2	102 16 0	Tons 1,097 17 1
7	7	4,550	12	17,028	12	36,696	12	34,464	206	104,854	88 4 1	12	0 8 2	4	2 14 0	19	2 7 2	93 14 1	11 11 0	2 8 0	12 13 2	26 12 2	120 6 3	Total quantity of wrought and cast iron without sheds 2,111 15 0
8	6	3,900	6	8,514	6	18,348	6	17,232	116	59,044	47 15 3	12	0 8 2	4	2 14 0	19	2 7 2	53 5 3	11 11 0	2 8 0	12 13 2	26 12 2	79 18 1	
9	8	5,200	12	17,028	12	36,696	12	34,464	278	141,502	104 17 1	12	0 8 2	4	2 14 0	19	2 7 2	110 7 1	11 11 0	2 8 0	12 13 2	26 12 2	136 19 3	
10	6	3,900	6	8,514	6	18,348	6	17,232	113	57,517	47 2 0	12	0 8 2	4	2 14 0	19	2 7 2	52 12 0	11 11 0	2 8 0	12 13 2	26 12 2	79 4 2	Total quantity of wrought and cast iron in sheds ... 819 12 3
11	7	4,550	7	9,933	7	21,405	7	20,104	261	132,819	84 6 0	12	0 8 2	4	2 14 0	19	2 7 2	89 16 0	11 11 0	2 8 0	12 13 2	26 12 2	116 8 2	
		48,100		140,481		302,742		284,328		909,074	152 2 1		4 12 0		29 14 0		25 5 0	811 13 1	126 4 2	26 8 0	133 11 2	286 4 0	1,097 17 1	Total quantity of iron in 11 shipping berths 2,931 8 3
Totals		T. c. q. lbs. 21 9 1 24		T. c. q. lbs. 62 14 1 5		T. c. q. lbs. 135 3 0 6		T. c. q. lbs. 126 18 2 6		T. c. q. lbs. 405 16 2 26														

AA

[*To the Evidence of*

ABSTRACT of Tenders for proposed Iron

COLONIAL

Names of Tenderers.	Wrought-iron in longitudinal and cross girders, bolts, nuts, rivets, &c. 1,833 tons.		Cast-iron in bed-plates, cylinders, columns, bollards, &c. 1,096 tons.		Galvanized corrugated iron Sheds. 868 squares.		Galvanized iron in sides of Bonds. 381 squares.	
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1. Gother K. Mann	31/-/-	56,823 0 0	31/-/-	34,038 0 0	6/-/-	5,208 0 0	6/-/-	2,286 0 0
2. Charles Fowler	.....	.....	.....	.....	.....	.....	.....	.....
3. John Musson & Co.	24/9-/-	1,359 tons. 33,327 11 0	15/-/-	945 tons. 14,175 0 0	32/-/-	Enclosed sheds. 211 squares. 6,752 0 0	.....	.....
					27/10/-	Open sheds, 657 squares. 18,067 10 0		

ENGLISH

Names of Tenderers.	Cast Iron-work.														Time, months.
	Cylinders, 735 tons. Price per ton delivered at—				Caps, bollards, &c., 337 tons.				Bed plates, 25 tons.				Schedule sum.		
	London.		Liverpool.		London.		Liverpool.		London.		Liverpool.		London.	Liverpool.	
		£ s. d.		£ s. d.		£ s. d.		£ s. d.		£ s. d.		£ s. d.	£ s. d.	£ s. d.	
The Horsely Company ...	11/-/-	8,085 0 0	11/-/-	8,085 0 0	11/-/-	3,707 0 0	11/-/-	3,707 0 0	11/-/-	275 0 0	11/-/-	275 0 0	12,067 0 0	12,067 0 0	...
Lloyds, Foster, & Co. ...	10/15/-	7,901 5 0	10/10/-	7,717 10 0	11/5/-	3,791 5 0	11/-/-	3,707 0 0	12/-/-	300 0 0	11/15/-	293 15 0	11,992 10 0	11,718 5 0	6 to 9
Kennard & Co.	Newport. 12/2/6	8,911 17 6	12/12/6	9,279 7 6	Newport. 13/-/-	4,381 0 0	13/10/-	4,549 10 0	Newport. 13/-/-	325 0 0	13/10/-	337 10 0	Newport. 13,617 17 6	14,166 7 6	...
Fairbairn's Engineering Company.	...	.....	14/10/-	10,657 10 0	...	.....	14/10/-	4,886 10 0	...	.....	11/10/-	287 10 0	.....	15,831 10 0	7
De Bergue & Co.	...	.....	...	.....	...	.....	No tender.		...	.....	...	.....	.....	.....	...
Canada Works, Birkenhead.	...	.....	15/-/-	11,025 0 0	...	.....	15/-/-	5,055 0 0	...	.....	15/-/-	375 0 0	.....	16,455 0 0	9
Cochrane & Co.	12/10/-	9,187 10 0	12/7/6	9,095 12 6	14/-/-	4,718 0 0	13/17/6	4,675 17 6	14/-/-	350 0 0	13/17/6	346 17 6	14,255 10 0	14,118 7 6	...
Campbell, Johnstone, & Co.	13/-/-	9,555 0 0	...	.....	13/-/-	4,381 0 0	...	.....	13/-/-	325 0 0	...	.....	14,261 0 0	.....	9
Matthew T. Shaw & Co.	...	.....	...	.....	...	.....	No tender.		...	.....	...	.....	.....	.....	...
Sir W. G. Armstrong & Co.	11/-/-	8,085 0 0	...	.....	For all cast at Newcastle works. 11/-/-	3,707 0 0	...	.....	11/-/-	275 0 0	...	.....	12,067 0 0	.....	150 tons per month.
Bridge & Roofing Company, Darlaston.	11/12/6	8,544 7 6	11/12/6	8,544 7 6	11/12/6	3,917 12 6	11/12/6	3,917 12 6	11/12/6	290 12 6	11/12/6	290 12 6	12,752 12 6	12,752 12 6	...
Carter, Ford, & Co.	12/-/-	8,820 0 0	12/-/-	8,820 0 0	12/-/-	4,044 0 0	12/-/-	4,044 0 0	12/-/-	300 0 0	12/-/-	300 0 0	13,164 0 0	13,164 0 0	...

Lloyds, Foster, & Co., lowest tender for cast-iron	11,718 5 0
Matthew T. Shaw & Co., lowest tender for wrought iron	34,983 5 0
Totals, inclusive of sheds, bonds, and gates	£46,701 10 0

4.

Mr. Moriarty.]

Wharf at the Circular Quay, Sydney Cove.

TENDERS.

Concrete, 928 cub. yards.		Painting, 112,500 sq. yds.		Schedule Sum.	Lump Sum.	Remarks.
R.	£ s. d.	R.	£ s. d.	£ s. d.	£ s. d.	
2/13/-	2,459 4 0	7d.	3,281 5 0	104,095 9 0	.....	Fixed in place complete.
.....	.....	.....	.....	.....	89,898 0 0	Fixed in place complete.
.....	.....	.....	.....	72,222 1 0	.....	An alternative tender for cast-iron supplied and manufactured in the Colony, fixed in place, at £22 10s.

TENDERS.

Wrought Iron-work.																Totals, as per Schedules.	
Longitudinal and cross girders, &c. 1,489 tons.				Rolled girders. 337 tons.				Bolts, nuts, &c. 11 tons.				Schedule Sums.		Time.		
London.		Liverpool.		London.		Liverpool.		London.		Liverpool.		London.	Liverpool.		London.	Liverpool.
	£ s. d.		£ s. d.		£ s. d.		£ s. d.		£ s. d.		£ s. d.	£ s. d.	£ s. d.		£ s. d.	£ s. d.
22/-/-	32,758 0 0	22/-/-	32,758 0 0	20/-/-	6,740 0 0	20/-/-	6,740 0 0	35/-/-	385 0 0	35/-/-	385 0 0	39,883 0 0	39,883 0 0	.....	51,950 0 0	51,950 0 0
20/10/-	30,524 10 0	20/5/-	30,152 5 0	19/10/-	6,571 10 0	19/5/-	6,487 5 0	35/-/-	385 0 0	34/15/-	382 5 0	37,481 0 0	37,021 15 0	6 to 9	49,473 10 0	48,740 0 0
Newport. 22/10/-	33,502 10 0	23/-/-	34,247 0 0	Newport. 23/15/-	8,003 15 0	24/5/-	8,172 5 0	Newport. 45/-/-	495 0 0	45/10/-	500 10 0	Newport. 42,001 5 0	42,919 15 0	.....	Newport. 55,619 2 6	57,086 2 6
...	.....	23/10/-	34,991 10 0	...	.....	23/10/-	7,919 10 0	.....	.....	37/-/-	407 0 0	.....	43,318 0 0	11	.....	59,149 10 0
20/7/6	30,338 7 6	20/2/6	29,966 2 6	18/-/-	6,066 0 0	18/-/-	6,066 0 0	30/-/-	330 0 0	30/-/-	330 0 0	36,734 7 6	36,362 2 6	.....	.....	.....
...	.....	24/-/-	35,736 0 0	...	.....	24/-/-	8,088 0 0	.....	.....	24/-/-	264 0 0	.....	44,088 0 0	9	.....	60,543 0 0
24/-/-	35,736 0 0	23/17/6	35,549 17 6	24/-/-	8,088 0 0	23/17/6	8,045 17 6	35/-/-	385 0 0	34/17/6	383 12 6	44,209 0 0	43,979 7 6	.....	58,464 10 0	58,097 15 0
22/-/-	32,758 0 0	...	.....	20/-/-	6,740 0 0	...	.....	33/-/-	363 0 0	.....	.....	39,861 0 0	.....	9	54,122 0 0	.....
19/15/-	29,407 15 0	20/-/-	29,780 0 0	15/10/-	5,223 10 0	15/15/-	5,307 15 0	32/-/-	352 0 0	32/5/-	354 15 0	34,983 5 0	35,442 10 0	.....	.....	.....
								No tender.								
22/12/6	33,688 12 6	22/12/6	33,688 12 6	22/12/6	7,624 12 6	22/12/6	7,624 12 6	22/12/6	248 17 6	22/12/6	248 17 6	41,562 2 6	41,562 2 6	.....	54,314 15 0	54,314 15 0
20/-/-	29,780 0 0	20/-/-	29,780 0 0	17/-/-	5,729 0 0	17/-/-	5,729 0 0	25/-/-	275 0 0	25/-/-	275 0 0	35,784 0 0	35,784 0 0	.....	48,948 0 0	48,948 0 0

Exclusive of sheds, bonds, and gates	8,572 0 0
Do. do. do.	24,456 10 0
Do. do. do.	£33,028 10 0

The Engineer-in-Chief for Harbours and Rivers to The Under Secretary for Public Works.

MINUTE respecting Tenders for Ships' Berths at Circular Quay, Sydney.

The tenders for the proposed new iron wharf in Sydney Cove are now submitted for the consideration of the Honorable the Secretary for Public Works.

£72,222. Vide Appendix 4. £89,898. Appendix 4. £104,095 9s. Appendix 4.

There are two sets of tenders—two for the supply and erection complete of the iron-work for *eleven ships' berths, including bonded stores and open shed*, on each berth, and one for the supply only—that of Mr. Musson—for the sum of £72,222, according to his schedule rates; the next, that of Mr. Fowler, with whom is associated Mr. Williams, for £89,898; and third, that of Captain Mann, with Messrs. Montefiore, Joseph, & Co. as sureties, for £104,095 9s., according to his schedule rates.

Besides these last named, other tenders were invited in England by the Colonial Agent, for the supply and delivery, F.O.B., of the iron-work (cast and wrought) for eleven berths, as per plan and specification, of which tracings and copies were forwarded to Sir Charles Cowper.

£48,740. Appendix 4.

Twelve tenders were received in reply to his invitation, the lowest being that of Messrs. Lloyds, Foster, & Co., for £48,740. (This firm supplied the iron-work of the West Maitland and Pitnacree Bridges, constructed under this Department.) But if, as has been pointed out by Mr. Shields, the tender of Messrs. Lloyds, Foster, & Co. (which is the lowest) be taken for the cast iron work, and that of Messrs. Matthew Shaw & Co., the lowest for the wrought iron, it would reduce the cost of the materials for the wharfs, delivered F.O.B., to £46,701 10s., which is a very reasonable figure, and is below my estimate.

£46,701 10s. Appendix 4.

The three Colonial tenders were received during the strike of the iron-workers, and probably were not based on the late quotations of prices which our English tenders give, so that I cannot but think that these circumstances have had their influence on the very high prices allowed for the *supply and erection* of the iron-work in the Colony, as in no other way can I account for the great difference in price which seems to exist between the cost of the iron in England and that of the finished work here, and as compared with what we know to have been the actual cost of erecting the Darling Harbour Wharf.

I would recommend therefore that the three Colonial tenders be declined, and that the tender of Messrs. Lloyds, Foster, and Co. for the cast iron work F.O.B., at Liverpool, be accepted, and that of Messrs. Matthew Shaw & Co., for the wrought iron work F.O.B., at London, or that if it should appear to Sir Charles Cowper or the Inspecting Engineer in England, that in order to facilitate the fitting of the different kinds of work it would be advantageous to entrust the whole to one firm, that the tender of Messrs. Lloyds, Foster, & Co. be accepted for the whole, delivered F.O.B. at Liverpool, for £48,740.

£48,740. Appendix 4.

A schedule of all the tenders, with the list of quantities and a detailed estimate of the work, as now proposed, are submitted herewith.

It will be observed, on comparing the preliminary sketch plan I had the honor to submit to the Select Committee, with the finished detailed working drawings, on which the above tenders have been received, that there are considerable modifications and improvements in the latter.

67,140 superficial feet. See on Appendix 2, note *a*. 103,128 superficial feet. See Note *a* on Appendix 2. *See note *b* on Appendix 2. †See Plan No. 7.

On the first sketch the aggregate area of the eleven berths is shown as being 67,140 *superficial feet;* but the finished design for the work, as I now propose to carry it out, gives an aggregate area for the eleven berths of 103,128 *superficial feet*, or about *one-third more superficial area of wharf than was first proposed.* My former sketch did not contemplate any alteration of the present width of the roadway opposite Mr. Flood's stores (its narrowest part), but by the present plan I propose to widen the roadway from 55 feet to 75 feet,* thus greatly improving the approaches to the other wharfs, and giving room for a double line of railway at the back of the wharfs, without encroaching on the present available width of the roadway.

The widths of the iron wharfs are also increased from 30 to 36 feet, and of the two central projecting berths, which were shown on the original plan as 60 feet in width—one has been increased to 140 feet and the other to 180 feet.† All the berths are thus more roomy and capacious, as are also the sheds and bonded stores (in a similar ratio) than was at first proposed.

See note *b* on Appendix 2.

The increased area given to the wharfs has caused a corresponding increase in the quantity of iron, as well as planking, in the proposed work, and the suggested increase in the width of the roadway has caused the appearance on the present estimate of the items for masonry, filling, &c. But even with these alterations and improvements, I am happy to find that the vote will not be much, if at all exceeded, if the proposed plan be carried out.

When the iron is ready for shipment, I would recommend that tenders be called for its erection. I observe that some persons who have not given much consideration to the subject dread that the iron-work in the wharfs would corrode rapidly; but that this apprehension is unfounded will be apparent on perusal of the following list, which enumerates a few of the works wherein iron has been used in salt water.

See post (Appendix AA 5.

In fact since the experiments of the British Association on the rates of corrosion of iron under different circumstances, recorded in the report of their transactions for 1843, iron and concrete combined, or singly, have come to be regarded by engineers as the best materials for bridges, wharfs, and other structures where economy and permanency are required.

E. O. MORIARTY.
8/4/74.

AA 5.

CONSTRUCTIONS in which cast-iron is exposed to the action of sea-water.

Victoria Docks, London, quay walls and jetties constructed of cast-iron, in sheet piling and round piles.
Thames and other graving docks, hydraulic lifts cylinders of cast-iron.
Great Grimsby, Yorkshire, iron bridge with cylinder foundations.
Westminster Bridge, cast-iron sheet piling and concrete.
Chelsea Suspension Bridge, cast-iron cylinders and concrete.
Albert Bridge, Chelsea, do do do
Lambeth Bridge, do do do
Charing Cross Bridge, do do do
London, Chatham, and Dover Bridge, do do
Cannon St., London, do do do
Brunswick Wharf, Blackwall, do do do
Wharf, Gravesend, do do do
Southend Pier (Extension) 1844. The piles were cast square, the angles, when examined in 1862, were found as sharp as when they left the mould.
Herne Bay Pier, constructed in 1838, examined in 1862. The piles were found as sound as when the castings left the foundry.
Margate Jetty, cast-iron piles have stood the action of salt water thirty years without deterioration.
Dock Gates, Sheerness, built in 1821 of cast-iron, examined in 1862, condition then perfect.
Lowestoft Harbour, 1832. After twenty-eight years the cast-iron piles were found perfectly sound.
Wellington Pier, New Zealand, cast-iron piles.
Kent Railway Viaduct. Across the Lancaster Sands, Morcombe Bay, cast-iron piles.
Leven Railway Viaduct, cast-iron piles.
Fleetwood Harbour Works, cast-iron piles, &c.
Landing Stages at Seacombe and Egremont, Mersey, cast-iron.
Jetties at New Brighton and New Ferry, cast-iron piles.
Jetty at Blackpool, Lancashire Coast, cast-iron piles.
Jetty at Southport, Lancashire Coast, cast-iron piles.
Cast-iron Dykes at New Jersey, U.S., used for reclaiming land from the sea.
Solway Firth Railway Viaduct, cast-iron piles.
Severn Railway Viaduct, cast-iron piles.
Pier at Poti, Railway pier in the Black Sea, iron piers imported from England.
Kuddlehoondy Bridge, Madras, cast-iron cylinders.
Harlem Bridge, U.S., cast-iron cylinders, and several other similar constructions in New York.
Wharf, Woolwich Dockyard, cast-iron piers.

Light-houses

Light-houses on the Goodwin Sands and the Nore, cast-iron screw piles.
Private Wharfs. Many private wharfs on the Thames, built on cast-iron piles.
Chatham Bridge, cast-iron cylinders.
And hundreds of others, including new cast-iron Tunnel under the Thames.

E.O.M., 8/4/74.

I attach herewith an extract from the Report of Mr. E. Webb, Member of the Institution of Civil Engineers, London, in reference to the corrosion of iron, as published in the *Civil Engineer's and Architect's Journal*, for August, 1862. And the conclusions therein arrived at have been since further supported, as is evidenced by the large number of important works recently constructed in iron.

EXTRACT from Report of Mr. E. Webb, published in the *Civil Engineer's and Architect's Journal*, for August, 1862.

"*Durability of cast-iron in sea-water.*

"The oxydation of cast-iron in sea-water does not proceed rapidly, even when its surface is unprotected and its quality that most favourable for a union with oxygen. An idea of the rate of oxydation may be formed from the following statement by Mr. R. Mallet (as the result of numerous experiments), that 'cast-iron freely exposed to the weather at Dublin, and to all its atmospheric precipitations, was corroded nearly as fast as if in clear sea-water, when the specimens in both cases were wholly unprotected.'

"It has been stated that the oxydation of iron surfaces continually covered with water goes on more slowly than when metal is exposed alternately to air and water. In addition to this circumstance, favourable to the easy protection of iron-work standing in the sea, it will be found that in the majority of localities the sea itself provides, in the shape of mollusks, an excellent protection to the submerged portions.

"*Dock Gates, Sheerness.*

"There are several pairs of cast-iron dock-gates at Her Majesty's Dockyard, Sheerness. They were designed by the late Mr. Rennie. The heel-posts, mitre-posts, and ribs, are of cast-iron. The gates are sheeted from top to bottom with cast-iron plates, perfectly water-tight. Three pairs of gates have been exposed to the action of sea-water since 1821, *and a fourth pair since* 1827.

"The writer examined these gates in January of this year, 1862, and he found that the framing and plates were in perfect condition. From the dock-yard officials he learnt that no portion of the cast-iron had ever been replaced in consequence of deterioration of the metal, and that no plate had given way, although there is a head of water equal to 26 feet at spring tides. *Three pairs of these gates have therefore resisted the action of sea-water, uninjured, for fully forty years, and a fourth pair for thirty-five years.*

"The writer observed, however, that the cast-iron sector plates, against which the gates shut, are softened in places to some little extent, but only where the iron is in contact with a mass of lead, which has been used to form a watertight joint; the galvanic action created by the contact of the two metals having doubtless caused the softening of the iron.

"At Chatham, the writer saw a number of iron castings which had been removed thither from a dock at Pembroke, where a caisson has replaced the gates. After an immersion in sea-water at Pembroke for many years, these castings are found to be in so perfect a state that they will shortly be put in use at the new entrance to No. 1 dock at Chatham, there again to be exposed to the action of sea-water.

"*Lowestoft Harbour—Basin entrance.*

"The late Sir W. Cubitt having witnessed the rapid destruction of timber in the sea at Lowestoft, *and being satisfied as to the durability* of cast-iron in sea-water, determined upon casing the entrance of the Lowestoft basin with cast-iron piles. The work was commenced in 1832, under Mr. George Edwards. The writer examined these piles last year, and he found them uninjured. *They are, for all practical purposes, as sound and as perfect as when they were driven—upwards of twenty-eight years ago.*

"*Southend Pier—Extension.*

"Mr. James Simpson (Past President of the Institution of Civil Engineers), in designing the extension of this pier, after careful consideration of the durability of cast-iron in sea-water, selected that metal for his piles. The extension was executed in 1844. In February, last year, the writer examined these piles; he found them in a most perfect state. They are square, and the angles are as sharp as when they left the foundry. Mr. Simpson specified the quality of the iron from which these piles were to be cast, because he found, from examination of specimens of cast-iron which had been exposed to the action of sea-water, that the durability depended upon the quality. *These piles, after having been exposed to sea-water during seventeen years, are perfectly uninjured.*

"*Herne Bay Pier.*

"The pier at Herne Bay, nearly three-quarters of a mile in length, was designed by the late Mr. Telford. It was built of timber, in 1831. After standing for about seven years, the piles were generally so far destroyed by the worm that it was decided to use cast-iron to a great extent in the repairs.

"Accordingly, in 1838, a great number of cast-iron square piles were driven. Very recently the writer examined this pier. He found the cast-iron in a most perfect state. The angles of the piles were sharp, and the surface as smooth and as sound as when the castings left the foundry. The piles as usual are covered with shell-fish, which keep the surfaces moist during ebb tide. Not more than one-half of the whole piles in the pier are of iron; those of wood are either cut through by the worm, or are under that process of destruction. The timber piles have required constant repairs and renewals. Upon the cast-iron not a shilling has been expended. The pier, in consequence of the destruction of the timber, which is immersed in the sea, is in a most dangerous condition.

"Had Mr. Telford, in the first instance, selected cast-iron for the piles of his pier, the substructure would have been as sound to-day as when put down in 1831. With the exception of the cast-iron piling, which has been under the action of sea-water twenty-three years uninjured, this pier may now be termed a ruin.

"*Margate Jetty.*

"A jetty erected at Margate, in 1831, rested on timber supports fitted into cast-iron piles. These piles did not stand sufficiently high from the bed of the sea, and the lower portion of the timber, exposed to sea-water, was destroyed by the worm. In 1853, nearly all of them were taken up and sold for old metal at the price of pig-iron; and in the same year, a new iron pier, resting on cast-iron piles, was erected by Messrs. J. B. and E. Birch. A number of the old piles, after having been immersed in the sea-water for upwards of twenty years, were last year to be seen on the pier at Margate. The writer has carefully examined them; they are as sound as when they left the foundry; in no instance can any softening of the metal be detected. A still stronger proof, however, is to be found in some of the cast-iron piles of the old jetty, which are still *in situ* at the head of the present jetty. In these piles no deterioration whatever can be discovered. The shell-fish with which they are covered form a perfect protection against oxydation. These piles have stood in the sea during thirty years, and are perfectly uninjured.

"At a meeting of the Institution of Civil Engineers (February 13, 1844), Mr. J. Simpson stated that, with good grey cast-iron, *having a good surface, little injurious effect from the sea-water was to be dreaded.* He also stated that he was then about to use cast-iron extensively for piles; and that he had examined cast-iron piles which had been in sea-water for sixteen years without any detrimental effect being produced.

"*From a careful investigation of the subject, the writer has arrived at the conclusion that a strong description of cast-iron may be employed, capable of enduring the action of sea-water for an indefinite length of time.*

"In cases where, from the use of an unsuitable quality of iron, or from *contact* with some other metal (such as lead or copper), softening of the iron has taken place, it will generally be found that the glazed skin produced by the sand of the mould in the process of casting has been removed by tools, accident, or wear."

[*To*

[*To the Evidence of Mr. Moriarty, 9 June*, 1874.]

AA 6.

Mr. W. Wakeford to The Engineer-in-Chief, Harbours and Rivers Department.

Murrurundi, 6 June, 1874.

Dear Sir,

In answer to your letter of the 5th instant, asking for information on the dock walls constructed at the Victoria London Docks, and for which I was General Manager for the firm of Peto, Brassey & Betts,—I will now, as far as my memory serves me, give you such information.

The Engineer for the docks was G. P. Bidden, Esq., who, I believe, was also one of the proprietors, and I know was most anxious to have the works of construction made light to reduce the quantities of each description, and, with this view, decided to have the walls of the river front and lock-pit constructed of cast-iron sheet piling, with concrete backing. It being decided to have the piles driven some 10 ft. into a bed of gravel, which was found to underlay the peat and silt, after the piles were driven, the excavation at the back of piles was taken out for a width of about 13 ft. at the level of gravel, which was found to average about 28 to 30 ft. below top of wall; the concrete was then started on top of gravel, being 13 ft. thick at bottom, and 6 ft. at top; the back being perpendicular, with two steps or benchings, and the front at a batter of 1 in 12, this being the batter the piles were driven to. The securing of the piles to concrete was done by means of strong bolts passing through the concrete to timber sills at the back, for which see sketch. This plan was carried out for walls in river front. But on excavating for the abutments of lock-gates it was found that the gravel was at a much higher level, and that the blue London clay was within from 4 to 5 ft. of the points of the piles. This being the case, the engineer decided to take advantage of this, and, to prevent any leakage, gave instructions for the gravel to be taken out and puddle-clay to be put in, excepting at the walls. It only then remained to provide a footing for the piles or procure longer ones. It was decided to have a concrete footing in front of the piles for a distance of 6 ft. and a depth of 9 ft. The piles were secured to a stage until the concrete was set, after this the concrete was carried up at the back, as in the case of the river wall, it being, in this case, 14 ft. thick at the bottom with the addition of the 6 ft. in front. After these walls were completed and the backing finished they began to show signs of weakness (the total depth of wall from point of pile to top of wall was about 40 ft.), and in one month they both had to be taken out, and on this occasion the piles were driven 5 ft. into the blue clay, the concrete backing increased to 20 ft. thick at the bottom, and finished at the top of piling to 8 ft., on this was placed a brick wall 5 ft. thick at bottom, and 3 ft. 6 in. at top, with counterforts every 20 ft., the depth of the wall being from 9 to 10 ft. On its completion it was found to stand well. The securing of the piles to concrete was as the same to river wall.

I may state that had the piles been long enough to allow of them being driven into the blue clay in the first instance the wall would have been strong enough, as a pile front adds greatly to the strength of a wall, providing you have a good material to drive in.

I remain, &c.,
W. WAKEFORD.

P.S.—I have written my brother to see if he can find a letter I received from the firm of Peto, Brassey, & Betts, and to send it you. You can then see the position I held. I am sorry to say I could not make it convenient to be in Sydney this coming week, as it is my pay week.

KNOWING that Mr. Wakeford had been employed under Messrs. Peto, Brassey, & Betts in the construction of the Victoria London Docks, portion of the wharf works of which failed, I have requested him to furnish me with some information on the subject, which in the within letter he has kindly done. It will be interesting to the Honorable the Select Committee on Wharf Accommodation, as showing the proportion of width of wall at base to height finally adopted, which it will be observed tallies exactly with the proportions of the various wharf and dock walls which I had the honor to mention to the Committee.—E.O.M., 9/6/74.

[*To Evidence of Norman Selfe, Esq., 7 May*, 1874.]

BB 1.

CIRCULAR QUAY IMPROVEMENTS.—SEPARATE BERTH SYSTEM.

Plan A.

SPECIFICATION of the work to be performed in the construction of a series of Retaining Walls in the Waterway of Sydney Cove, and the filling-in of reclaimed space; also the erection of five Pier-heads or Jetties, and all other work that may be necessary to provide six new berths or wharfs for shipping, as shown on the accompanying drawing.

Dredging bottom. The foundations for the walls are to be commenced by dredging the mud or silt so as to lay bare the rock bottom the whole width of the bottom course, with whatever clearance may be necessary to level the rock. Should the contractor require the use of the Government dredges, he will be charged by the Government at the rate of 8d. per cubic yard of material removed.

Preparing beds. The rock to be prepared in level beds for first course of foundations, and to be so stepped that no stone has less than 8 feet superficial on its bed, except in cases where there may be a steep angle on the bottom.

Foundation courses. The foundation courses to be made up to the thickness and height shown on the drawing, of approximate sections for the different depths, and to have at least 12 inches of bond.

Quay wall under water. The quay-wall is to be carried up from the foundation to low-water-mark in courses averaging 18 inches, and not less than 15 inches, to have an external batter of 2 inches to the foot, and an internal one of ½ inch to the foot, or such other section as may be determined on when the work is in hand; the stones to be laid without mortar, and to be not less than 8 feet on the bed, to have their beds axed fair, and properly wrought joints.

Quay wall above water. The wall of the quay is to be carried up to 13 feet above low-water-mark, in well-wrought stones with draft margin and picked face, and to be well bedded and jointed, stones not to average less than 8 feet on the bed except top course; the top course to be 2 feet thick, and the stones to be not less than 18 feet on the bed, all being 6 feet through stones; the wall to be set in fresh cement mixed with 2½ times its bulk of clean sharp sand and well flushed into the joints; the top course to have large cast-iron dowels of similar size to those on present quay. The commencement of the wall at No. 1 berth is to be tied into the present wall, and at the termination the wall forming the commencement of No. 7 berth to be stepped back from bottom. The elevations of the walls, shown on the drawing, are from the soundings recently taken by the Government. Should any great variation be found in carrying out the work, the addition to or deduction from contract will be made at schedule rates.

Present walls. The contractor will be at liberty to remove and used the stones of the present quay wall as the work proceeds and is filled in.

Mooring-stones. The contractor to provide and bed four mooring-stones to every berth; such stones to contain not less than 72 cubic feet each, and to have a 3-inch hole drilled through them for ring-bolt or shackle.

Filling in. The contractor to fill in the whole of the reclaimed space. Immediately behind the wall the filling is to be sandstone ballast or rubble, 2 feet thick at top and sloping down at an angle of not less than 30 degrees; the ballast to be thrown in as the work of the wall proceeds, and to be well packed; the remainder of the space can be filled in with ordinary excavated material or rubbish.

Silt pits. There will be seven silt pits in the positions shown on drawing, to be either built in the reclaimed space as the filling proceeds and becomes well settled, or excavated in present quay; such pits to be constructed of approved brickwork in cement, and to be 6 feet by 10 feet internal measurement, and 8 feet deep; the bottom to be of three courses laid flat, and one on edge;

edge ; side walls 14 inches thick, the tops vaulted in three rings 4½ inches each. Particular care is to be taken that the filling in is well packed and close behind skewbacks. Each pit to be provided with large cast-iron gully grating, in frame 18 x 36, grating in two halves ; an overflow pipe of 12-inch stoneware to be led from each pit into the waters of the cove through the new wall.

The whole of the new surface up to the present roadway is to be ballasted 12 inches thick, and metalled with blue metal of ordinary gauge, 6 inches thick ; the surface to be formed with a depression to each berth over the silt pits as shown on the plan and in small section ; this portion to be 2 feet 9 inches to 3 feet below the level of the quay wall, and to have on its two high sides an 18-inch retaining wall, forming a platform against which to back drays or other carriages ; the top course of this wall to be 18 x 18, and clean-chiselled with a 3-inch chamfer, set in cement. These depressed portions, which form also the catches for the drainage, will slope up gradually at the end of the retaining wall to the level of quay. Forming and ballasting. Backing walls for drays.

This contract will also include the deepening of berth No. 6 for the heel of the vessel, by removing the rock in benches, say 16, 18, and 20 feet deep, as shown on drawing. The approximate quantity of excavation required is 40 cubic yards. The contractor will have also to include under this contract the construction of the five pier heads or jetties, 30 feet wide and 50 feet long, as shown on the drawing ; but as there are three different methods proposed for constructing them, each will be described separately, and the tender must keep them separate under their respective heads, viz., No. 1 timber, No. 2 brick, No. 3 stone.

Pier Heads or Jetties, No. 1. (Timber.)

The jetties to be 30 feet wide and 50 feet long, and to be built in accordance with the specification for the all-timber wharf, plan B. The piles to be twenty in number, at about 10 feet centres, and to be not less than 20 inches in diameter at the head, where they are to be tenoned for cross-heads 14 x 7 ; jetties planked with 6-inch hardwood. There will be also four diagonal piles cross-ways, and two fore and aft, and four mooring or fender piles to each jetty. The planking at shore end to rest on and be bolted to an ironbark plate 14 x 14, securely bolted to the stonework of new quay by twelve lewis bolts 1¼-inch diameter. A curb to run round sides and ends ; that on outside to be in one piece, and to project 6 feet along stone wall, with three bolts 1¼ inch diameter to fasten it thereto. The quality of timber, tarring of same, iron, and all details of fastenings and construction, to be in accordance with the specification for wharf to accompany plan B, and which will apply to this portion of the work. Timber jetty.

Pier Heads or Jetties, No. 2. (Brick.)

The pier heads under this plan are to be constructed by levelling the bottom, and then sinking a hollow pier of brickwork laid in cement, such pier being then filled up with concrete, and connected to the main quay wall with timber girders bridging the intervening space of 30 feet, and planked with 6-inch hardwood in the manner specified for timber jetties. General description.

The piers are to be 40 feet by 30 feet at the bottom, and to taper up to 30 feet by 20 feet at low-water-line ; above that to be carried up with vertical walls, the top finished with a coping course of stone 2 feet thick in 6 feet through stones similar to the main quay. The bottom of piers to be at least 8 courses thick, the outer walls 4 bricks or 3 feet thick, and the two cross walls each way 14 inches thick, forming a section of 9 spaces ; the material to be approved hard-pressed bricks set in cement made with twice its bulk of sand. The interior of the pier to be filled with concrete made from sandstone rubble, &c.

The bed of the cove is to be prepared by first dredging away the mud, and then levelling the rock by cutting off projections or filling up hollows with hard ballast well packed in ; a final levelling shall be made by the divers when the pier is within 6 feet of the bottom. Preparing bottom.

These piers can be built on a pontoon, which is lowered as the work proceeds, and sunk when within a short distance of the bottom in order to draw it away from under the pier ; or they may be built on a wooden stage, and lowered by screws, as the section will about displace its own weight of water. They must be placed accurately in their positions, and the contractor must not fill them up with concrete or draw the guide piles until the inspector is satisfied that they are in place. It will be optional with the contractor to substitute a stone wall similar to the wall of quay from low-water-line upwards for the brick 3 feet thick. Method of construction.

An ironbark plate 30 feet long to be bolted to coping course of main quay and of the pier with 1¼ lewis bolts, and the intervening space of 30 feet bridged with seven ironbark girders 16 x 12, bolted to the 14 x 14 plates with 1¼-inch bolts, and planked with 6-inch hardwood planks as specified for timber wharf ; the girders to be 40 feet long, extending 5 feet on the wharf at each end. Two curbs of hardwood 40 feet, 12 x 12, bolted with nuts let in flush. Timber-work.

Pier Heads, No. 3. (Stone.)

If the jetties are built of stone, the first 30 feet of return wall of the quays at the angles will be omitted, and will be equivalent to the 30 feet wall at end of jetty. There will thus be 100 feet run of wall, and one internal and one external angle additional to each head, being 500 lineal feet altogether. The average depth of walls will be a little over 35 feet below low-water-mark, and the foundation must be 14 feet thick, tapering up to 4 feet ; as for the other walls, the interior to be filled with ballast, packed solid for 20 feet from bottom, the remainder filled with quarry rubbish, the large stuff being packed outside, the top ballasted and metalled as the main quay—all above water-mark as described for the main work.

General Conditions.

The contractor shall be at liberty to obtain the whole of the stone he may require for this work from the Government quarries at the north-east end of the quay, within bounds to be laid down. Any further information that contractors may require will be furnished on application. Quarrying stone.

The whole of the work under this contract is to be carried out in a thoroughly first-class manner, and to the satisfaction of the Inspector appointed by the Government, who shall at all times have access to the work above or below water, and shall have power to reject any work that in material or workmanship is not performed to the intent or meaning of this specification, and is to be completed by the first day of September 1875 next, under a penalty of Ten pounds per day for each and every day, &c. Contractors are invited to state their own time.

The contractor will have to furnish a schedule of prices on which his contract is based, and it shall be in the power of the Government or the officer acting for them to make any additions to the retaining walls or other work that may require to be altered, such alterations to be paid for at the schedule rates, and may include foundations for cranes, counterforts to walls, &c.

The contractor will be required to give a price for which he will construct the quays without the pier-heads, but including the silt pits, drains, gratings, forming, and metalling ; also additional prices for the five piers, in timber, brick, and stone respectively, and attach to his tender a schedule of prices for the following portions of the work :—

Stone-work under water, per cubic yard.	Piles, 20-inch heads, per foot run.
„ (in cement) above water, per cubic yard.	Coppering piles, per foot super 22 ozs.
Packed ballast under water, per cubic yard.	Girders, ironbark, in place, per cubic foot.
Ordinary rubbish shot in, per cubic yard.	Planking (fixed), 6-inch per square.
Brickwork in cement silt pits, per rod.	Headstocks, 14 x 7, &c., per foot cubic, in place.
Ballasting surface, per cubic yard.	Bolts, &c., and straps, per cwt.
Metalling surface, per cubic yard.	Tarring, per square.

Payments will be made at the rate of 80 per cent. on the work done every fortnight, and the balance of each separate berth three months after satisfactory completion.

CIRCULAR QUAY IMPROVEMENTS.—SEPARATE BERTH SYSTEM.

Plan B.

SPECIFICATION of the work required in the construction of improved wharfage accommodation (being six separate berths, numbered 1 to 6 respectively) at the Circular Quay, Sydney Cove.

The work included under this contract will be five timber jetties and wharfs, numbered 1, 2, 4, 5, and 6, and one stone retaining wall with the necessary filling-in, numbered berth 3, as shown on the accompanying plan marked B. General description.

As

Stone wharf. As the berth No. 3 having a stone retaining wall will be in all respects similar to that berth on plan A (which is for wharfs all of stone), the sections and elevations on that plan A, and the description thereof in accompanying specification, shall apply to the wharf under this plan B.

Timber wharfs. The jetties and wharfs 1, 2, 4, 5, and 6 are shown on plan B, the jetties being 30 feet wide, the intervening spaces 50 feet wide, and the new wharf for ferry steamers or lighters 60 feet by 70 (but no floating stage or landing punt is included under this contract). The whole is to be built on piles, and on plates bolted to the present quay walls, as hereafter particularly specified.

Piles. The piles are to be driven in the exact position laid down on the detail drawings, and will average 10 feet from centre to centre. They must be of one of the following timbers, viz. :—Ironbark, box, mahogany, or turpentine, and are not to be less than 18 inches diameter at the head, nor less than 12 inches at the foot. The fender piles, as well as the diagonal or bracing piles, are to be not less than 22 inches at the head nor 12 inches at the toe.

Driving piles. The piles are to be shod with a wrought iron shoe having a steel point welded on ; the shoe including spikes to be not less than 56 lbs. weight, and the steel point at least 1 lb. ; they are to be driven with a ram or monkey of not less than 30 cwt., and will not be considered home until this weight falling from a height of 12 feet will only drive them 1½ inch with six consecutive blows. All the piles that come close to the shore where there is less than 6 feet of mud must have a 12-inch hole drilled into the rock, with a boring tool made for the purpose, at least 18 inches deep, and the foot of the pile dressed to fit the hole. When the piles are being driven, they must have their heads protected with a ring of sufficient strength to prevent them splitting, and any that may become thus or otherwise damaged must be drawn and replaced by others.

Tenon on heads of piles. The heads of the piles are to be cut to a tenon 8 inches wide by 14 inches deep, and covered with a piece of 7-lb. sheet lead to keep out the weather, and interposed between the pile and headstock ; the heads of the diagonal piles to be checked or halved under the headstocks, and also have a piece of 7 lb. lead interposed and turned over sufficiently to protect the head of the pile. There will be six diagonal piles to each jetty, the fastenings will be two 1½-inch bolts through headstock, and one 1¾-inch bolt through the next vertical pile.

There will also be twelve mooring or fender piles to each berth ; they are to be driven with a batter, as shown on drawing, and secured with a wrought iron strap of 4 x ⅜ flat iron and through bolts ; the piles which are carried up for moorings are to be neatly dressed in the customary manner, and have an iron cap similar to those on the western side of the quay ; the piles which are only for fenders are to have their heads rounded off to the level of curb, and be protected with an iron cap.

Wall plates. The wall plates for headstocks to run all round on the edge of the present quay wall will be of 14 x 14 ironbark, securely bolted to stone-work by 1¼ lewis bolts, not more than 8 feet apart, and the plates for ends of planks also of ironbark 12 x 12, and, as the height of the surface of new wharfs will be about 13 feet above low-water-mark, the present quay being 10 feet, there will require to be a 16-inch course of stone laid on behind the 14 x 14 plate to carry the 12 x 12 one ; these stones to be 3 feet through stones, and set in cement ; the contractor will have also to renew wall where out of repair at the south-eastern corner.

Headstocks. The headstocks are to be of sound ironbark without the heart of the log in them, they are to be 14 inches x 7 full measurement, and are to be properly fitted to the shoulders of pile heads, and through bolted with two 1¾ bolts, which are to have square heads and nuts, and a square washer of 1¼-inch plate, under each ; for the projecting pier-heads the head-stocks are to be 30 feet in one length, and for the remainder of the wharf there is not to be more than one scarf on one pile, and no two scarfs are to be on adjoining piles in the same line ; the scarfs to be not less than 3 feet long, lock scarfs, and fitted together in a workmanlike manner ; a piece of well-tarred felt to be interposed at the joint, which is to be brought together with two vertical bolts 1¼ diameter, with 3-inch square plate washers ½-inch thick ; the 1¾-inch bolts through pile head to go one through each half of the scarf. The ends of the headstocks resting on the wall-plates to be checked 1 inch, and secured with 1¼ bolts or straps.

Planking. The planking to be of ironbark, blackbutt, or blue gum, other timber only subject to special approval, to be 7 x 6, 8 x 6, or 9 x 6, and to be in such lengths as to make two planks come between the butts on the same headstock, the butts of planks to be kept half an inch apart ; the planking is to be fastened with ⅝ blunt bolts headed in the driving, the bolts to be 12 inches long, the bolt holes to be bored with a $\frac{9}{16}$-inch augur 3 inches deeper than the length of the bolts, and skewed or angled 3 inches to the foot.

Fastening of planks. The bolts are to be driven into alternate headstocks, except at the butts of the planks, where there will be one bolt in each.

Curb. A curb or fender piece of sound ironbark, 12 x 12 square, with top angles chamfered 1½ inch, is to be fitted all round the sides of wharf, and pieces 14 x 8 inches at the ends ; the side pieces are to be secured to headstocks and piles by double anchor bolts, 1¼ inch in diameter, having straps of 3 x ½ flat iron, with holes for two 1-inch bolts ; one of these bolts to go through headstock and pile, and one through pile below the shoulder, the 1¼-inch nut on anchor bolt to be six-sided, and let flush into the curb with a circular washer, and screwed up with a box key ; the anchor bolts at the end will be similar, but go through the outer headstock and the planking.

The whole of the timber is to receive one coat of coal or kerosene tar laid on hot before the work is fitted in its place, and an additional coat after it is completed ; all the iron-work, except the threads of screws, to be heated and immersed in coal tar, the threads to be dipped in linseed oil.

General Conditions.

The contractor shall be at liberty to obtain the whole of the stone he may require for this work from the Government quarries at the N.E. end of the quay, within bounds to be laid down. Any further information that contractors may require will be furnished on application.

The whole of the work under this contract is to be carried out in a thoroughly first-class manner, and to the satisfaction of the Inspector appointed by the Government, who shall at all times have access to the work above or below water, and shall have power to reject any work that in material or workmanship is not performed to the intent or meaning of this specification,

Contractors are invited to state their own time. and is to be completed by the Friday of September, 1875, next, under a penalty of Ten pounds per day for each and every day, &c.

The contractor will have to furnish a schedule of prices on which his tender is based, and it shall be in the power of the Government, or the officer acting for them, to make any additions to the retaining walls or other work that may be required to be altered, such alterations to be paid for at the schedule rates, and may include foundations for cranes, counterforts to walls, &c.

The contractor will be required to give a price for which he will construct the five timber wharfs with pier-heads, and the one quay of stone, including the raising stone wall of present quay for new plates, and the deepening of berth No. 6, by removing 40 yards of rock as described in specifications to plan A, and the forming and metalling behind wall plates, and also attach to his tender a schedule of prices for the following portions of the work :—

Stone-work under water, per cubic yard.	Coppering piles, per foot super 22 oz.
,, (in cement) above water, per cubic yard.	Girders, ironbark, in place, per cubic foot.
Packed ballast under water, per cubic yard.	Planking (fixed) 6-inch, per square.
Ordinary rubbish shot in, per cubic yard.	Headstocks 14 x 7, &c., per foot cubic in place.
Ballasting surface, per cubic yard.	Bolts, &c., and straps, per cwt.
Metalling surface, per cubic yard.	Tarring, per square.
Piles 20-inch heads, per foot run.	

Payment will be made at the rate of 80 per cent. on the work done every fortnight, and the balance of each separate berth three months after satisfactory completion.

New Wharfs, Sydney Cove.—Form of Tender.

We hereby offer to construct the whole of the work described in the foregoing Specifications to Plans A and B respectively, and to enter into the customary bonds for the due performance of the same, to the satisfaction of the Government of New South Wales, or their appointed Agent, on the following terms :—

For

For the whole of the work described in Specification to Plan A, but without pier-heads .....
For 5 timber pier-heads (additional) .....
For 5 brick and timber pier-heads (additional) .....
For 5 stone pier-heads .....

Total for Plan A, with timber heads .....
" " " " brick and timber heads .....
" " " " all stone .....
" " B, " all timber .....

Contractor
Proposed Bondsmen

[*To the Evidence of Mr. Musson*, 19 *May*, 1874.]

CC 1.

Copy of letter with Musson & Co.'s plan.

Sydney, 3 March, 1874.

The Under Secretary for Works.

Sir,

By permission of the Honorable the Secretary for Works, we beg to submit tender and plan for fourteen new berths or wharfs at Sydney Cove, that is, eight constructed of stone, giving each vessel a separate berth, and three jetties for six berths, the latter to be constructed of cast-iron piles made in the Colony, with a superstructure of timber. The work will include the filling in of the reclaimed ground, ballasting and metalling the same ready for traffic.

The whole of the work to be done in a good and workmanlike manner, and to the satisfaction of the Engineer-in-Chief of Harbours and Rivers.

Should our plan or system be approved of, we will furnish detail drawings of the jetties with specifications. £90,000.

The whole of this work we offer to construct for the sum of £90,000, being £6,428 per berth.

Should our plan be adopted and not our offer to construct, we respectfully claim a commission thereon of 2½ per cent.

We have, &c.,
J. MUSSON & CO.

CC 2.

APPROXIMATE Cost of the various plans.

	Number of berths.	Total length.	Total cost.	Cost per foot run.
		feet	£	£
Mr. Selfe's average of tenders.—For stone	6	1,300	106,600	82
Mr. Gowlland's average of tenders.—For timber jetties	20	4,000	225,000	56
Mr. Moriarty's, in iron, estimated	11	1,940	75,000	38
Messrs. Musson & Co.'s 14-berth plan, 8 stone wharfs and 3 jetties, iron piles and timber superstructure	14	2,750	100,000	£36 7s.

CC 3.

Messrs. Musson & Co. to The Chairman of the Select Committee on Wharf Accommodation.

Sydney, 7 May.

Sir,

We have the honor to enclose specification for the 14-berth plan, sent in March 3, for the improvement of Circular Quay.

We beg in addition to state, that we base our estimate upon not less than 20 feet at low-water; but as the rock slopes rapidly, the actual depth under a vessel's keel would not be less than 25 feet. We have assumed that the average height of the retaining wall at 35 feet, of such dimensions as we consider most ample to perform the required work, especially as the backing or filling will be all rubble stone. Should, however, the Government require that the wall be increased in size, we would require to be paid a proportionate sum at a schedule rate. We are also prepared to set the *whole* of the masonry *below* the water line as well as above in *Portland cement*, and to hand-pack the ballast or rubble behind the retaining wall; but as this work would entail a large extra expenditure and the construction of coffer-dams, we would require an additional sum of £10,000.

As a guarantee for the stability of work, we would leave 10 per cent. of the amount of the contract in the hands of the Government for (say) six months after completion of contract.

We have, &c.,
J. MUSSON & CO.

N.B.—The jetties are so placed that they can be extended to 300 or 600 feet, as the traffic of the port requires.

14-BERTH PLAN.—SPECIFICATION.

THE walls for eight berths shall consist of heavy masonry built on the bed-rock, of such dimensions as shown on the plan. The rock to be levelled, and all soft portions removed, to afford a proper bed for foundation course, which shall consist of large stones 2 feet in thickness, and not less then 15 feet area on the bed.

The wall to be carried up in courses varying in thickness, but none to be less than 16 inches, and not less than 10 superficial feet on the bed. Where the wall is not more than 5 feet wide the stones are to be laid header and stretcher-alternately. The coping course to be all through stones 2 feet thick, and not less than 4 feet in length.

The stones to be axe-dressed on beds and joints.

The masonry below low-water to be laid dry, and above low-water to be set in cement composed of 2½ clean sharp sand to 1 of the best Portland cement.

The top of the wall above low-water will be 13 feet.

The reclaimed space behind the wall to be filled in with stone rubble.

The ground when brought up to a proper level to be formed and ballasted 12 inches thick, and covered over with blue-stone metal 6 inches thick, broken to a gauge of 2 inches. Ballasting.

THE

THE JETTIES.

Jetties. The jetties to be constructed of cast-iron screw piles, 12 inches in diameter, to be placed (say) 16 feet from centre to centre each way, and sunk to a good and solid foundation—the whole to be properly braced together.

The superstructure to consist of approved hardwood.

The head-stocks in long lengths, 14 x 14.

Corbels 6 feet long, 12 x 12.

Girders in long lengths, 12 x 12, and placed 5 feet 4 inches from centre to centre.

The whole to be covered with 4-inch planking, spiked down to girders.

The timber-work to be properly secured with straps and bolts, and the whole of it to receive two coats of Stockholm tar laid on hot.

The whole of the work to be done in a workmanlike manner, and to the satisfaction of the Engineer-in-Chief.

Payments to be made monthly, at the rate of 90 per cent. on the work done—the balance in six months after completion.

J. MUSSON & CO.

DD.

[*Ordered to be appended, 25 June, 1874.*]

Thomas Woore, Esq., to The Colonial Secretary.

Redleaf, Double Bay,
25 May, 1874.

Sir,

I herewith forward a suggestion in reference to the improvement of Sydney Cove as a shipping port, for the consideration of the Select Committee appointed to investigate that subject, of which you are the Chairman.

I have had some experience in the handling of ships, and believe this plan to be simple and very much more convenient for their rapid discharge and loading of cargo than any that has yet appeared to the public, besides affording the greatest amount of accommodation the cove is capable of giving.

I have no expectation of anything being countenanced that emanates from me; but that must not prevent my making this scheme public before the work is decided upon, although it would be folly in my going into greater detail.

I have, &c.,
THOMAS WOORE.

Thomas Woore, Esq., to The Colonial Secretary.

Redleaf, Double Bay,
3 June, 1874.

Sir,

I beg to enclose some remarks upon the improvement of the wharfage in Sydney Cove, to accompany the plan I forwarded to you last week, for the consideration of the Select Committee appointed to investigate that subject.

And have, &c.,
THOMAS WOORE.

Remarks upon the Wharfage of Sydney Cove, to accompany Mr. Woore's plan.

I FIND I am late in offering my suggestion on the improvement of Sydney Cove, and therefore now write these remarks. I did not interfere until, in looking over the various plans proposed, I thought I could improve upon them. I conceive the object sought is to obtain the greatest amount of accommodation for ships the port would afford, combined with the greatest facility in berthing, loading, and unloading them, and that during those operations they would be secure from injury; therefore, as a seaman, I cannot but disapprove of the mode of interlacing the yards and rigging that is proposed in almost all the plans, by overlapping the ships' hulls or ranging them in close proximity at separate wharfs, in order to obtain greater accommodation, when all the above requisites may be obtained without doing so. Ships are not like waggons, that may be safely driven into a narrow gateway. When a strong wind is acting upon their broadsides, it is very difficult to guide them into narrow docks, and the berthing in all these plans is little else; besides, it requires much time, and there is considerable risk to their spars in doing so. In drawing such plans, it is not enough merely to consider the breadth of the ship (about 40 feet); there are yards over them that extend 100 feet to be protected; therefore they require much more space to move in than is allowed them. And in plan B there are two ships (the "Sobraon" and "Underley") that could not be safely moored, as represented, but at great inconvenience to those adjoining, as hawsers would have to be laid across the decks of the inner ships to secure the extremes of the outer to the wharfs, and anchors laid out in the cove from their bows and sterns, to prevent collision and rubbing each other to pieces.

Ships, if possible, should be brought up to a straight line of wharf, berthing them with as little swinging as possible, as it facilitates the operation, saves time, avoids accidents from fouling, and in case of fire they may be readily cut adrift from the wharf and towed into the stream. None of the plans afford these requisites, excepting C and D, and they have other disqualifications.

Besides, ships require much more space on the wharfs immediately adjoining them for loading and unloading than is afforded them in these plans.

In plan A the outlet for two ships is confined to 80 feet, with very limited wharf space for sorting. In B the outlet from the "Sobraon" and "Underley" is equally confined, although the other ships have more room. In C four ships have but 120 feet between them. In D eight ships are confined to 200 feet. In F there is from 120 to 190 feet for two ships at each pier. It does not appear whether the drays are to load upon the latter piers, but under any circumstances, confusion, delay, and damage must occur from this confined space; consequently I consider them all defective, either in the facility of berthing the ships, the want of security when berthed, and their not having sufficient room for rapid discharge and loading cargo.

The plan I propose meets these difficulties, and possesses other considerable advantages. All the wharfs would be straight or comparatively straight in reference to the length of the ships, and have from 200 to 250 feet of clear water space opposite each berth to move the ships in, to allow colliers, barges, or donkey steam-engines for unloading to come alongside. And as they would all lie parallel to the line of wharf or pier, the greatest facility would be afforded them for moving without swinging, as they may be towed direct to and from their berths, and rapidly taken away, should fire occur, either on shore or on board, without risk of fouling each other.

Under such circumstances, there would be room for thirty-eight ships of the largest size to be safely berthed in the cove; if smaller, a greater number may be accommodated, as it would not be necessary that a small ship should occupy the same wharfage space as a large one, which is the case in the other plans proposed, as the ships would be berthed according to their length along a straight wharf, and I apprehend there will be many small intercolonial ships entering the port that will require accommodation.

Twelve of these large ships would lie along the quays without overlapping, where there would be ample room for the erection of sheds and bonds as is shown in the drawing. The other twenty-six ships would be berthed alongside the three piers, where they would have equal facility of approach and departure as those at the quays; and all may be securely lashed alongside of them, without outer warps, which would materially interrupt the passage of the other vessels.

The objection that has been raised to such long piers is the limited space they afford at their junction with the wharfs to discharge the cargoes of so many ships as they accommodate. This I propose to meet by placing four lines of tramway upon each pier, two on each side of the platform, connected by turn-tables, with a space of 20 feet between for foot thoroughfare,

upon

upon which trucks would run, passing out on one line and in upon the other, hauled by an endless rope, worked between the rails under the trucks, to which the latter may be attached or detached at pleasure, motion being given to the ropes by a small steam-engine placed at the end of the wharf.

The ships would load from and discharge into these trucks, which would pass close by their gangways (no stages being required), offering great facility for so doing; they would then be hauled along the tramway into large sheds, to be erected upon the wharfs, as represented in the drawing. The trucks would there be shunted and conveyed to *separate compartments*—one appointed to each ship for loading and unloading.

To prevent any mixing of cargo, or other confusion, I propose that to each truck, as it is loaded, should be attached a board with the ship's name legibly written thereon to which the goods belong, to ensure their quick and safe delivery, either to the ship at the pier or into the compartment allotted to her; and, if these compartments are partitioned off, there can be no possibility of mixing cargo.

The principal shed would be 800 feet long by 80 feet wide, which would afford separate compartments for *twenty ships* (*ten* lying at each pier), with sufficient bondage store room, each of which compartments would have 70 feet of opening to the street, for the delivery of goods to drays. The smaller shed would be 300 feet long by 80 feet wide, affording 110 feet opening from the separate compartments for dray loading, with similar bonded stores.

The piers would be constructed upon the same level as the wharfs, but the floor of the shed in the compartments would be raised to the level of the trucks and drays, so that the three would form one level bed to move the cargo on when loading or unloading. By this arrangement there would be the least risk of damaging the cargo, and the greatest facility given for transferring it.

The shed should be capable of being securely locked up; and both them and the piers under the sole control of the Customs, as at Melbourne, where the system is found to answer well. The only difference is that the store at Melbourne would be situated 4 miles from the ships, while that at the cove would be close to them—a difference much in favour of Sydney.

These piers may be covered or not. I am disposed to think it would be an unnecessary expense, as goods should never remain long upon them; even in wet weather, by covering the trucks with a tarpaulin, they could not sustain damage.

As the cargo would be under cover, and capable of being locked up at any time, ships need not be prevented from landing goods for bond early in the day, to their great inconvenience and loss, as at present; and the gaugers would be sheltered, much to their comfort, which would economize time.

I may also mention that this plan of wharfage affords the greatest facility for keeping the cove clear of silt by dredging, from that vessel being able to work in long straight lines. It would be almost impossible to clean out the proposed docks by dredging; and they would accumulate silt rapidly, from their form, and the waves of the cove, caused by passing vessels, constantly washing into them. Also, that these long piers, built on piles, would not interrupt the passage of small boats, as they could pass under them between the ships.

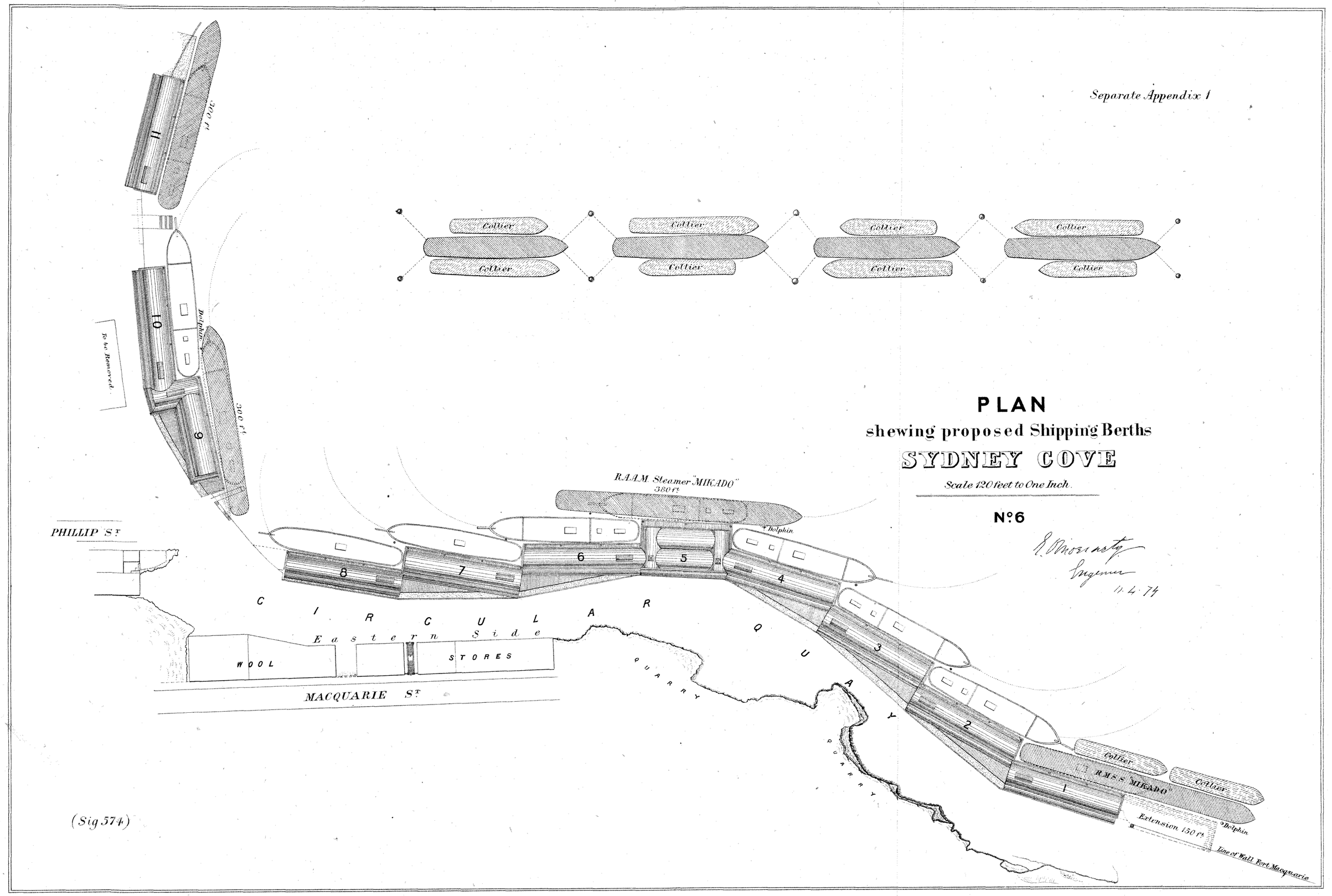
I have not attempted to go into the question of the cost of these works, which would require more time and attention to make a *correct estimate* than I am disposed to give; but I apprehend they would not be more expensive than others that do not afford a tenth of the advantages; and I may state that I believe the system that gives the greatest encouragement to the trade of the port, by promoting the rapid unloading and loading of ships in safety, would be found to be the cheapest, no matter what it cost, provided the money is judiciously expended.

THOMAS WOORE.

Sydney, 3rd June, 1874.

Sydney: Thomas Richards, Government Printer.—1874.

Separate Appendix 1



PLAN

shewing proposed Shipping Berths

SYDNEY COVE

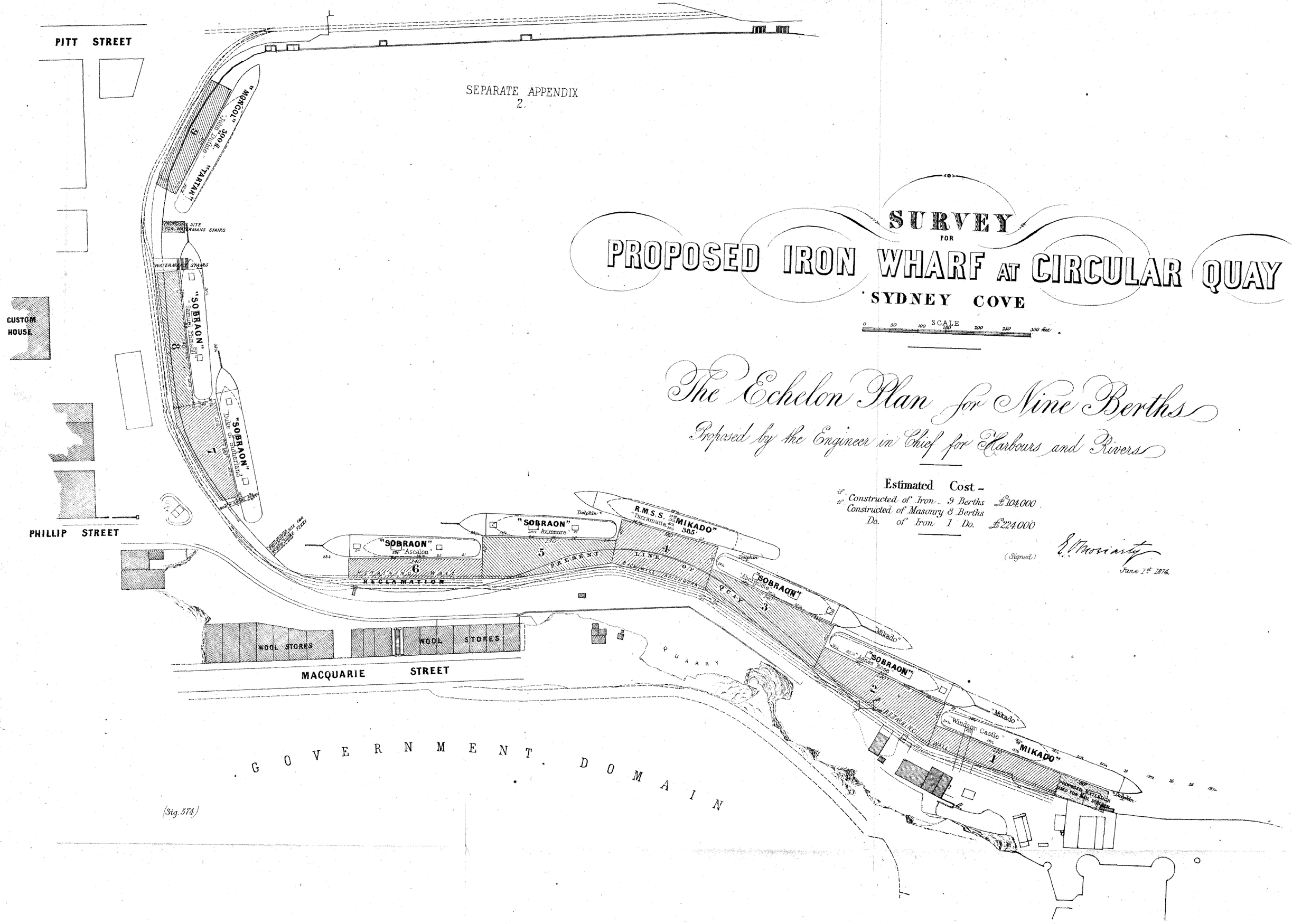
Scale 120 feet to One Inch.

No. 6

E. Moriarty
Engineer
11.4.74

(Sig 574)

SEPARATE APPENDIX
2.



SURVEY
FOR
PROPOSED IRON WHARF AT CIRCULAR QUAY
SYDNEY COVE

SCALE 0 50 100 150 200 250 300 feet

The Echelon Plan for Nine Berths
Proposed by the Engineer in Chief for Harbours and Rivers

Estimated Cost –

if Constructed of Iron 9 Berths £104,000
if Constructed of Masonry 8 Berths
Do. of Iron 1 Do. £224,000

(Signed) E. O. Moriarty
June 1st 1874.

(Sig. 574)

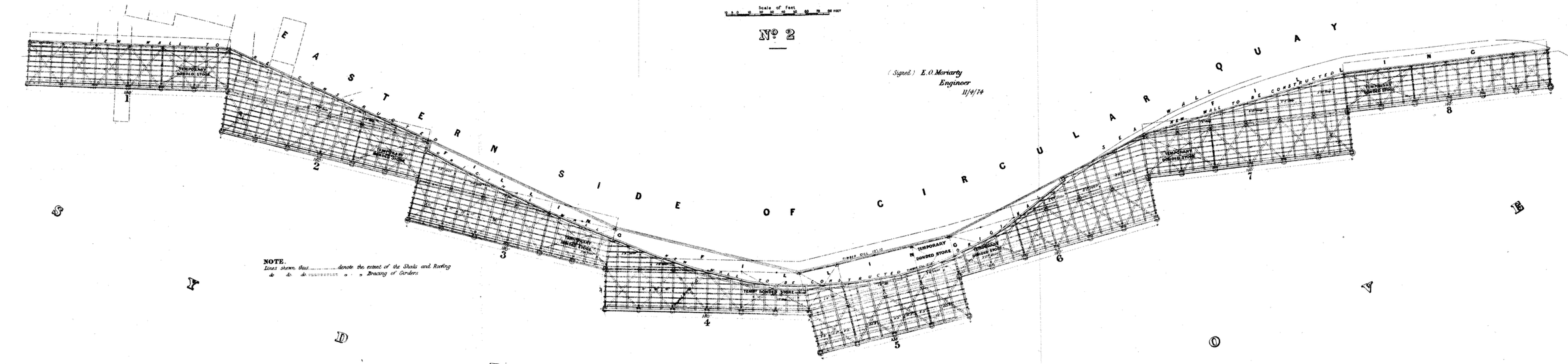
SEPARATE APPENDIX 3.

DESIGN
FOR
PROPOSED IRON WHARF
AT
SYDNEY COVE
PORT JACKSON

Scale of Feet 0 10 20 30 40 50 60 70 80 90 FEET

Nº 2

(Signed.) *E.O.Moriarty*
Engineer
11/4/14



NOTE.
Lines shewn thus ..... denote the extent of the Sheds and Roofing
do do do Bracing of Girders

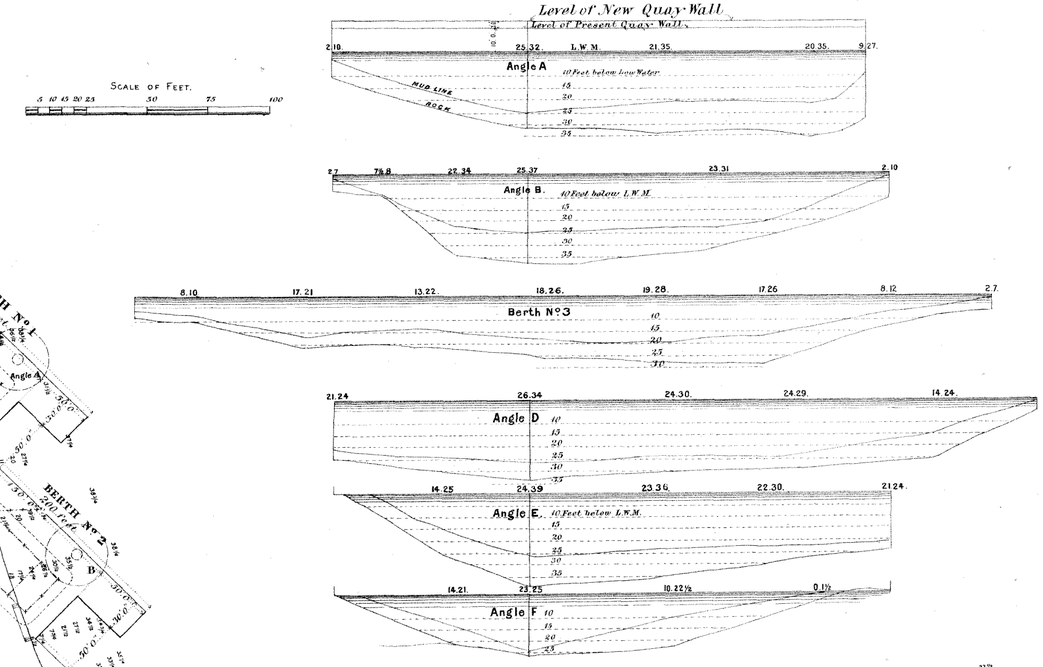
(Sig. 574)

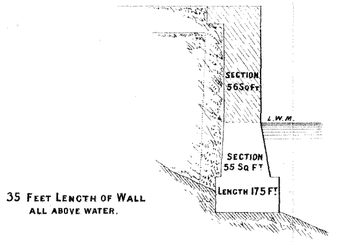
PHOTO-LITHOGRAPHED AT THE GOVT PRINTING OFFICE,
SYDNEY, N.S. WALES.

Separate Appendix 4.

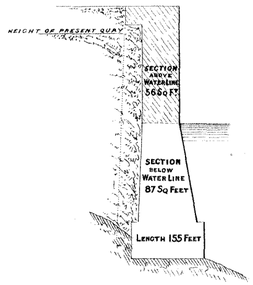
PLAN A.

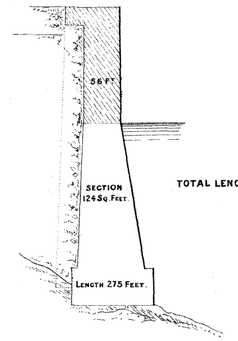
ELEVATIONS OF RETAINING WALLS FOR BERTHS Nos 1 TO 6 & FERRY WHARF.





35 FEET LENGTH OF WALL ALL ABOVE WATER.

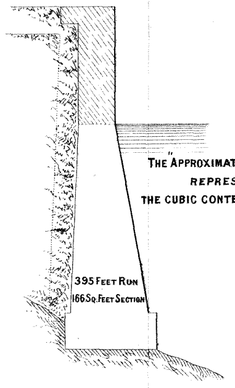


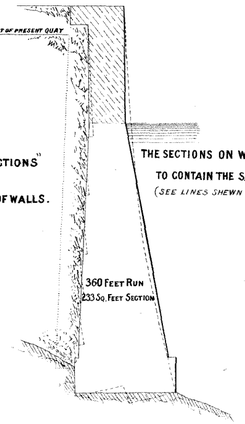


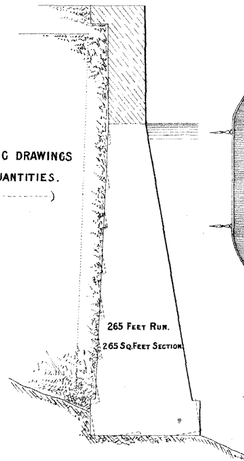
TOTAL LENGTH OF FACE OF WALL 1660 FEET.

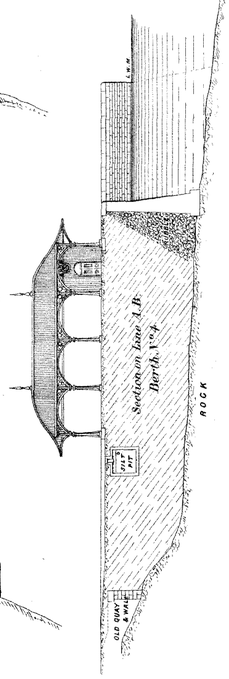
APPROXIMATE SECTIONS OF RETAINING WALLS WITH FOUNDATIONS

40.45.20.25.30 & 35 FEET BELOW LOW WATER.









SCALE OF FEET. 1 2 3 4 5 10 15 20 25 30

PLAN OF PROPOSED IMPROVEMENTS TO SYDNEY COVE.

SCALE OF FEET. 50 100 150 200 250 300

Silt Pits
Stoneware Drains
× Columns of Sheds
Walls for loading Drays &c.

Feby 14th 1874
Norman Selfe.

(Sig 574)

SEPARATE APPENDIX
5.

Plan
OF THE
CIRCULAR QUAY
INCLUDING THE HARBOUR STEAMERS WHARF

0 50 100 200 300 400 500 Feet

NOTE. This Quay will berth 3 Vessels of say 2000 Tons each.

Separate Berth System, modified.

Estimated Cost of 6 Berths (without Sheds) £X,000

April 1874.
(Signed) — Norman Selfe.

NOTE
Boundaries of the Circular Quay ..... shewn thus _____
do. do. Harbour Steamers Wharf do. do. _·_·_·_
Frontages Reserved ..... do. do.

(Sig 574)

Handed in by Mr Selfe

SYDNEY COVE

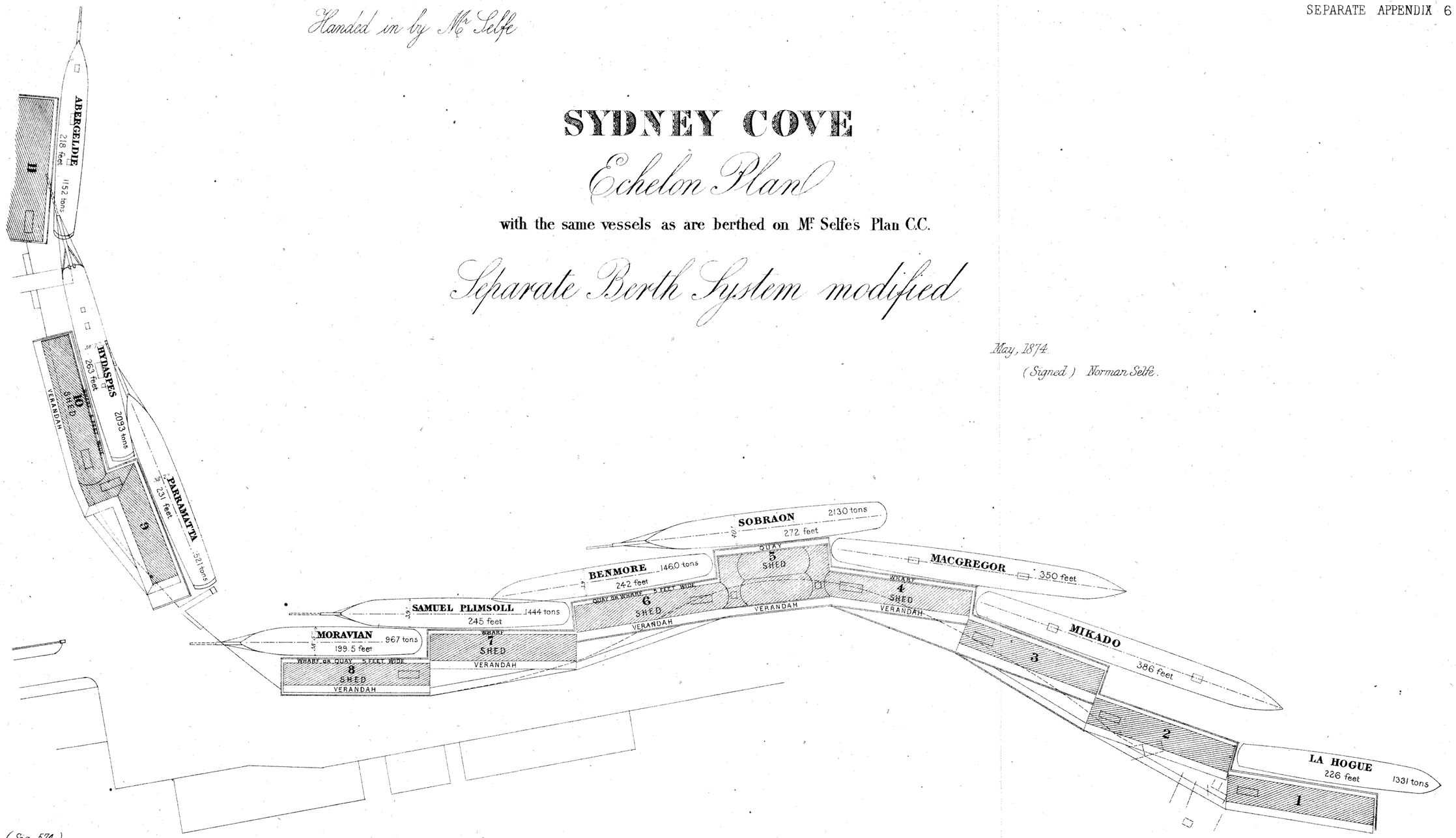
Echelon Plan

with the same vessels as are berthed on Mr Selfe's Plan C.C.

Separate Berth System modified

May, 1874.

(Signed) Norman Selfe.



(Sig 574)

PROPOSED IRON WHARF FOR SYDNEY COVE

Echelon Plan

N° & lengths of the proposed Berths drawn in full with double lines.

11 BERTHS

N° as drawn	Length
11	180
10	180
9	180
8	180
7	180
6	180
5	140
4	180
3	180
2	180
1	180
Total length	*1940 feet*

N° & lengths of Berths as increased to correspond with those in similar positions in the Cove on the "Separate Berth Plan" by Mr Selfe, shewn on the Drawing by dotted lines

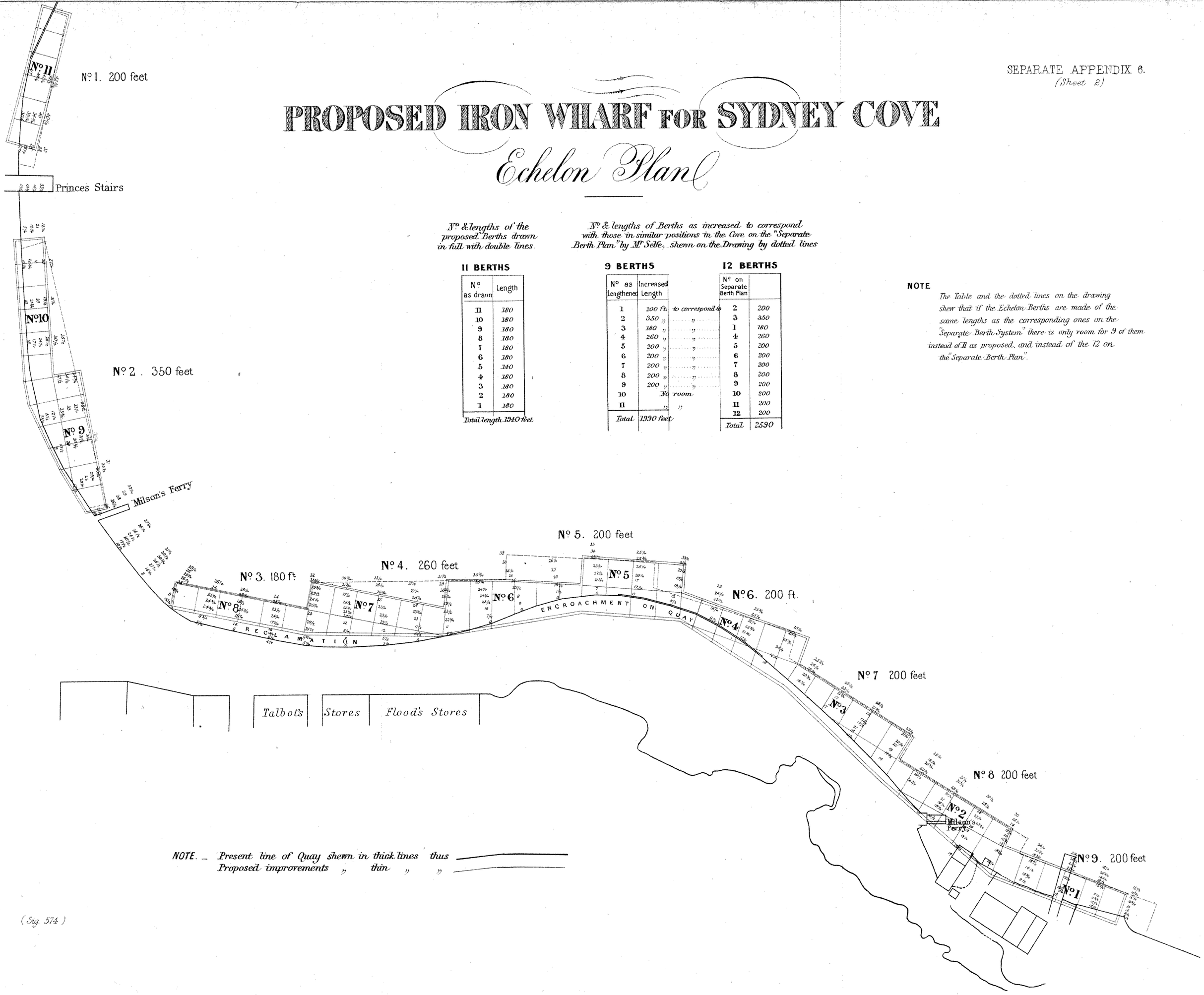
9 BERTHS

N° as Lengthened	Increased Length		N° on Separate Berth Plan	
1	200 ft.	to correspond to	2	200
2	350 „	„ „	3	350
3	180 „	„ „	1	180
4	260 „	„ „	4	260
5	200 „	„ „	5	200
6	200 „	„ „	6	200
7	200 „	„ „	7	200
8	200 „	„ „	8	200
9	200 „	„ „	9	200
10	*No room*		10	200
11	„	„	11	200
Total	*1990 feet*		12	200
			Total	*2590*

12 BERTHS

NOTE

The Table and the dotted lines on the drawing shew that if the Echelon Berths are made of the same lengths as the corresponding ones on the "Separate Berth System" there is only room for 9 of them instead of 11 as proposed, and instead of the 12 on the "Separate Berth Plan".



NOTE. — Present line of Quay shewn in thick lines thus ——————
Proposed improvements „ thin „ „ ——————

(Sig. 574)

SEPARATE APPENDIX Y.

Plan
OF THE
CIRCULAR QUAY
INCLUDING THE HARBOUR STEAMERS WHARF

SCALE.

0 50 100 200 300 400 500 FEET

NOTE

Boundaries of the Circular Quay ..... shewn thus ----------
do. do. Harbour Steamers Wharf do. do. ----·----
Frontages Reserved ..... do. do.

PROPOSAL FOR A CONTINUOUS QUAY WALL,

AVERAGING 30 FEET BELOW L. W. M.

2,600 FEET LONG

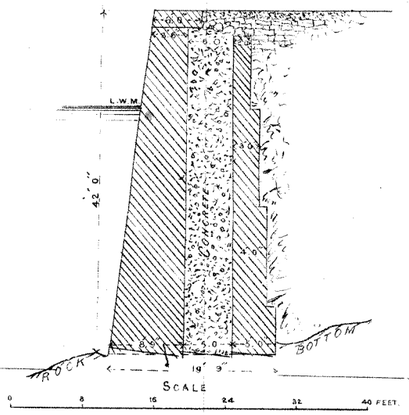
Approximate Cost in Masonry £200,000.
Do. „ „ Brickwork £180,000.

As per Section below

The Reclaimed Ground crosslined

(Signed) Norman Selfe,
19/6/74

SECTION OF WALL
SIMILAR TO BRISTOL DOCKS

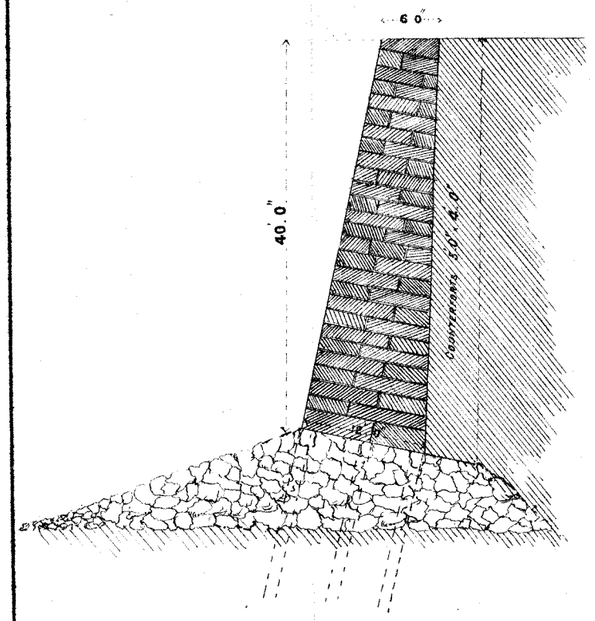


Masonry & Concrete £64 per foot run = £166,400.
Brickwork „ £56 „ „ „ £145,600.
Filling in, Metalling, &c. &c. say £30,000.

PITT ST
GEORGE ST.
ARGYLE ST.
ALFRED ST.
ALBERT ST.
CASTLEREAGH ST. Nth
ELIZABETH ST. Nth
PHILLIP ST.
MACQUARIE STREET
SECTION 100
SECTION 106
STORES
CUSTOMS
WATER POLICE COURT
WOOL STORE
WOOL STORES
MILSONS PT. FERRY
WOOD WHARF
NEW ROADWAY
HARBOR STEAMERS WHARF
MILSONS PT. FERRY OFFICE
OLD QUARRY
BOAT HARBOR
FORT MACQUARIE
GOVERNMENT DOMAIN
Commissariat
DAWES POINT BATTERY
DITCH
Rocks
FENCE
MOORING
LAMP
CRANE
SEWER
(Sig. 574)

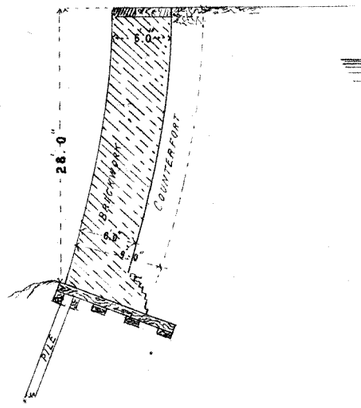
Separate Appendix 8.

QUAY WALL AT LIVERPOOL, RIVER MERSEY.



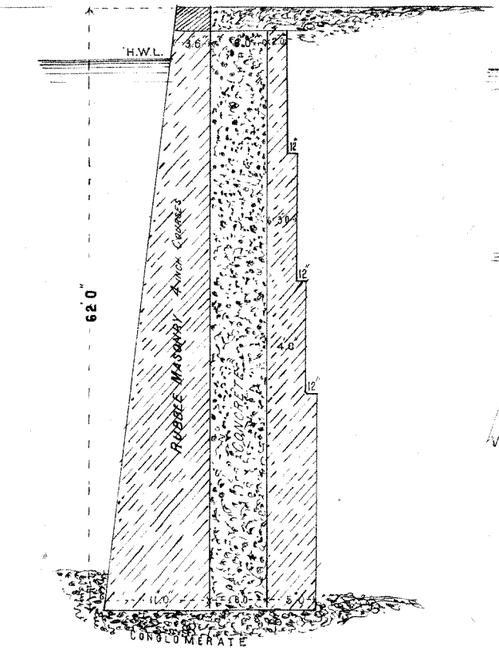
QUAY WALL

LONDON DOCKS.

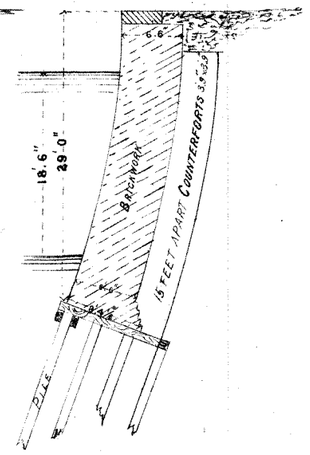


RIVER WALL

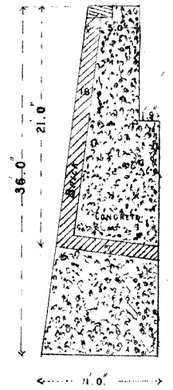
BRISTOL DOCKS.



WALLS AT CHATHAM.

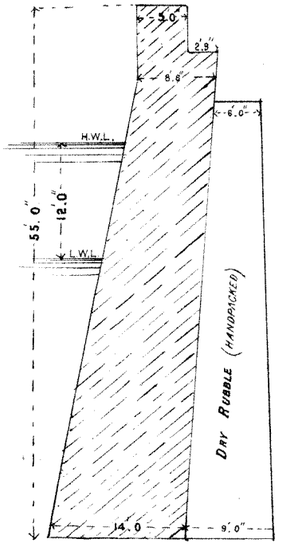


THAMES WALL AT BECKTON



PIER HEAD

KINGSTOWN, DUBLIN

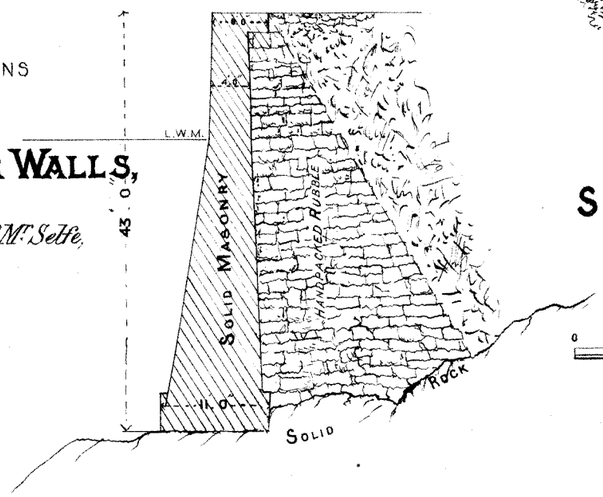


COMPARATIVE SECTIONS

OF

WHARF & HARBOUR WALLS,

Referred to in Evidence of Mr. Selfe, June 24th 1874.



SECTION SHOWING QUANTITY OF MATERIALS

INCLUDED IN TENDERS.

WALL

FOR

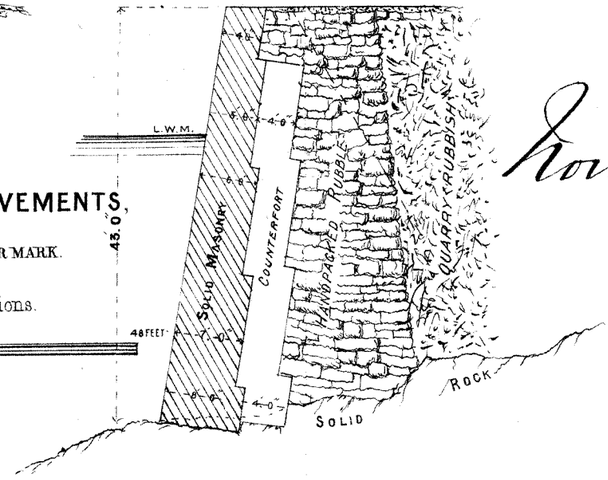
SYDNEY COVE IMPROVEMENTS,

FOUNDATIONS BEING

30 FEET BELOW LOW WATER MARK.

Scale of all the Sections.

0 8 16 24 48 FEET



ALTERNATIVE SECTION OF SAME CONTENTS BUT DIFFERENT FORM

IN ACCORDANCE WITH 4TH CLAUSE OF SPECIFICATION.

Norman Selfe.

18/6/74.

(Sig. 574)

PROPOSED PLAN
FOR
WHARF ACCOMMODATION
at the
CIRCULAR QUAY.

SCALE OF FEET
0 50 100 200 300 400 500

PITT ST
ALBERT ST
WOOL STORES
MACQUARIE ST
WOOL STORES
PROPOSED MAIL STEAMER WHARF
240
200
280
280
210
280
280
210
240
240
250
230
260
240
280
240
235
240
235
80

old Wall
Batter 1 in. Per.
H.W.
L.W.
MUD
ROCK
SCALE OF FEET
0 5 10 20 30 40 50

J. Thompson & Co

(Sig. 5744)

14 BERTH PLAN

SECTION OF JETTIES AND RETAINING WALL

J. Mansson & Co

FIG. 1.

Longitudinal Section of Jetty

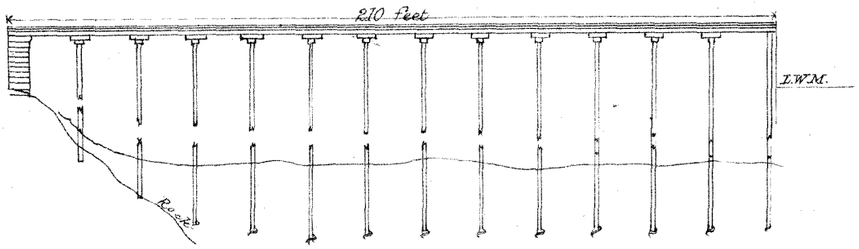
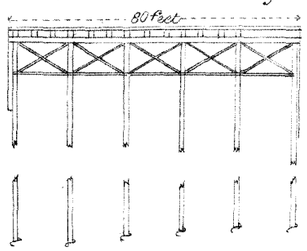


FIG. 2.

Cross Section of Jetty



SCALE FOR FIGURES 1 & 2



SCALE FOR FIGURE 3, 4, 5.

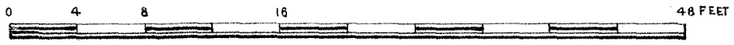


FIG. 3.

Enlarged Longitudinal Section of Jetty

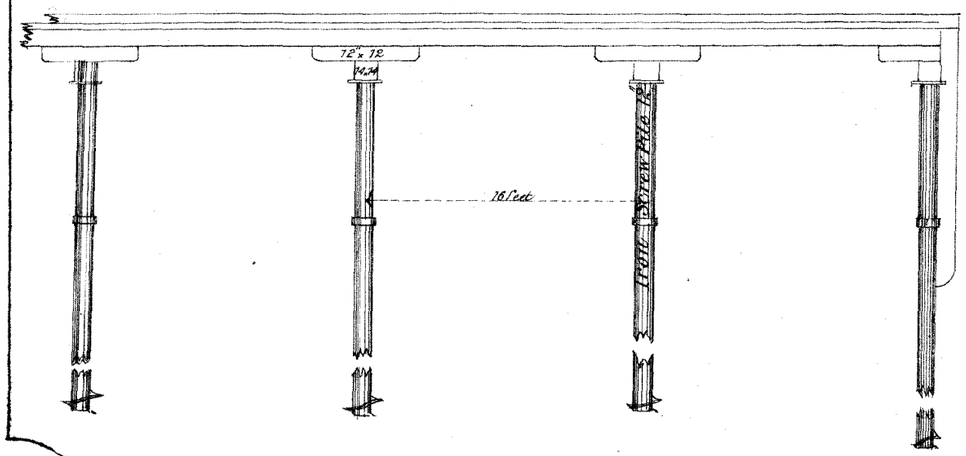


FIG. 4.

Section of Retaining Wall with stone filling

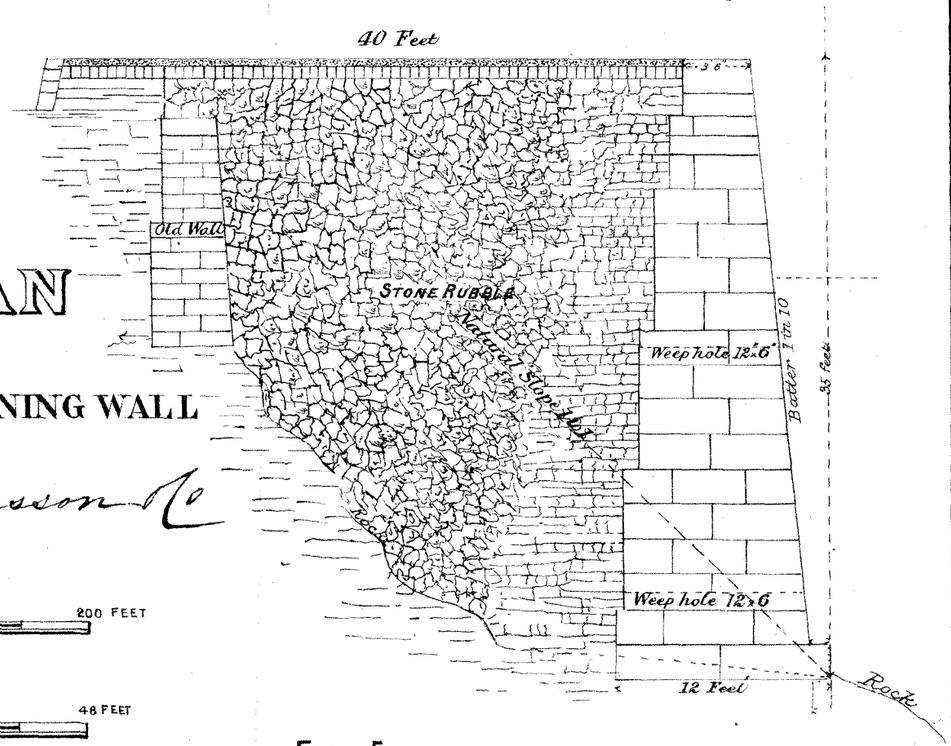
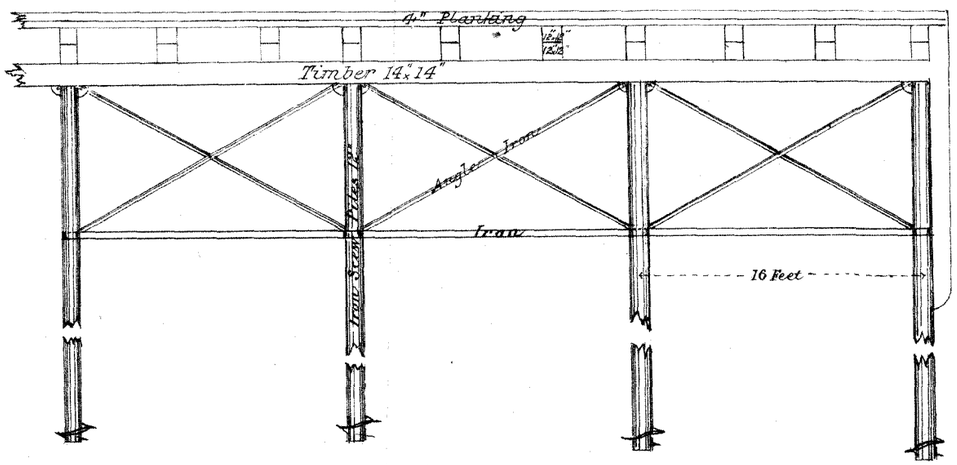
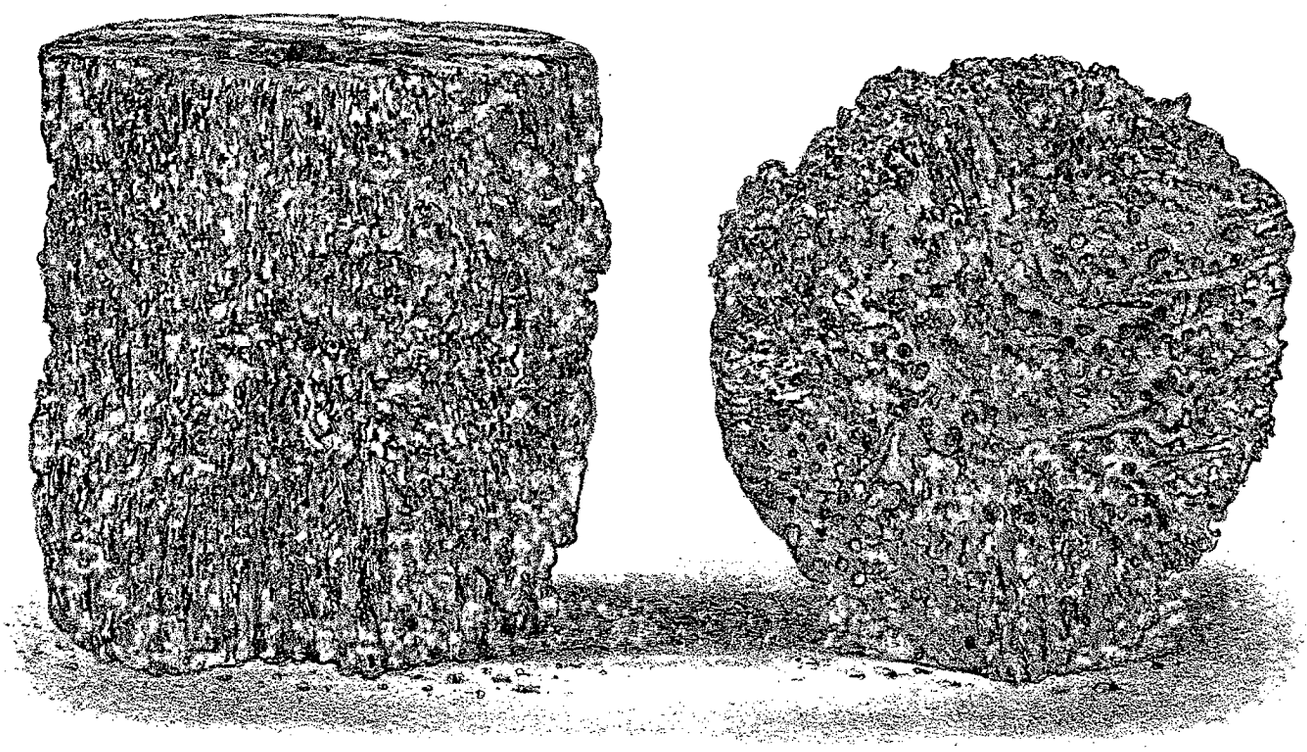


FIG. 5

Enlarged Cross Section of Jetty

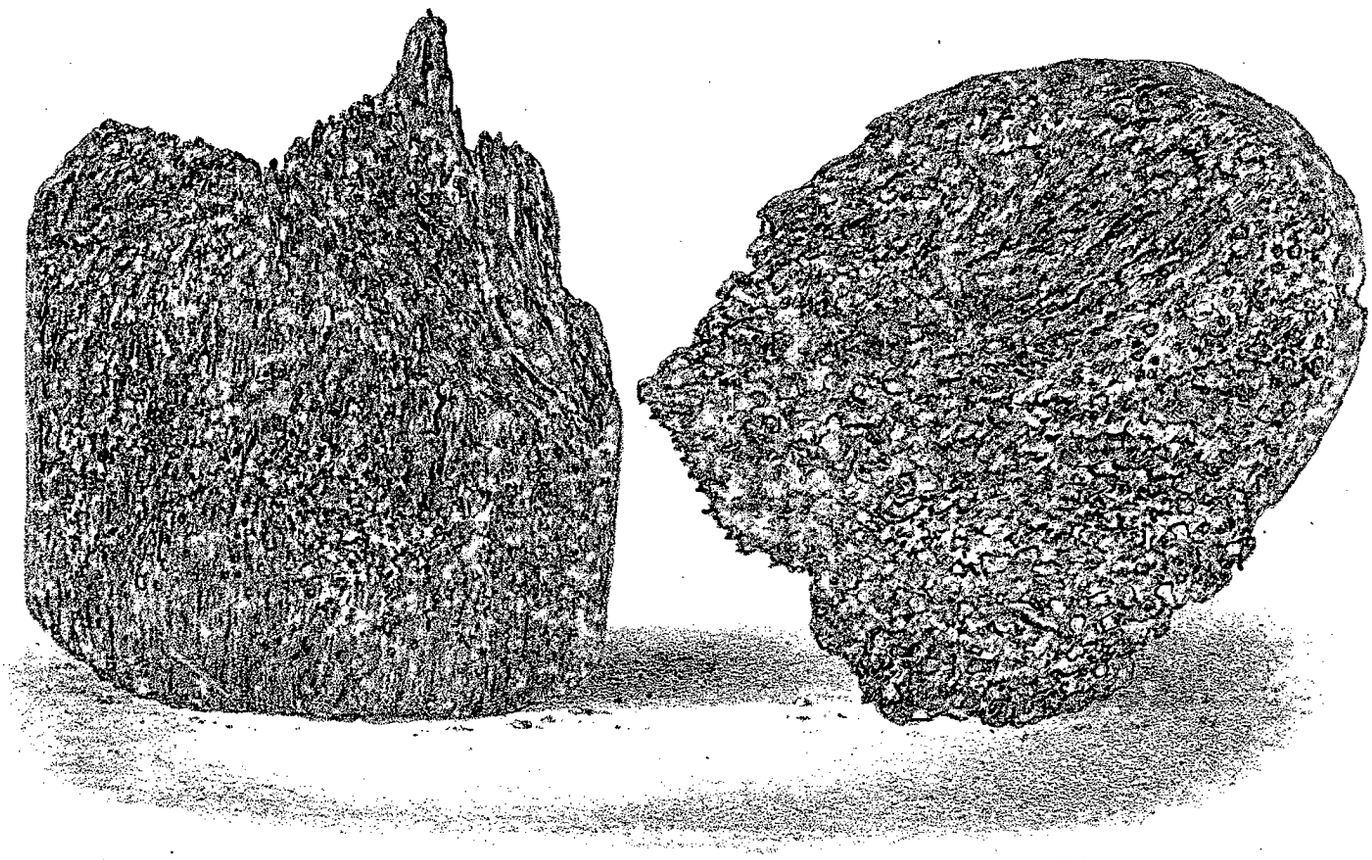


(Sig. 574)



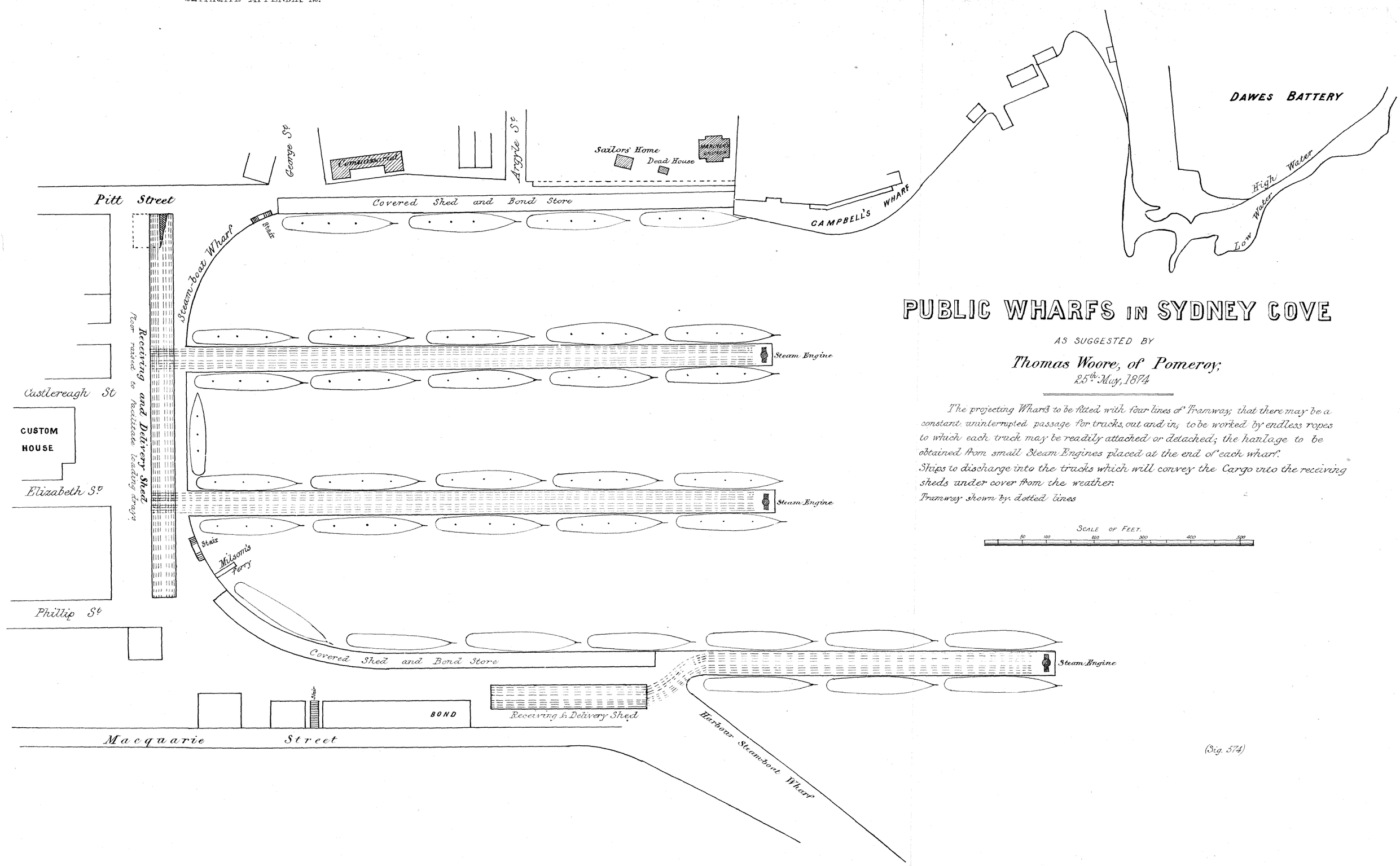
SIDE VIEW. END VIEW.

Ironbark from Circular Quay, has been in the water about 10 Years,—May, 1874.



SIDE VIEW. END VIEW.

Pile from Dunmore Bridge.



PUBLIC WHARFS IN SYDNEY COVE

AS SUGGESTED BY

Thomas Woore, of Pomeroy;
25th. May, 1874

The projecting Wharfs to be fitted with four lines of Tramway; that there may be a constant uninterrupted passage for trucks, out and in, to be worked by endless ropes to which each truck may be readily attached or detached; the haulage to be obtained from small Steam Engines placed at the end of each wharf.
Ships to discharge into the trucks which will convey the Cargo into the receiving sheds under cover from the weather.
Tramway shown by dotted lines

SCALE OF FEET.
50 100 200 300 400 500

(Sig. 574)

1873–4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

WHARF ACCOMMODATION, CIRCULAR QUAY.

(LETTER OF J. MUSSON & CO., IN REFERENCE TO.)

Ordered by the Legislative Assembly to be printed, 9 June, 1874.

J. MUSSON & CO. to THE UNDER SECRETARY FOR PUBLIC WORKS.

Sydney, 3 March, 1874.

SIR,

By permission of the Honorable the Minister for Works, we beg to submit tender and plan for fourteen new berths or wharfs at Sydney Cove, that is,—eight constructed of stone, giving each vessel a separate berth, and three jetties giving six berths; the latter to be constructed of cast-iron piles, made in the Colony, with a superstructure of timber.

The work will include the filling in of the reclaimed space, ballasting and metalling the same ready for traffic.

Should our plan or system be approved of, we shall be glad to furnish detail drawings of the jetties, &c., with specifications.

The whole of the work to be done in a good and workmanlike manner, and to the satisfaction of the Engineer-in-Chief for Harbours and Rivers.

The whole of this work we offer to construct for the sum of ninety thousand pounds (£90,000).

Should our plans and specification be adopted, and not our prices, we claim on the cost of construction a commission of 2½ per cent.

We beg to point out that several of the berths can with ease be made longer. We also suggest that a large derrick-crane be constructed on the most northern wharf, 100 feet high, and capable of lifting 70 tons weight.

We have, &c.,
JOHN MUSSON & CO.

P.S.—We are willing to construct the sheds at £20 per square. We also give the Government the option of having timber piles (coppered) in the jetties at our price, or timber without copper, in which case the value of the copper to be deducted.

J. M. & Co.

1873-4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

DOCKS.

REPORT

OF

ENGINEER-IN-CHIEF FOR HARBOURS AND RIVERS

ON

THE SUBJECT OF DOCKS GENERALLY, BEARING UPON THE PROPOSAL OF THE GOVERNMENT TO CONSTRUCT A NEW FIRST CLASS DOCK AT COCKATOO ISLAND.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
10 *March*, 1874.

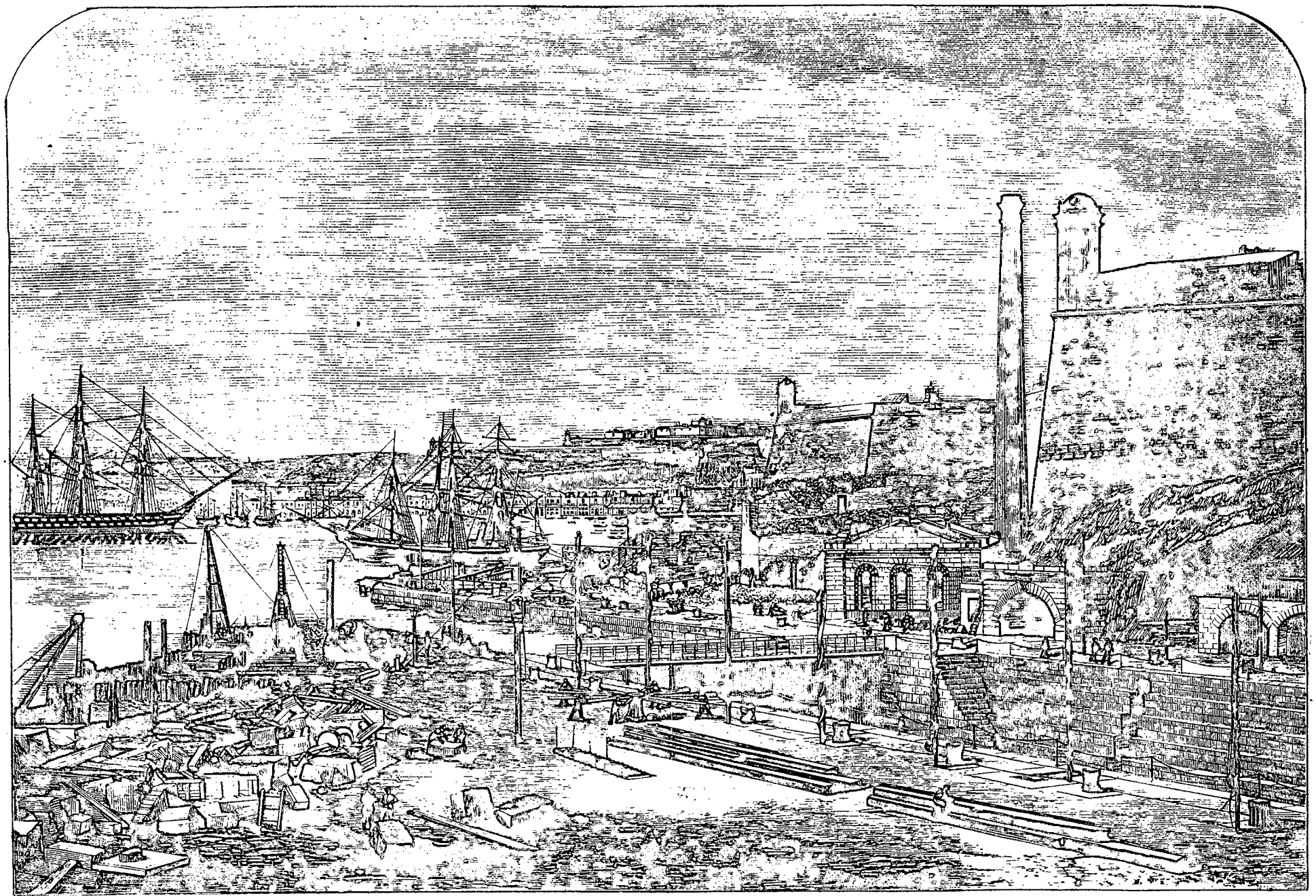
SYDNEY: THOMAS RICHARDS, GOVERNMENT PRINTER.

1874.

[3*s*.] *296—A

THE SOMERSET DOCK, MALTA.

GENERAL VIEW



DOCKS.

THE ENGINEER-IN-CHIEF FOR HARBOURS AND RIVERS to THE HONORABLE THE SECRETARY FOR PUBLIC WORKS.

REPORT on the subject of Docks generally, bearing upon the proposal of the Government to construct a new first class Dock at Cockatoo Island.

DRY DOCKS.

IN attention to Mr. Secretary Sutherland's directions that I should furnish him with a Report on the subject of Docks generally, as bearing upon the proposal submitted by Government to Parliament to construct a new first-class dock at Cockatoo Island, which would be capable of taking in the largest class of ships, I have the honor to lay before him the following short Report upon the subject, illustrated by a few sketches of the different kinds of docks which have been brought into use from time to time at other places.

Various methods have been had recourse to for cleaning and repairing the immersed parts of boats and vessels. In early times they were probably hauled up on the beach for this purpose, or, in situations where there was sufficient rise and fall of the tide, they were placed at high-water on the beach, where the receding tide would leave them high and dry; but as the requirements of navigation demanded the employment of larger vessels, different and less simple methods had to be resorted to. Careening, or heaving down, forming gridirons on the flat shore, where the rise and fall of tide was sufficient, graving docks, and patent slips, balance docks, sectional docks, and hydraulic lifts have been tried, where the circumstances seemed to favour each particular plan; and it is worthy of remark that in this harbour are to be found examples of nearly all these different appliances.

Careening—a practice now nearly obsolete—was brought to a considerable degree of perfection by the Dutch towards the end of the last century, and was also extensively practised in the French arsenals as well as in those of England. It was performed in one or other of the following ways:—The vessel to be examined having first been partly lightened, as much of the cargo or ballast as was considered safe was moved to one side, causing her to heel over, and exposing to view a considerable portion of the other side, which could then be cleaned, caulked, or repaired. This was, however, a dangerous practice, as was shown by the capsizing and foundering of the "Royal George," at Spithead, in August, 1782, with Admiral Kempenfeldt and his whole crew of 600 men.

In addition to the danger attending this method of careening, there was also the objection that it was frequently attended by a distortion of the shape of the ship, which was caused by the unequal stress brought on the exposed side of the vessel during the operation, and which was rendered permanent by the driving of caulking into the seams.

Careening or heaving-down was also performed by bringing the vessel alongside of another vessel or wharf, whereon suitable capstans and other appliances had been provided, and, by means of ropes or tackles fastened to the masts, heaving her down to one side until the other side was clear of the water, in which position she was secured while being repaired or coppered; the operation being then repeated for the other side.

In

In Mosman's Bay are still to be seen the wharfs, with the remains of capstans and other appliances of the heaving-down establishment formerly carried on there by Captain Mosman, who gave his name to the place. In the early times, and indeed for many years after its settlement, this was the only repairing establishment in this Colony; but as its trade advanced, and the requirements of the port increased, it fell into disuse and came to be succeeded by the other, and more perfect methods adopted in the present day.

The ordinary "dry" or "graving docks" as they are generally designated—the latter name being supposed to be derived from the French word *grève*, which signifies a flat beach or shore, these docks being generally formed in such positions—are of a very ancient date. From a mere excavation in the river's bank, open to the tide, and occasionally lined with timber to support the soft earth, to the granite docks introduced by the late Mr. Rennie, the change has been gradual and progressive; as has also been the advance from the wooden floating docks which were found on the Thames and elsewhere about the beginning of the present century, to the large iron floating docks of Carthagena and Ferrol, in later times, designed by another member of the same distinguished family of engineers.

As far back as 1623 there was a graving dock at Deptford, and in 1667 there was another at Rochefort for the repairs of the French ships of war. Since then they have been constructed in almost every important port of Great Britain, France, and America, where the formation of the ground or the character of the soil was suitable for such works.

There are, however, many situations where, owing to the occurrence of unsuitable soils, such as quicksands, mud, peat, or gravel of great depths, and charged with water, or rock much fissured or disturbed, the construction of dry docks of masonry is difficult and expensive. Of this a striking example is to be found in the history of the United States Dry Dock at New York. In other situations where the ground is suitable, as is the case at Liverpool and Birkenhead, and markedly so in this port, their construction becomes almost reduced to a simple question of excavation. At Liverpool, the old red sandstone formation in which the docks are excavated, being perfectly homogeneous, and almost free from water, very little more was required than the mere scooping out of the dock to the required form and building the pier heads; the great rise and fall of the tide in the river Mersey rendering pumping almost unnecessary.

In Port Jackson, as regards the formation of the rock, the operation of dock excavation is equally simple, the sandstone here being quite as sound and free from leaky joints as is the red sandstone at Liverpool, but, in consequence of the small rise and fall of the tide, which is only from 4 to 6 ft., pumping machinery to empty the dock is required.

The difficulties which I have referred to as being found in the construction of masonry docks in some situations, to withstand the external pressure of the water, and be perfectly watertight at all times, and which shall also be able to sustain the weight of heavy ships upon the blocks, has led to the invention of many ingenious substitutes, a few of which, and the peculiarities of the circumstances which have led to their adoption, I shall now endeavour to describe.

FLOATING DOCKS.

The earliest examples of floating docks somewhat resembled large boxes, with gates to the open ends, which on being closed and the docks pumped out, gave access to the bottoms of the vessels in them. These docks were very common in former years on the Thames, at Portsmouth, and at most of the dockyard establishments, and they are still employed in some of the French ports. A dock of this description may be seen in this harbour at present, where it has been worked with complete success for many years, and where it has proved itself to be a most valuable acquisition.

The balance docks and sectional docks constructed of timber, which are improvements by Mr. Gilbert, of the U. S. Navy, on the box floating dock last described, have been principally used in America. The sectional dock is composed of a number of pontoons and frames, capable of being joined together; as many pontoons being used as may be required to suit the size of the vessel to be lifted. Each section consists of a water-tight rectangular wooden box or pontoon, secured

to

PERSPECTIVE VIEW OF SECTIONAL FLOATING DRY DOCK WITH STEAMER PARTLY ON THE WAYS

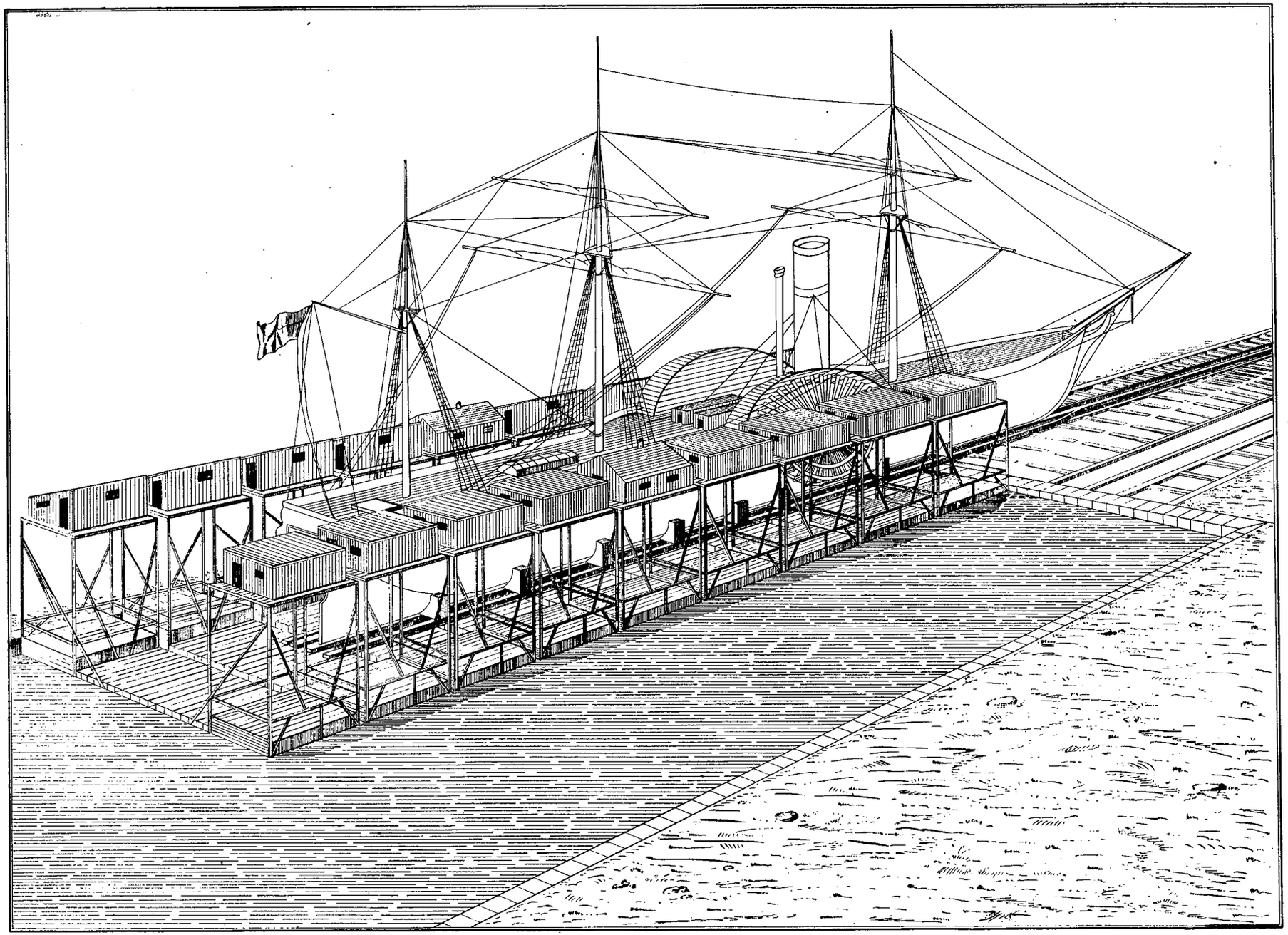


PHOTO-LITHOGRAPHED AT THE GOVT. PRINTING OFFICE,
SYDNEY, N.S. WALES.

(Fig. 296)

to which are vertical frames supporting watertight boxes, which slide up and down, and can be fixed at any desired height by means of a rack-pinion motion. The complete dock thus consists of eight (8), ten (10), or as many more independent sections or pontoons as may be required, each one having its two movable air chambers secured within the frames, one on each side. The Philadelphia Sectional Dock consists of nine sections or pontoons, each 105 ft. in length by 32 ft. in width, and 10 ft. deep. When united, they constitute a dock floor of 300 ft. long and 105 ft. wide. The total displacement when drawing 10 ft. of water is 5,800 tons. The total cost of the dock is stated to have been about £170,000,—a large sum for a structure of so perishable a material as wood, of which it is built. These pontoons and air-chambers, however, being to a great extent independent of one another, neither is able to support the adjoining ones, which is undoubtedly a great objection to docks of this description, and is stated to have been the cause of the destruction of that at Callao, on which, while a ship was being lifted, in consequence of some of the boxes being lowered too quickly, the ship's keel got off the blocks, and she heeled over and sank, with the dock. Serious damage was also sustained by the San Francisco Dock, and H.M.S. "Termagant" nearly capsized while being lifted on it. A floating pontoon of similar kind capsized and sank in the London Docks, a nearly similar accident happened to the dock constructed for Sourabaya, and the large dock erected at Rio was found to be utterly useless. The St. Thomas' Dock, constructed of iron, also sank, and remained for some years at the bottom of the harbour; it has, however, been lately raised, and is now in use. In consequence of these and some other accidents, these docks have lately come to be regarded with distrust.

Sectional docks are sometimes used in connection with patent slips, the vessel after having been raised by the pontoons being hauled from them on to a patent slip, when the dock becomes available for other ships.

An illustration of the United States Government Dock at Philadelphia of this kind is given on the opposite page.

The balance docks, also mainly the invention of Mr. Gilbert, are a great improvement on the sectional docks, both as regards the safety of the vessels on them, and of the docks themselves. They are to be found in most of the dockyards of the United States, where they are worked with great success.

The United States Government attaching considerable importance to having their ships of war out of water and under cover when laid up in ordinary, the docks of Pensacola and Portsmouth, and other ports in the United States, are so arranged that the pontoons on which the vessels are lifted are brought close to the slip-ways, on which the vessels can be drawn. These slips are of the usual form of construction. The dimensions of the Pensacola Dock are—length 350 ft., breadth 105 ft. 4 in., depth 38 ft. 3 in. Its cost is stated to have been as follows:—Floating dock, £111,140; basin and slip-way, £70,645; caisson, £2,600; total, £184,385.

In 1858 the Austrian Government employed Mr. Gilbert to construct a dock of this kind for the dockyard establishment of Pola, the character of the rock adjoining the arsenal being such as to preclude all prospect of constructing a graving dock of the ordinary kind, except at a very great cost. The dock was built at Venice, and was towed to Pola, where it has since been worked with success. In connection with the floating dock there are three lines of slipway to receive the ships off the docks, when laid up for extensive repairs, the dock being thus left unoccupied, so as to be able to receive other vessels and place them in turn on the other slips. Some very heavy ships have been raised on this dock, the line-of-battle ship "Kaiser," of 3,225 tons, the iron-clads "Max," of 3,066 tons, and the "Don Juan d'Austria" of 2,128 tons, and many others, having been successfully raised on it and repaired.

The mode of working this dock is as follows:—The dock being moored in a sheltered and secure basin, in about 40 feet water, and sunk to the required depth by admitting water into the bottom compartment, the ship to be repaired is floated in, the water is then pumped out by steam power and the dock rises, carrying the ship with it till the surface of the lower compartment is clear of the water; the dock is then hauled in to a shallow basin and grounded at the end of one of the lines of railway, which are 700 feet in length, and rise with an inclination of about 9 in. in the 100 feet. Each line of rails would hold two first-class men-of-war or a greater number of small vessels. The absence of tide in the Adriatic and the completely landlocked character of the harbour of Pola afforded peculiar facilities for the working of a floating dock of this description.

Carthagena and Ferrol Docks.—The Spanish Government having likewise found that there would be great difficulty in constructing stone graving docks at their naval arsenals of Carthagena and Ferrol, consulted Mr. Rennie in reference to the construction of floating docks which should be capable of lifting their iron-clad ships, the weight of which would be from 5,000 to 6,000 tons. Two were accordingly constructed, one for Carthagena and a somewhat larger one for Ferrol, of the following dimensions :—

	Carthagena.	Ferrol.
Length	324 feet.	350 feet.
Breadth	105 ,,	105 ,,
Height (outside)	48 ,,	50 ,,

The lifting chamber of the Carthagena Dock is 324 ft. long, that of Ferrol 350 ft. They are 105 ft. broad in both cases, and 11 ft. 6 in. and 12 ft. 6 in. deep respectively.

Both docks are constructed of iron plates, and are divided by a number of longitudinal and transverse bulkheads; in the former there being twenty and in the latter twenty-two watertight compartments, by which means the stability of the structure is insured and its flotation regulated with the utmost accuracy. The water is admitted to any or all the compartments when it is desirable to sink the dock for the reception of a vessel, and is pumped out by means of the ordinary pumping machinery when it is desired to raise it. The basin at Carthagena, wherein the dock is moored, measures about 1,800 ft. in length by 1,120 ft. in width, and has been excavated by dredging machinery to a uniform depth of about 50 ft. At the south-west corner of this basin another shallow basin or dock has been constructed to receive the floating dock. This latter basin is of a uniform depth of 16 ft. 6., and is 382 ft. in length on the north and 345 ft. on the south side, the inner end being curved to a radius of 320 ft. where the end of the dock, when in place, joins the slips, which radiate in three horizontal lines from the dock, so that after the dock has been grounded in the basin opposite to either of the lines of way the ship to be repaired may be drawn at once on to the slips, thus relieving the dock, which may then be floated out, and kept in readiness to receive another vessel. The slips are 725 feet in length, 45 feet broad, and are constructed with altars similar to those in the ordinary docks, to admit of the ships being securely shored up on them. Each slip will hold two first-class, or a greater number of smaller vessels.

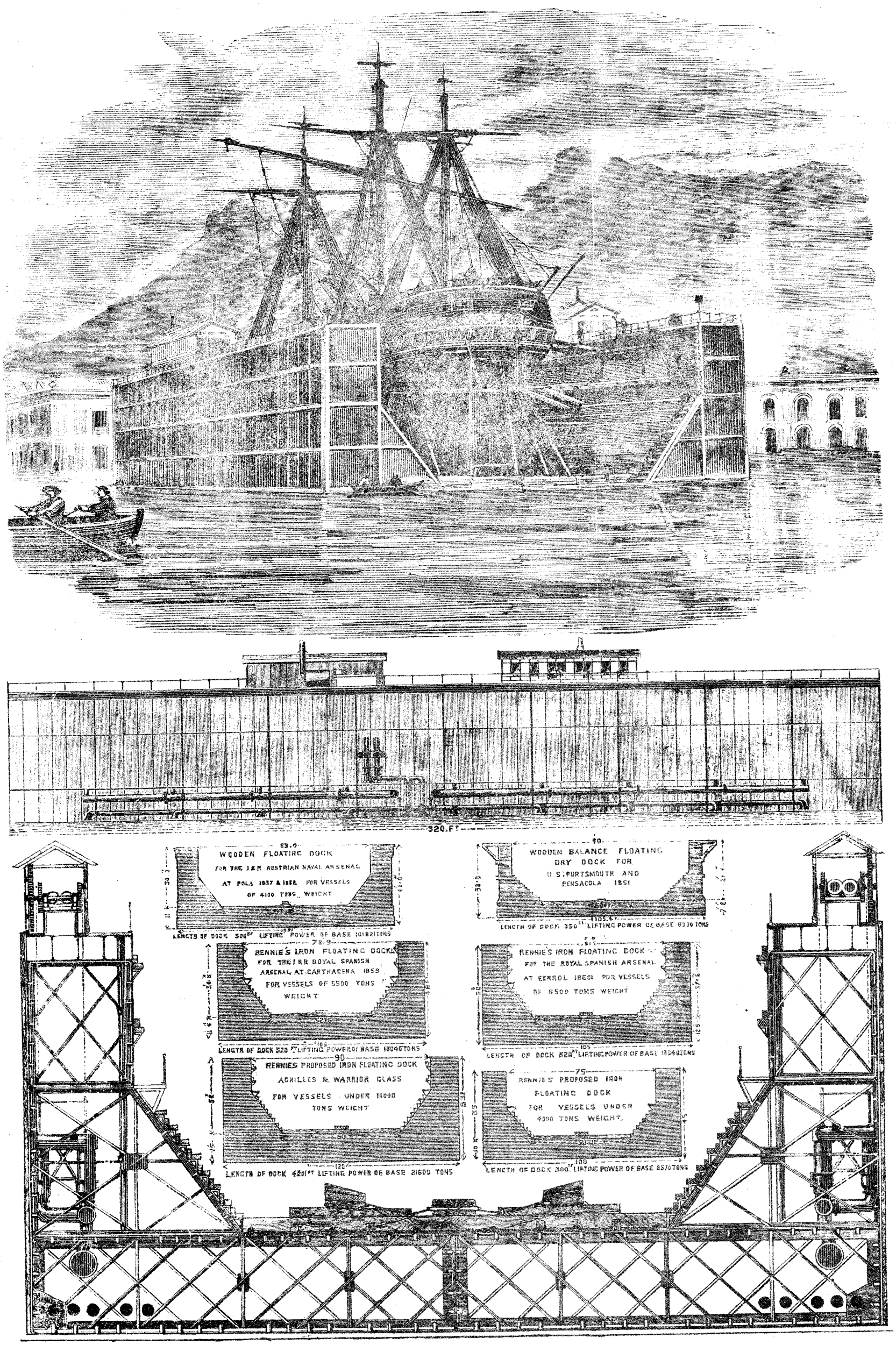
The accompanying sketch of the Carthagena dock, which shows a ship undergoing repairs in it, will illustrate the design and afford some idea of the general construction and mode of working it and the slips. The shallow basin in which the dock is grounded may be closed by means of a caisson and the water pumped out, should it be necessary to repair or paint the dock itself.

The weight of the Carthagena Dock is 4,400 tons, and its cost was about £160,000, exclusively of the cost of the basin, slips, caisson, and other appliances, which would probably bring the whole cost up to about £350,000. The Spanish iron-clad ship "Numancia," weighing over 5,000 tons, and other ships of the same class, have been lifted on it and repaired with perfect safety.

Callao Floating Dock.—An iron floating dock, similar in most respects to that just described, was constructed and sent to Callao. Its principal dimensions are—total length, 300 feet; breadth over all, 100 feet; width inside, 76 feet; depth, 30 feet; width on floor, 50 feet; depth of bottom compartment, 12 feet. This dock is represented on the accompanying sketch, which gives a perspective view of one side and end of it; the pumping engines are shown on the platforms on each side; the keel blocks, altars, ladders, &c., are shown in the inside. Preparatory to receiving a ship in the dock, the water is admitted into the bottom compartment, and the dock sinks to the line indicated by the letters BB, or as low as may be necessary, when the ship to be docked is hauled in, placed upon the blocks, and shored up from the sides; the pumps are then set in motion and the dock pumped out till the floor rises above the water-line, when free access may be obtained to all parts of the vessel to be examined.

Bermuda Floating Dock.—In 1822 the British Government having determined on constructing docks for their ships of war at Bermuda, an engineer was sent to examine the site, but the rock was found to be so porous and fissured that the intention to construct masonry docks was abandoned. Again, in 1851, a second examination was made, with the same unfavourable result, and it was subsequently determined

FLOATING DOCK AT CARTHAGENA.



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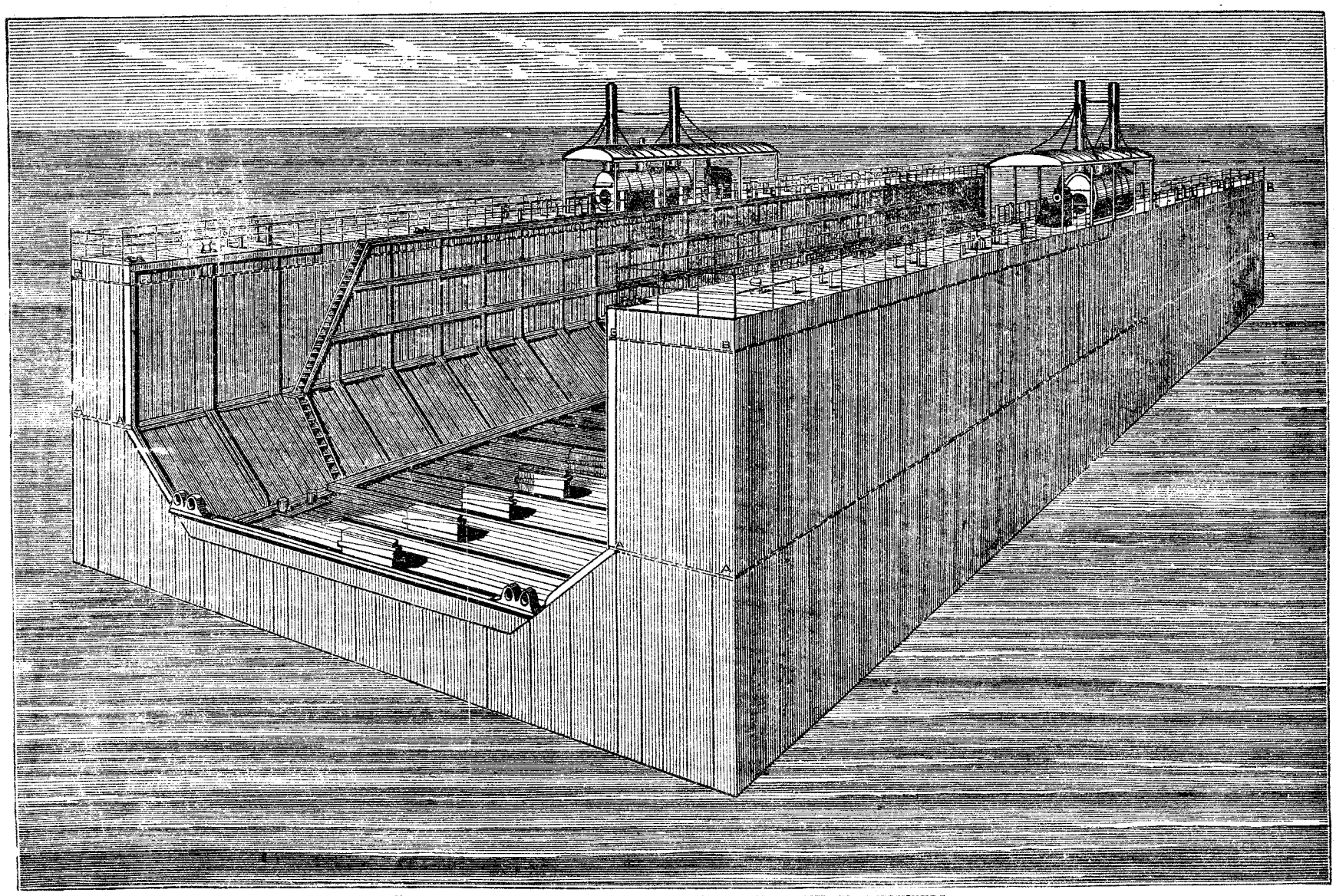
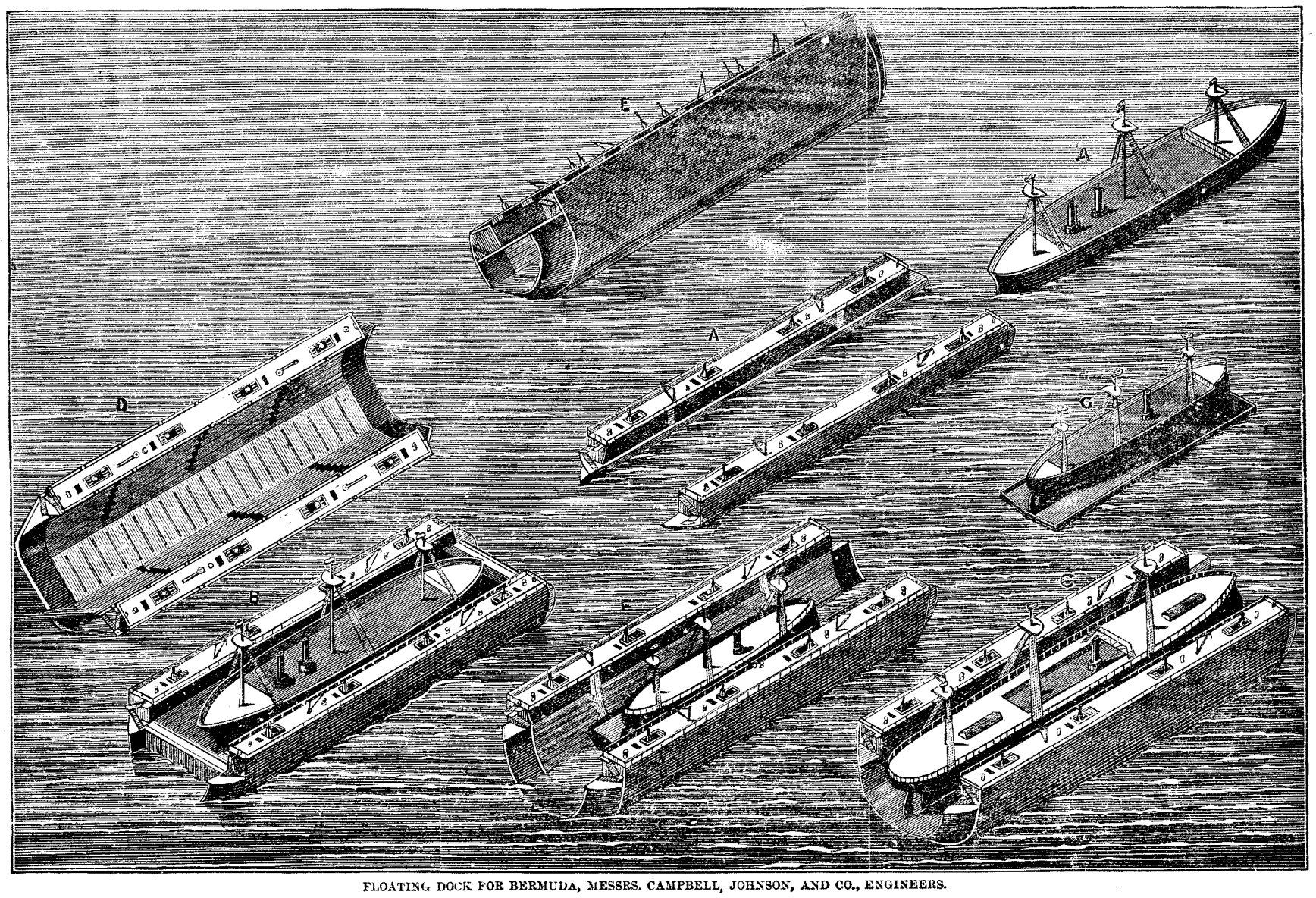
FLOATING DOCKS.



FLOATING DOCK AT CALLAO, MESSRS. RANDOLPH, ELDER, AND CO., ENGINEERS.



FLOATING DOCK FOR BERMUDA, MESSRS. CAMPBELL, JOHNSON, AND CO., ENGINEERS.

(Sig. 296)

determined to construct an iron floating dock instead of a permanent masonry dock. The harbour is so perfectly landlocked that no danger was to be apprehended of the dock being injured in bad weather. Accordingly, a dock on what has come to be designated the U principle was constructed, and with some difficulty towed out to Bermuda. The accompanying sketches illustrate this dock in various positions. The manner of working it is as follows:—When a ship is to be docked, the water is admitted into the upper chambers, the dock then sinks and assumes the position shown at the sketch A, ready to receive a ship, which is floated in and grounded on the keel-blocks; the water is then discharged from the upper chambers, whereupon the dock rises 10 ft. or thereabouts; the pumping is then commenced till the vessel is lifted clear of the water.

Sketch B represents the dock closed with the caisson and pumped out. C shows the dock pumped out and the ship inside dry. D and E show the dock careened for the purpose of being painted or repaired. This is done by admitting water into the compartments on one side and pumping it out of the other.

About 8,000 tons of iron were consumed in its construction.

One of the objections to this description of dock was experienced while lying at Chatham, when during a gale she dragged all her anchors, and it was at one time a question whether she would not be wrecked in the river before she could be sent to Bermuda.

Speaking of the Iron Dock at Bermuda, Sir John Parkington, as President of the Institution of Naval Architects, at one of their meetings, said, "the discussion, to which he had listened with very great interest, impressed him with the belief that the question of floating docks was very much in its infancy; and, while it gave him that impression, it confirmed his previous belief that it was a most important matter. It was important from a financial view * * * Another important consideration was, whether or not the success of floating docks would not enable them to accommodate the fleets of this Country with dock accommodation *where there were physical impediments to docks at the present time. Bermuda was a most pointed illustration of this. He always understood that the nature of the Bermuda rock was such that it was next to impossible to construct a dock there in the usual mode of constructing docks on shore.* Bermuda was a most important station for the British Navy, and his belief was, that if they were to have a dock there at all it must be a floating dock. He was sorry to hear the discouraging language of his hon. friend, Captain de Horsly, who seems to disparage floating docks altogether; and his authority on all such subjects was a very high one."

The following is a list of some of the principal floating docks as yet constructed:—

Locality.	Country.	Date of construction.	Length.	Breadth.	Lift power.	Material.
Portsmouth	United States	1851	350	105·4	8,070	Wood
Penscicola	„	1851	350	105·4	8,070	„
Pola	Istria	1857	300	108	10,182	„
Havannah	Cuba	1858	300	79	6,433	„
Carthagena	Spain	1859	324	105	11,500	Iron
Ferrol	„	1859	350	105·	13,040	„
Saurabeya	Java	1861	250	70	3,500	„
Saigon	Cochin China	.....	.....	.....	.....	„
Callao	Peru	1867	300	100	.....	„
St. Thomas	West Indies	1866	300	100	8,357	„
Bermuda	„	1860	381	123·9	16,700	„

HYDRAULIC LIFTS—GRAVING DOCKS.

A very beautiful and ingenious arrangement for lifting vessels requiring repairs out of the water, and placing them on trays or iron pontoons, by means of hydraulic rams, was invented some years since by Mr. Edwin Clark, M. Inst. C.E. The apparatus was erected in the repairing basin of the London Victoria Dock Company, where it has been worked for some years with considerable success.

The situation selected for the hydraulic lift was a low-lying extent of marsh land between the Victoria Docks and the Thames, which being below high-water-mark was particularly favourable, as it involved no excavation for the shallow docks into

into which the pontoons with the vessels on them are floated, the only excavation of importance was for the lift pit and the entrance, the depth of water required in the latter being 27 ft. and in the former only 6 ft. The area of shallow water is 16 acres, which affords sufficient space for floating 15 or 20 pontoons.

The docking of a vessel by this process consists of two operations; first, the direct raising of the vessel and pontoon; secondly, the transporting of the vessel to any convenient position in one of the eight shallow basins for its repair on the pontoon.

The pontoon, with the vessel on it, is raised by means of the hydraulic presses, of which there are two rows, 60 ft. apart. Each row consists of 16 cast-iron columns, 4 ft. in diameter and 20 feet apart from centre to centre. The length of the dock is thus 300 feet, and its width 60 feet; but as vessels may overhang the pontoon at either end, there is practically a working length of 350 feet. The columns were sunk to a depth of 12 ft. into the ground, and the lower parts filled with concrete. The upper portions are occupied by the hydraulic rams. To each ram is secured a powerful cross head, from either side of which depend the side rods to which the lower trussed frames or cross girders which connect each column with its corresponding one on the opposite side are secured. The hydraulic rams, which are 10 in. diameter and 25 ft. stroke, are raised or lowered or maintained at any height with the utmost accuracy by means of the hydraulic pumps which are worked by a steam-engine on shore.

The operation of lifting a vessel out of water is performed in the following manner:—A pontoon of sufficient size to support the vessel being placed on the cross girders and the keel and bilge blocks adjusted to her form, the whole is allowed to sink to the bottom by letting the water escape from under the rams; the vessel to be docked is then brought over the pontoon and properly secured over the blocks; the pumps being set in motion, the pontoon is gradually raised till the vessel rests on the keel blocks, when the bilge blocks being drawn in and secured, the operation of lifting is continued till vessel and pontoon are clear of water; meantime the water having been allowed to escape from the inside of the pontoon, the rams are again lowered and the pontoon and vessel are floated out into one of the shallow basins, and another pontoon being placed between the columns and lowered, another vessel may be immediately taken up, and so the operation repeated as often as may be required. It will thus be seen that with one hydraulic apparatus, the number of vessels which may be undergoing repairs at any one time is simply dependent on the number of pontoons available, and the area of shallow basin, or the number of the shallow docks ready to receive them.

The hydraulic lift at the Victoria Docks with its machinery is said to have cost about £30,000, but the seven iron pontoons and the shallow basins for receiving them brought the Company's expenditure on the whole establishment up to about £195,000. An illustration of it with a vessel raised out of water on one of the pontoons is given.

Another hydraulic lift dock, similar to that just described, but larger, and more powerful, has recently been constructed at Bombay for the Imperial Government. There are eighteen columns in each row, 18 ft. apart at the centre in the longitudinal direction, increasing to 24 ft. at the ends, and 88 ft. apart transversely. Each column is 7 ft. 6 in. in diameter at base and 6 ft. 6 in. at the upper part. Some of the columns are 109 ft. in length, and they rise 36 ft. above high-water. The rise and fall of tide at Bombay is about 16 ft., and the depth of water where the dock is built varies from 50 to 60 ft. The hydraulic presses in each column are 35 ft. stroke, and the rams 14 in. in diameter. The transverse girders suspended from the cross heads, by which the pontoons are lifted, are 10 ft. 8 in. deep.

There is but one pontoon at present attached to this dock, which is fitted in the ordinary manner with keel and bilge blocks. It is 380 ft. long by 86 ft. broad, 9 ft. 6 in. deep; it weighs 1,610 tons, and is capable of supporting a vessel weighing 6,500 tons. The quantity of iron-work in the lift and pontoon is said to exceed 7,000 tons, and the cost, I have been informed, without the pontoon, was about £300,000.

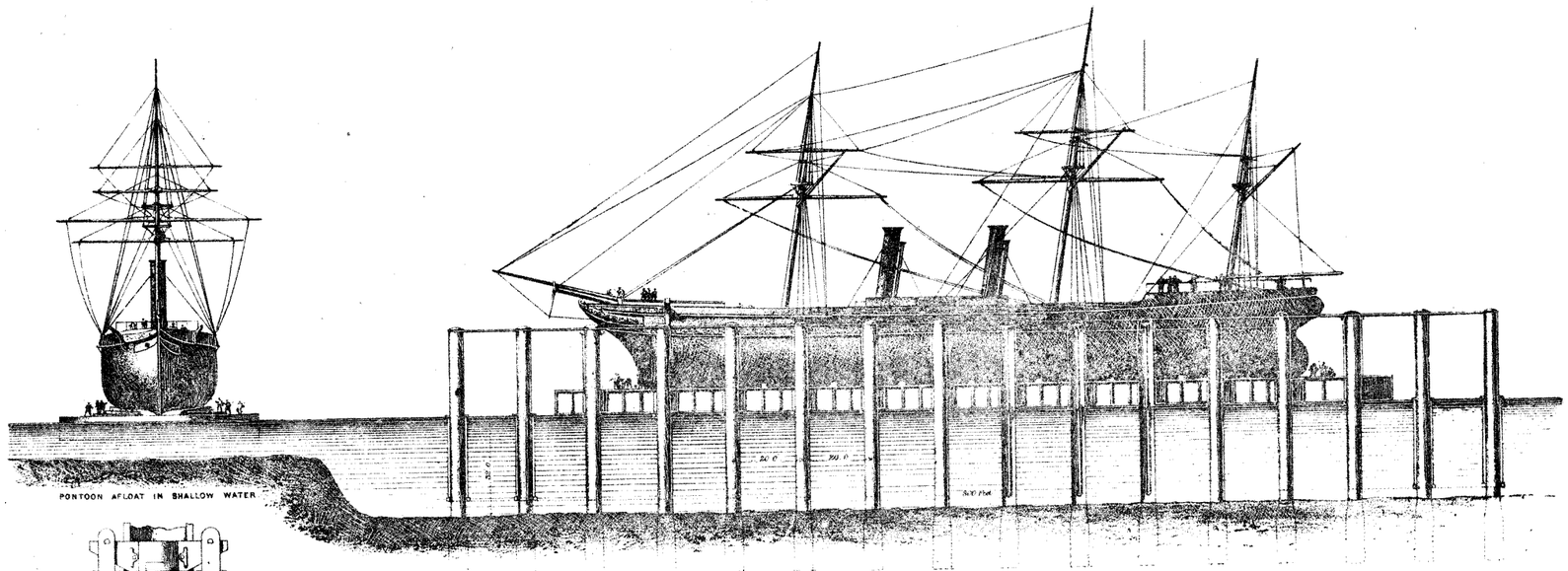
A dock on the hydraulic lift principle is proposed to be constructed at Barrow in Furness, estimated to cost £183,000, with six pontoons.

Another hydraulic lift dock has recently been constructed at Malta, for the repairs of small vessels; and a contract is stated to have been entered into by Mr. Clark, with the Italian Government, for the construction of another at Brindisi, to cost £247,000.

The

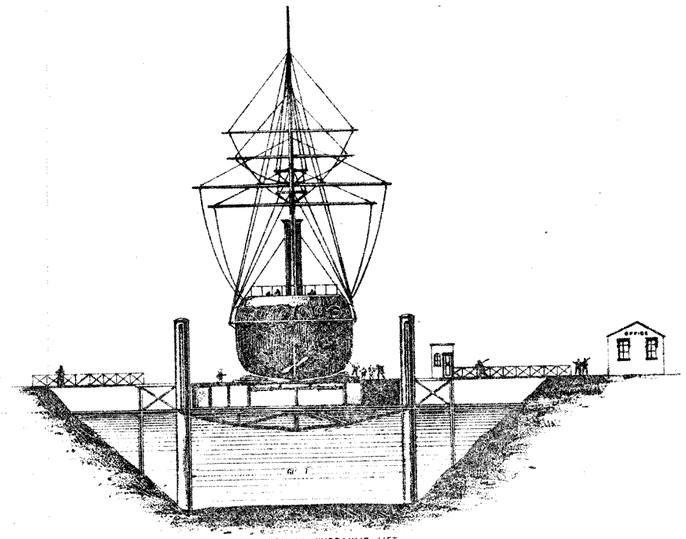
THE HYDRAULIC LIFT GRAVING DOCK.

VICTORIA LONDON DOCKS

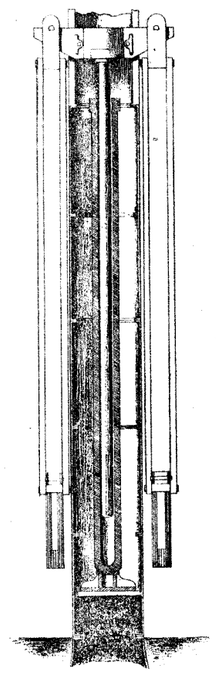


PONTOON AFLOAT IN SHALLOW WATER.

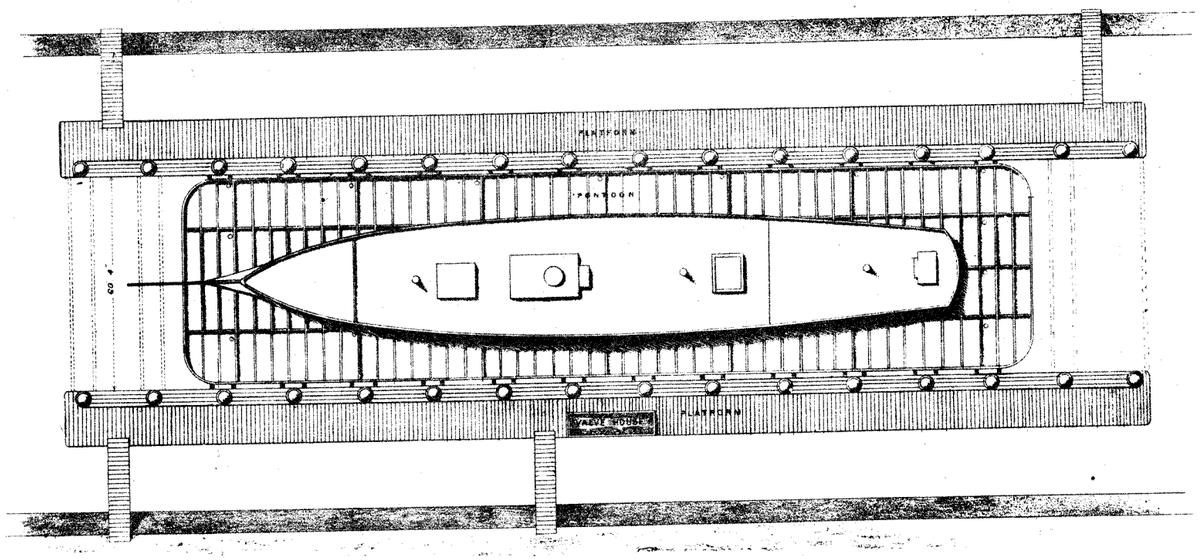
ELEVATION OF LIFT SHEWING VESSEL AND PONTOON RAISED ABOVE WATER.



PONTOON RAISED IN HYDRAULIC LIFT

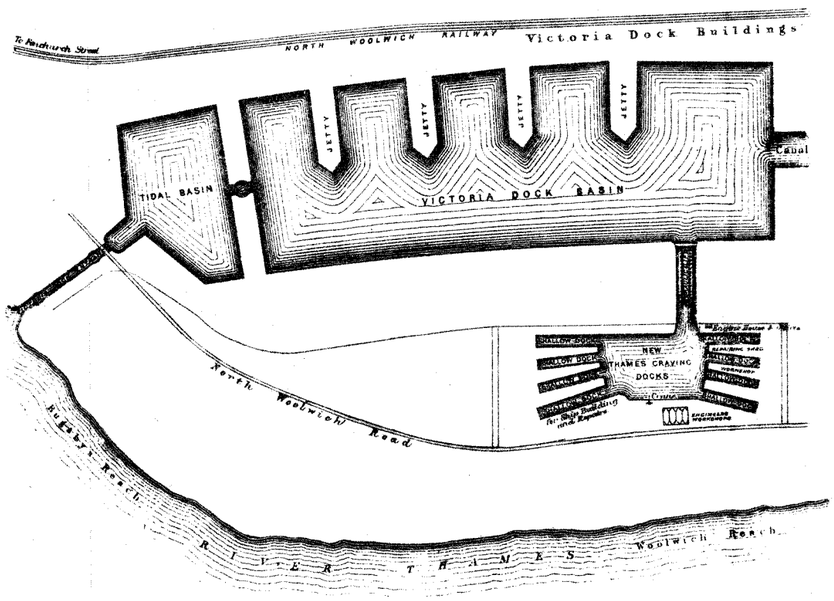


VERTICAL SECTION OF COLUMN SHEWING POSITION OF HYDRAULIC PRESS.



GENERAL PLAN OF LIFT AND PONTOON

Scale.

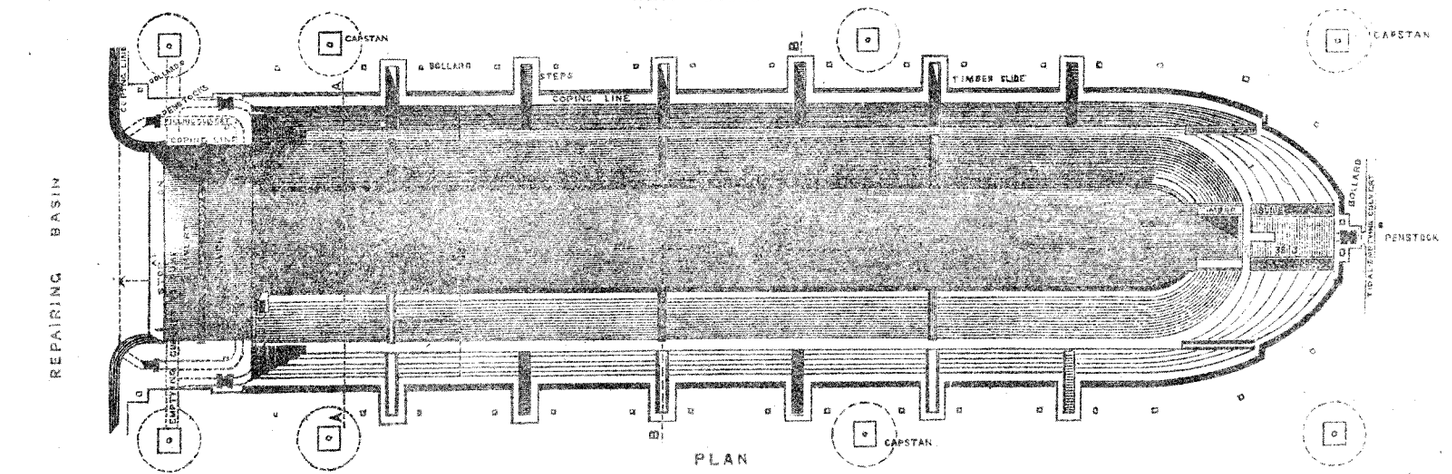


GENERAL PLAN SHEWING SITUATION OF DOCKS.

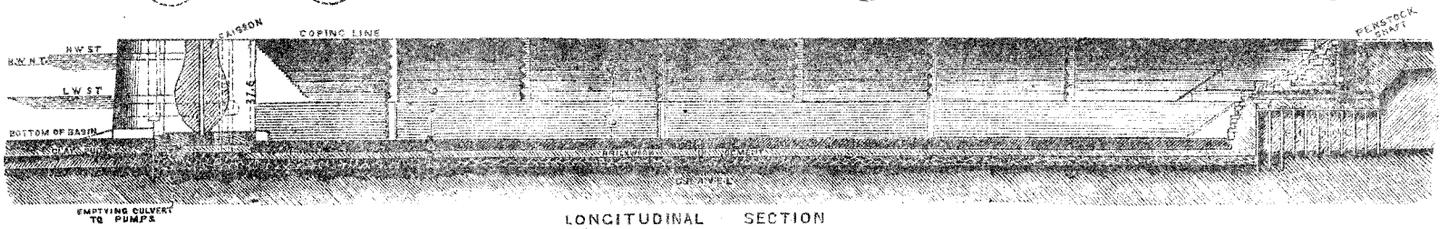
Sig 296

CHATHAM DOCKYARD EXTENSION WORKS.

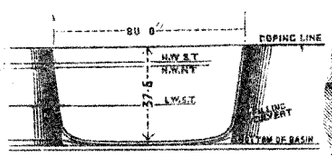
NEW DOCKS



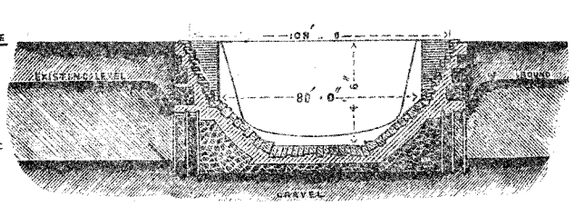
PLAN



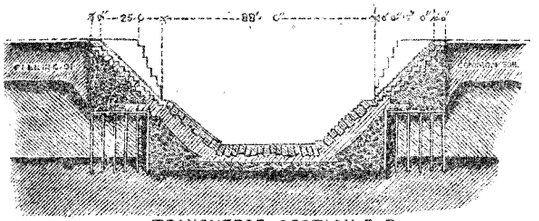
LONGITUDINAL SECTION



ELEVATION OF ENTRANCE



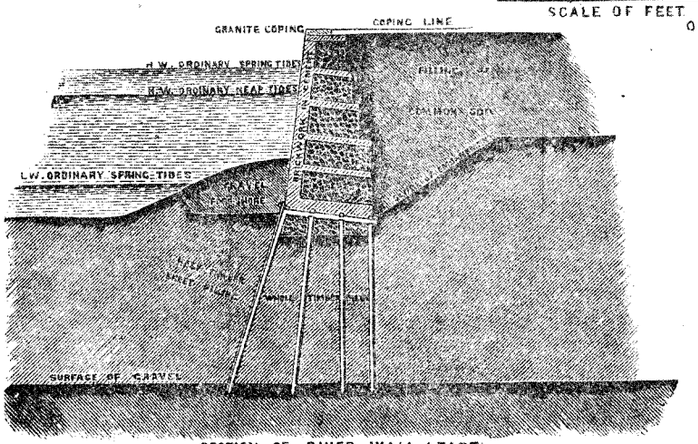
TRANSVERSE SECTION A.A



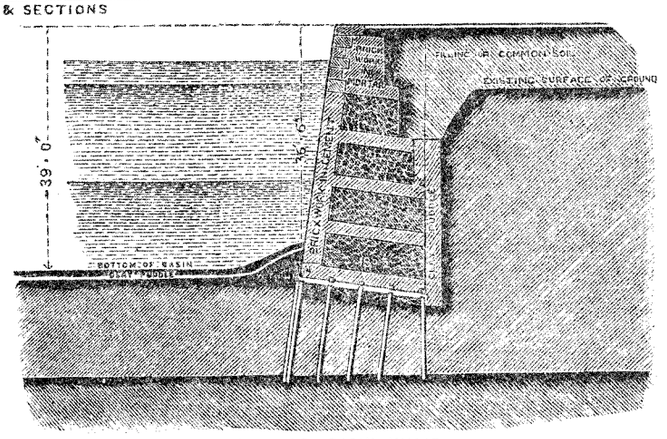
TRANSVERSE SECTION B.B

0 5 10 50 100 150 200 FT

SCALE OF FEET TO PLAN & SECTIONS OF DOCK



SECTION OF RIVER WALL (EAST)



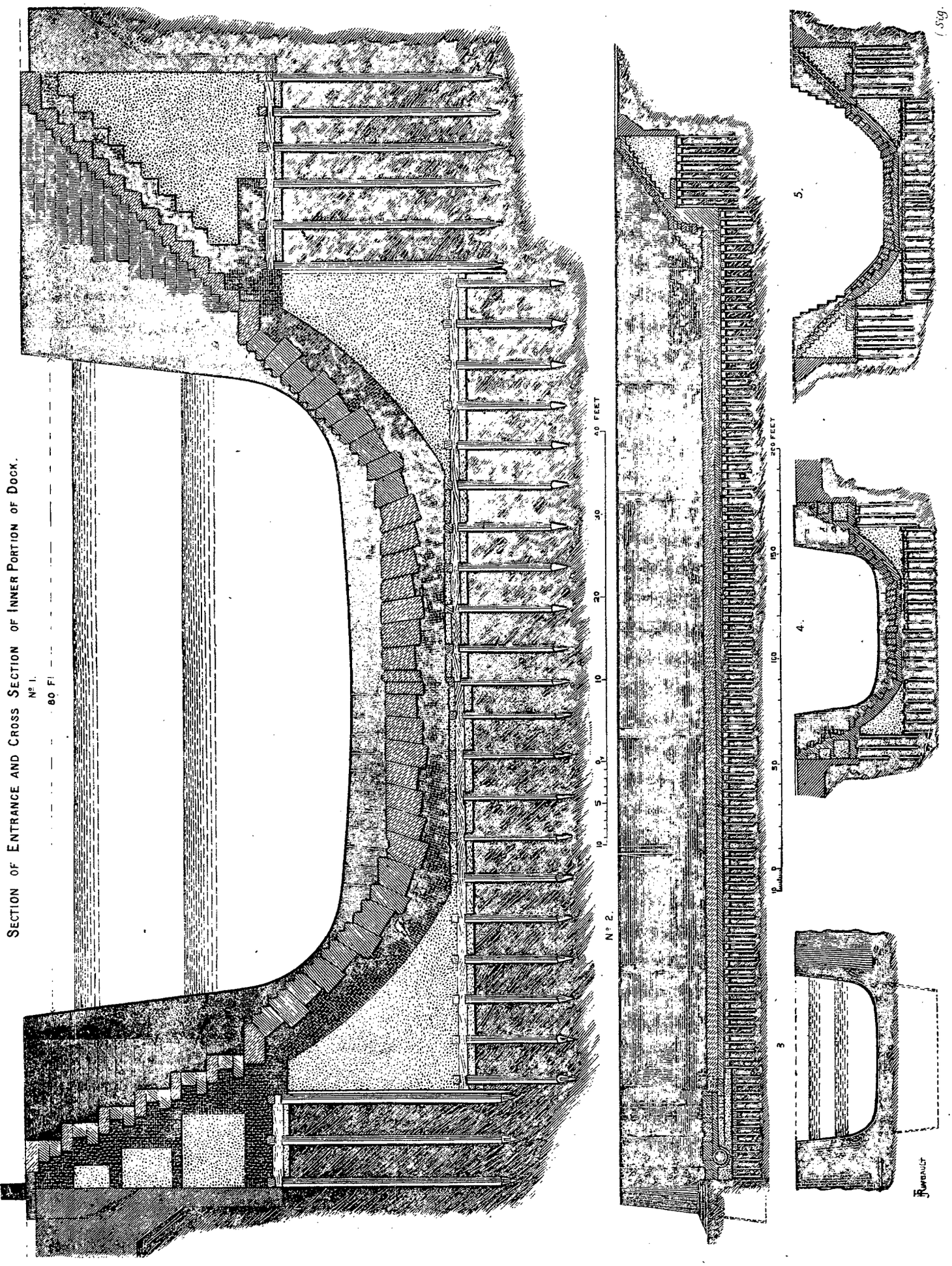
SECTION OF BASIN WALLS

10 5 0 0 20 30 40 50 60 70 80 90 100 110

SCALE OF FEET TO BASIN & RIVER WALLS

(Sig. 269)

THE DOCKYARD EXTENSION WORKS AT PORTSMOUTH.



(Fig. 269.)

The dimensions of the three principal docks of the kind as yet constructed are as follows :—

	Victoria Dock.	Malta.	Bombay.
Length	310 feet	321 feet	350 feet
Width between rows of columns	62 „	62½ „	88 „
Available draught of water at ordinary high-water	18 „	21 „	30½ „
Number of columns in each row	16 „	16 „	18 „
Diameter of columns	4 „	5 „	6½ „
Number of presses	32 „	32 „	72 „
Diameter of ram	10 inches	14 inches	14 inches
Stroke of rams...	25 feet	30 feet	35 feet
Heaviest vessel intended to be lifted ...	3,000 tons	4,000 tons	8,000 tons

GRAVING DOCKS OF MASONRY.

Chatham Dock.—The accompanying illustrations show the plan, longitudinal, and cross sections, of one of the four new graving docks lately constructed at Chatham, on the south side of the Repairing Basin, from the design of Sir Andrew Clark, R.E., C.B. Their dimensions are as follows :—Length on the floor, 416 feet 6 inches, 456 feet at the coping, 108 feet in width at the coping, 80 feet wide at the entrance, and have 31 feet 6 inches of water on the sill at high-water spring tides, and 28 feet 6 inches at high-water neap tides. These docks will thus be capable of taking in the largest of the iron-clad ships of the Navy. The masonry of the foundations and side walls was laid on a bed of gravel found underlying the Medway clay.

In the construction of these works convict labour has been very extensively used, the number of convicts employed ranging from 1,300 to 1,500 and upwards; and it has been remarked that, so far from the work performed by the convicts being of an inferior character, it bears favourable comparison with that executed under contract by free labour.

Portsmouth Docks.—The accompanying illustrations, showing the plan, longitudinal and cross sections of the Portsmouth Docks, will give some idea of the mode of constructing graving docks in soils of the kind met with in this instance, and which consisted of mud for about 30 ft. in depth, with a substratum of sound yellow clay underlying it, the clay furnishing the material for the bricks so largely used in the construction of the works, and which were made entirely by convict labour. At the commencement of the works about 400 convicts were constantly employed, but more recently the number has been increased to over 800. At first they were only employed on the ruder kinds of work, but latterly they have been, as in the case of Chatham, not only employed in brick-making, pile-driving, &c., but also in constructing the roads and railways in the dockyard, as well as building portions of the masonry of the basin walls; but they have been used with greatest profit in making the bricks, for which the clay found in the excavation is admirably fitted.

The new Portsmouth docks are of the following dimensions respectively :—The double dock 636 ft. long, 88 ft. wide, with 27 ft. of water on the sill; the two lock docks are 438 ft. long, 83 ft. wide, with 32 ft. at high-water on the sill. The deep docks are to be four in number, 432 ft. on the floor, 110 ft. between copings, 83 ft. in width of entrance, and 32 ft. of water on the sill.

Brest Dock.—The new double dock at Brest, having a division in the centre to admit of either one very large or two or more smaller vessels being docked at one time, is 721 ft. long, 92 ft. wide, and has 55 ft. at high-water spring tides on the sill.

The new Somerset Dock at Malta is 428 ft. long on the floor, 468 ft. over all, 104 ft. wide, at coping, 83 feet width of entrance; and the depth of water on the sill is 33 ft. 6 in. The total cost of the dock and entrance was £150,000, and the cost of temporary pumping, for machinery, coals, oil, &c., came to over £30,000.

The Alfred Dock at Melbourne, constructed from the designs and under the superintendence of W. W. Wardell, Esq., M.Inst.C.E., Inspector General of Public Works, is 450 ft. on the floor, 465 ft. over all, 97 ft. wide between the copings, and 80 ft. at entrance, with 24 ft. 6 in. at low-water and 26 ft. 6 in. on the sill at high tide. It is stated to have cost £223,000 for the dock proper, and £20,000 for pumping machinery and caisson. This dock is undoubtedly one of the finest out of England, if not in the world; and for convenience in its general arrangements, and excellence of workmanship, in every detail, it stands second to none.

Having

Having in the foregoing pages given a brief description of some of the principal kinds of docks which have been constructed, showing what modifications in the original type of masonry docks have been adopted by engineers to meet the peculiar circumstances of each case with which they were called upon to deal, I shall now endeavour to show as concisely as possible the kind of work which, in my opinion is best suited to the peculiar circumstances of this port. But I would first invite attention to the two graving docks already constructed here.

The Waterview Dock, constructed by Mr. Mort, is of the very plainest kind of work, nothing more in fact having been required than a simple excavation in the solid sandstone rock, resembling somewhat in form the ships it is intended to receive. The natural rock forms the sides and floor of the dock, which, while sufficiently soft to be easily worked, is yet thoroughly sound and watertight, so that no expensive masonry lining (absolutely necessary when the soil is charged with water, and which involves the greater part of the expenses as well as the chief difficulty in the execution of such works) is required, almost the only masonry in the Waterview Dock being the pierheads at the entrance for the support of the caisson.

It will be observed that no work could be more simple or easy of construction, and no dock could be more convenient or safe. I am enabled to speak from personal experience in this matter as to the former, having acted for Mr. Mort as consulting engineer during its construction.

The Fitz Roy Dock has also been scooped out of the solid rock in a manner very similar to the Waterview Dock; but in consequence of the occurrence of a bed of shale at the bottom, it was found necessary to cover the floor with an invert of solid masonry. On some portions of the sides, masonry for the altars was also required where the rock was unsound, or where the shale-bands showed themselves. The pier-heads at the entrance and the sill, where the caisson rest, are all of heavy masonry.

No kind of ground could be more suitable for dock construction than the sandstone of this harbour, which, while so soft as to be worked with ease, is strong enough to stand without masonry lining, and is all but perfectly watertight.

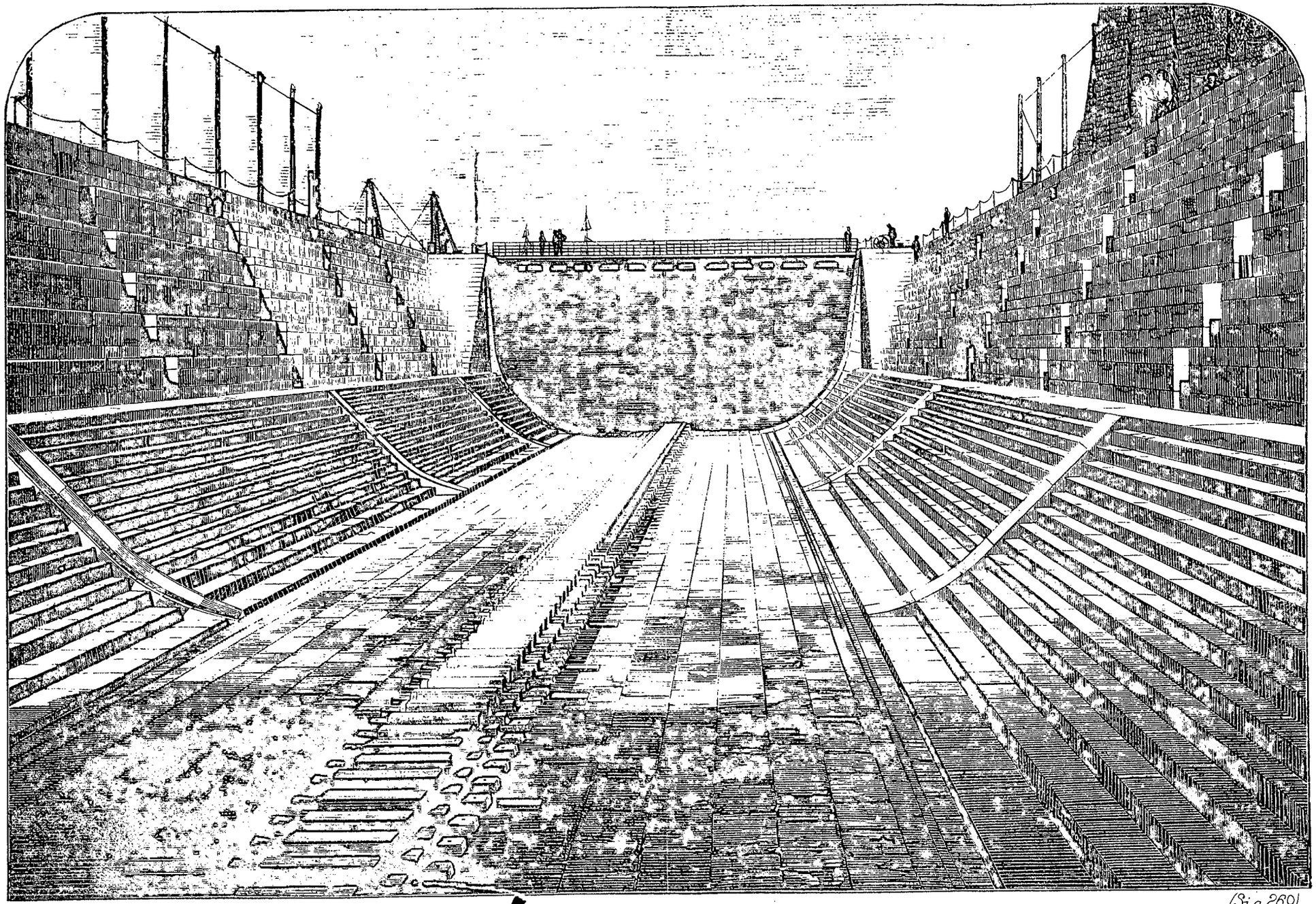
To attempt, therefore, to introduce here any of those complex arrangements or forms of dock which have been forced on engineers at other places by the peculiar difficulties they had to contend with would be as manifestly as unwise, as unnecessary.

In devising the most suitable form of dock for any locality, the engineer first considers the character of the ground, or the material he has to work in. If it be rock fissured or permeated by water to a great degree, or if it consist of gravel, quicksands, or soft boggy soil, in which there would be difficulty in obtaining a foundation, such as is commonly to be met with on the banks of rivers or shores of harbours, he will find himself compelled perhaps to adopt some form of floating, balance, or sectional dock or hydraulic lift such as I have described. But if, on the other hand, the ground be suitable for the construction of permanent docks, the many advantages which they possess, in the economy, facility, and safety with which ships can be docked and repaired in them, will always give them a preference. It was probably the many difficulties encountered in constructing the New York Dry Dock, arising from the enormous quantity of water met with, which retarded its completion for about ten years and brought its cost up to half a million sterling, coupled with the abundance and cheapness of timber in the United States, which induced the Government engineers of that Country to turn their attention to the construction of the timber sectional and floating docks which they have adopted, but which, however designed, must always be worked at great disadvantage, and be costly to maintain, from the perishable nature of the material of which they are constructed. It was similar difficulties, in the cases of Carthagena, Ferrol, St. Thomas, Bermuda, and Callao, which led to the adoption of iron floating docks at these places, to which similar objections as to their non-permanence apply, though not perhaps in as great a degree. The iron plates, however carefully painted, must corrode, and the rate of corrosion in the warm seawater of these low latitudes is rapid enough to be an objection to its application in this way.

The corrosive action of sea-water on cast-iron is not nearly so rapid as it is on wrought-iron; except therefore, in so far as applied to the pontoons, the foregoing observations would not apply with much force to the cylinders and other apparatus of a hydraulic lift; but there would be other objections to the adoption in this port

of

THE SOMERSET DOCK, MALTA.



(Sig. 269)

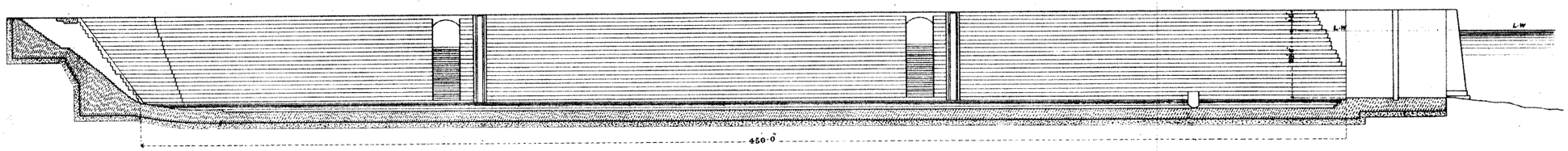
ALFRED GRAVING DOCK

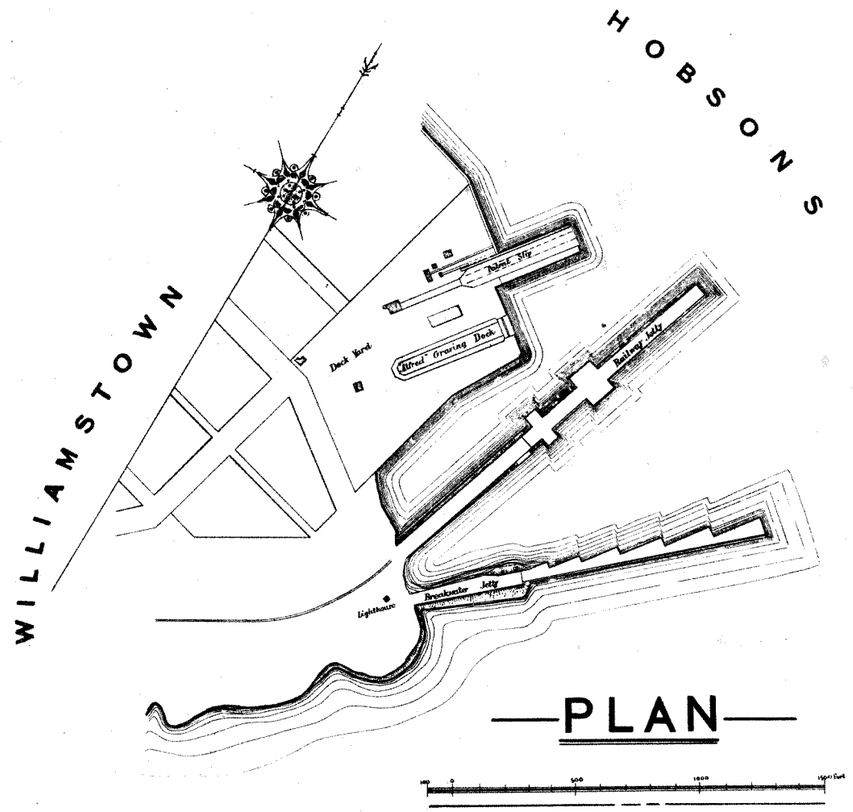
WILLIAMSTOWN

MELBOURNE

SCALE OF 20 FEET TO ONE INCH

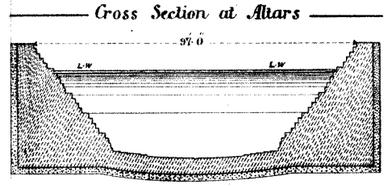
LONGITUDINAL SECTION



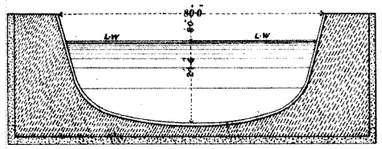


PLAN

Cross Section at Altars



Cross Section at Entrance.



SCALE OF 20 FEET TO ONE INCH

PHOTO-LITHOGRAPHED AT THE GOVT. PRINTING OFFICE
SYDNEY, N.S. WALES.

(Sig. 296)

of this latter form of dock of even greater moment, such as the difficulty of safely securing a large ship on a pontoon in any part of this harbour, exposed as it is to the force of the southerly and easterly gales of which we have all had experience.

In order to work a hydraulic lift with safety, it would be necessary to form a dock or docks for the pontoons, which would be nearly if not quite as expensive as would be a plain graving dock alone for a larger ship. There is no suitable place in the neighbourhood of the Dockyard Establishment of Cockatoo where a hydraulic lift could be easily placed, and where the pontoons could be safely moored. Some sheltered spots might no doubt be found at the heads of some of the coves or bays within the harbour, but this would entail either the removal of the dockyard establishment, tools, &c., and abandoning the present dock—which no one, I apprehend, would recommend—or the inconvenience and expense of working two distinct and separate establishments.

On first considering the subject of a first class dock at Cockatoo, I was disposed to think that it would be better to enlarge the present dock than construct a new one altogether; but after maturely considering the subject in all its bearings, I have been compelled to change my opinion, and I am now satisfied, for the following, amongst other reasons, that it will be better to construct a new dock at the western end of the island, with its head pointing eastward towards the present dock.

In the first place, the Fitz Roy Dock as it is at present, is of a most convenient size for general purposes, and were it to be enlarged it would necessitate closing it for a considerable time while the alteration was being made; for although it might perhaps be used occasionally during the interval, it would, if the enlargement were carried out by contract, be considered better to close it altogether during the progress of the work.

Secondly, to deepen the sill to 30 feet and widen the entrance to 80 feet, which are the minimum dimensions for a first-class dock, it would be necessary to enclose the pier heads with a coffer-dam, which would be a work of some considerable difficulty and expense, owing to the sand having been removed and the rock laid bare for blasting out the present entrance.

In the third place, the deepening of the channel outside the dock would involve much under water rock excavation as well as a large amount of dredging.

And lastly, and, in my opinion, the most formidable objection is that the course of the currents, both of flow and ebb, set across the line of the axis of the present dock nearly at right angles. The inconvenience, and indeed danger to very heavy ships from this cause was made plain when the French iron-clad "Atalante" was being docked. Being a strong flood (ships should always be docked at from half to three-quarter flood), the current caught the vessel on the starboard quarter and slewed her out of the line of the dock, and it was with the utmost difficulty that even with her powerful crew, she could be got and kept in the proper line for taking the keel blocks. The line of the axis of the dock is also at a considerable angle with the north-easterly as well as southerly winds which at times blow with considerable force, and during the prevalence of which great difficulty is experienced in docking large vessels.

If the present dock were enlarged a new caisson would be required; for I find, on carefully going into the matter, that the cost of cutting, lengthening, raising, and strengthening the present caisson to make it suit the wider and deeper entrance would make it almost if not quite as costly as a new one.

As regards the site of the proposed new dock at the western side of the island, it is completely landlocked, being sheltered on the south by Birkenhead Point, and Schnapper Island; on the west, north-west and north, by Spectacle Island, Pulpit Point, and Hunter's Hill; and on the north-east and east by Cockatoo Island itself. The head of the dock points east north-east, so that the prevailing summer winds which blow from north-east would tend to keep a ship entering the dock in the proper line for the blocks; and the flood-tide on the south side of the island, passing up almost in a line with the dock's axis, would also tend to maintain a ship in the proper line for being docked. The direction of the flood and ebb currents will be seen on reference to the current chart which accompanies this paper. Some of the ebb currents will be observed to run across the axis of the dock, but this is unimportant, as vessels are not, except in cases of extreme emergency, docked on an ebbing tide.

There is ample depth of water off this part of the island for ships of the heaviest draft, with good anchorage. The deep water comes close in shore near the proposed entrance to the dock; and there being a sufficient depth of sand and mud overlying the rock at this point, there would be little difficulty in constructing a coffer-dam for building the pier heads and breaking out the entrance. The rock out of which the dock would be carved is sound, and may be said to be almost free from water to a depth of 43 feet, or about 10 feet below the floor of the dock. This is shown by the trial shafts which I have had put down along the centre line of the proposed dock. The leakage, which is mainly fresh water off the island, is insignificant.

In determining the dimensions of the new dock, I have been guided by those of the new first-class docks at Chatham, Portsmouth, and Malta, and the Alfred Dock, Melbourne; but as any increased dimensions in our proposed dock would be simply a matter of a little more or less excavation, involving little or no masonry, I have thought it should slightly exceed the dimensions of those other docks described, so that we may truly boast of having in Port Jackson the largest single dock in existence.

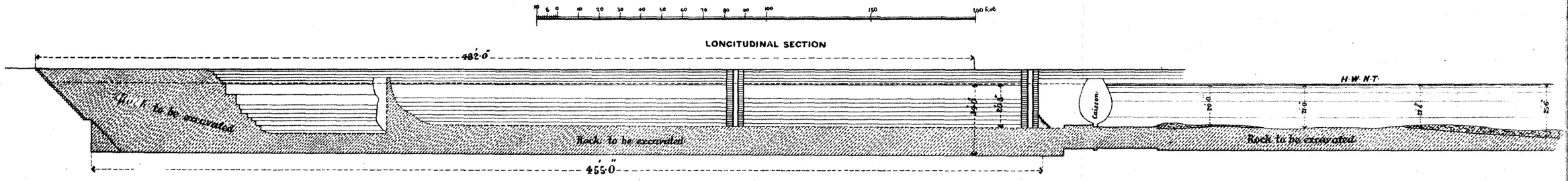
The list given in an Appendix, of the dimensions of some of the principal Dry Docks, is taken from Spon's "Dictionary of Engineering."

E. O. MORIARTY,
Engineer-in-Chief for Harbours and Rivers.

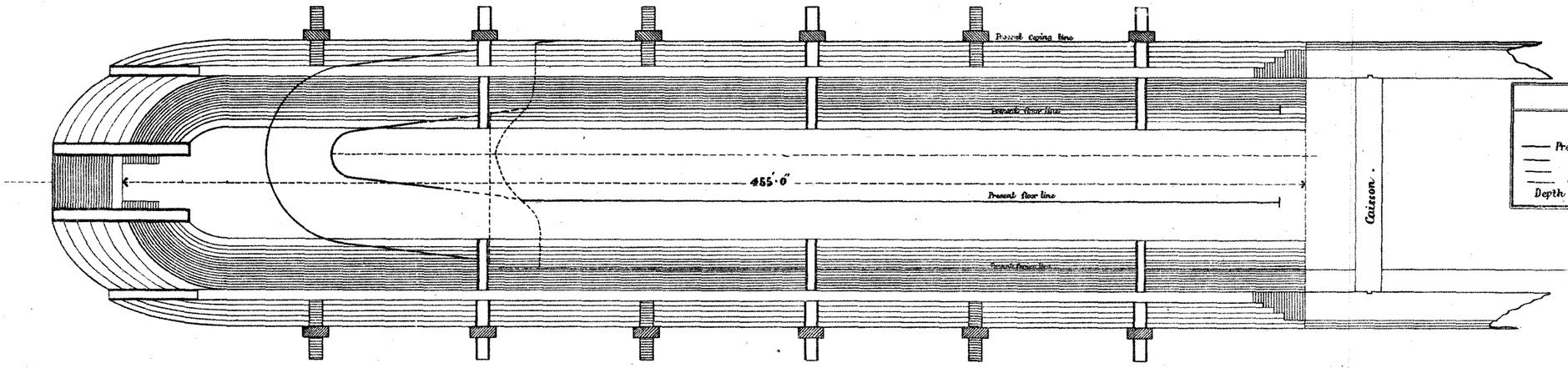
APPENDIX.

FITZROY DOCK COCKATOO ISLAND

PLAN—SHEWING AMOUNT OF ENLARGEMENT
—REQUIRED FOR DOCKINGA FIRST CLASS SHIP OF WAR—



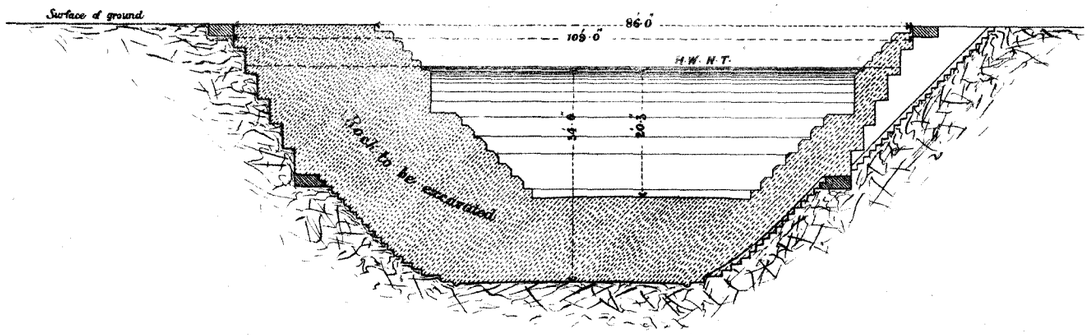
—PLAN—



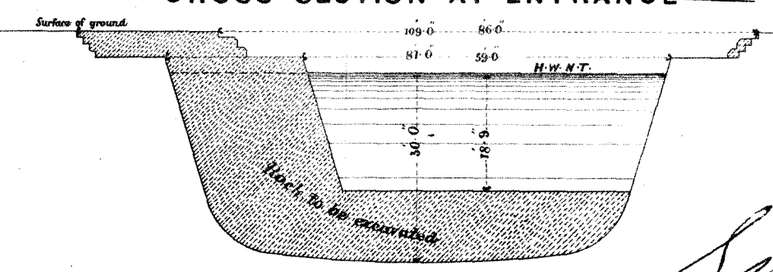
—DIMENSIONS—
—Fitzroy Dock—

Present length on floor	300 feet	Length required	455 feet
" Width " "	35 "	Width "	45 "
" " between Coping	86 "	" " "	109 "
" " at Entrance	59 "	" "	81 "
Depth of water over Sill at Neap T.	18·9	Depth "	30 "

—CROSS SECTION AT ALTARS—



—CROSS SECTION AT ENTRANCE—



S. Mercanty

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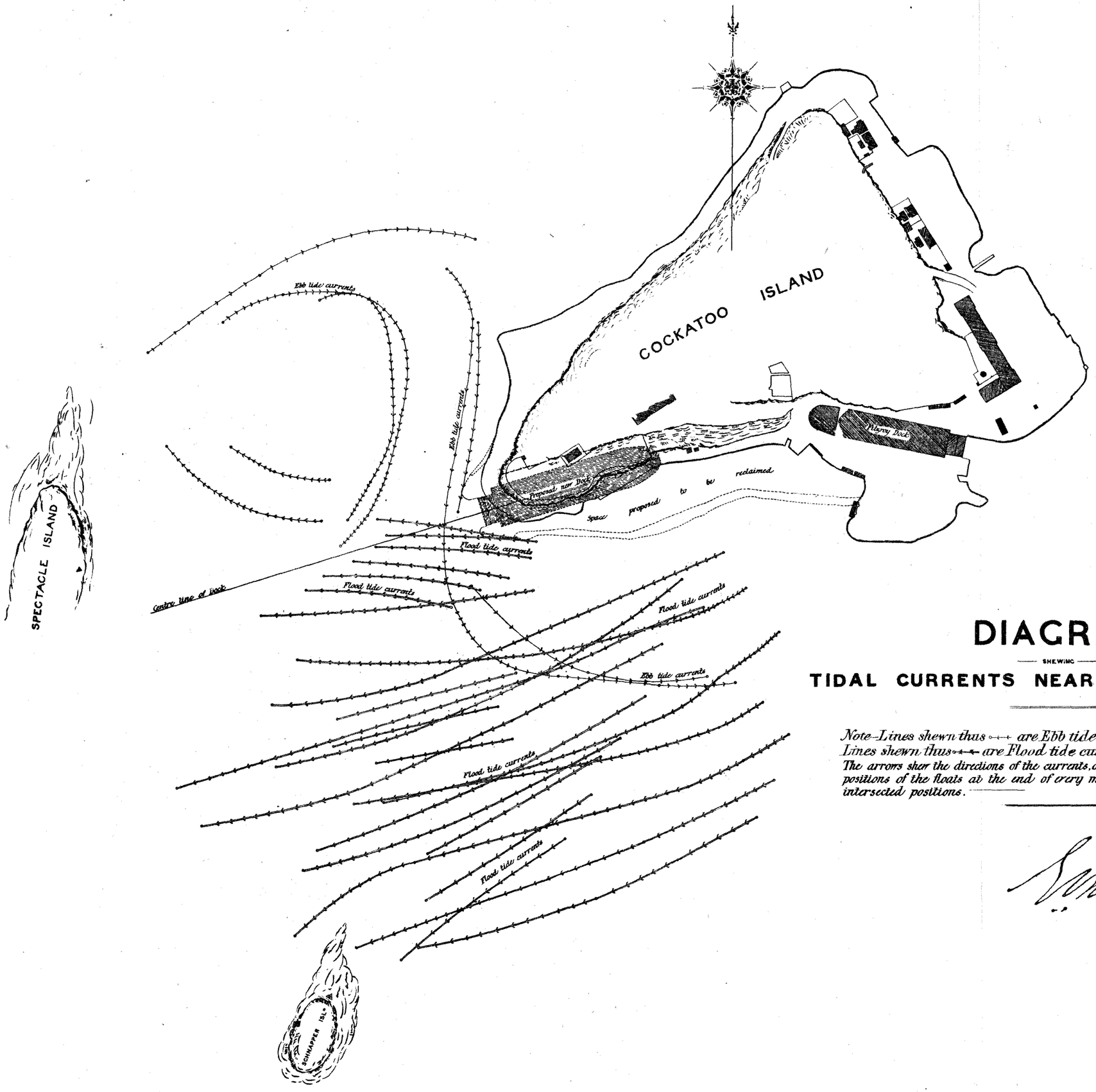

DIAGRAM

SHEWING

TIDAL CURRENTS NEAR COCKATOO ISLAND

Note–Lines shewn thus ⟶ are Ebb tide currents.
Lines shewn thus ⟶ are Flood tide current.
The arrows sheer the directions of the currents, and are placed approximately at the positions of the floats at the end of every minute; the circles denote the intersected positions.

S. Mercanty

PHOTO-LITHOGRAPHED AT THE GOVT. PRINTING OFFICE
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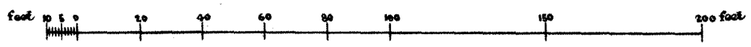
(Sig 2.96)

NEW DOCK PROPOSED TO BE CONSTRUCTED
—AT THE WESTERN END OF COCKATOO ISLAND—



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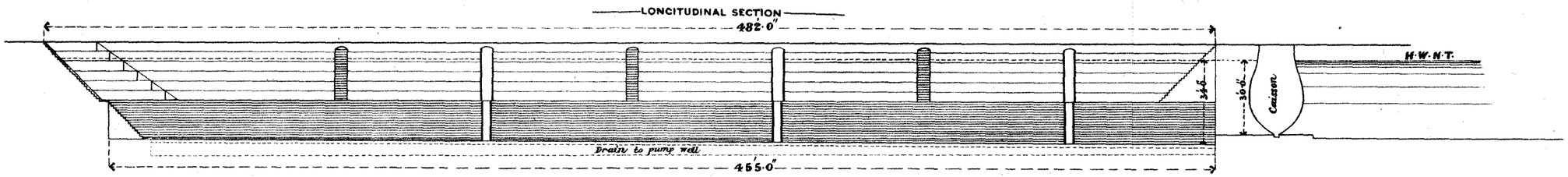
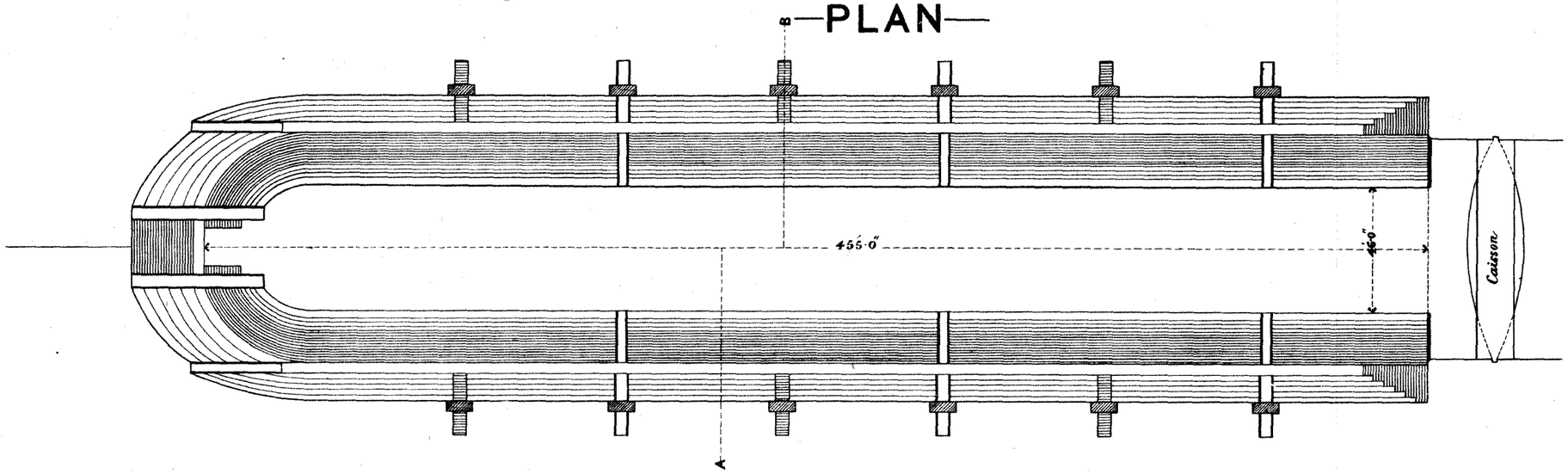
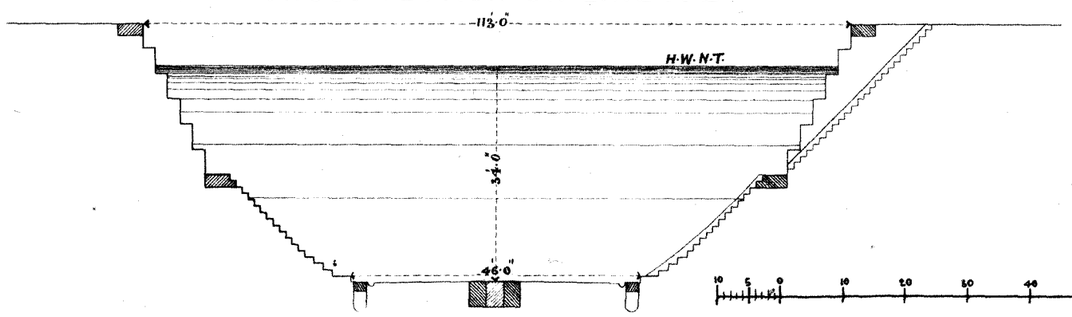


—PLAN—



—CROSS SECTION ON LINE·A B—



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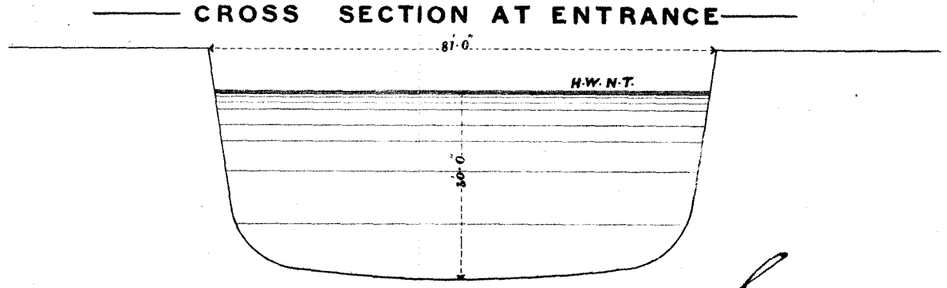

(Sig. 296)

PHOTO-LITHOGRAPHED AT THE GOVT. PRINTING OFFICE,
SYDNEY, N.S. WALES.

APPENDIX.

TABLE I.—Dimensions of some of the principal Dry or Graving Docks.

Name or Number of Dock.	Length on Blocks at Bottom of Dock.	Length at Top of Dock.	Width of Entrance.	Depth of Water on Sill at O. W. H. Spring-tides	Depth of Water at O. H. M. Neap-tides.	Remarks.
	ft. in.	ft. in.	ft. in.	ft. in.	ft. in.	
PORTSMOUTH.						
No. 1, South harbour dock ...	228 3	253 6	57 7	20 3	16 3	Number of building slips—one of 1st class and four of 2nd class.
„ 2, South-east basin dock..	221 6	252 10	63 4	24 0	20 0	
„ 3, South basin dock	275 2	287 1	67 6	25 6	21 6	
„ 4, Middle basin dock.....	279 3	286 3	67 6	21 9	17 9	
„ 5, Middle basin dock.....	208 3	227 2	55 4	20 3	16 3	Being made 4 ft. 3 in. deeper.
„ 6, Harbour dock	189 8	220 1	52 11	20 0	16 0	
„ 7, „ 10, Double docks	644 10	644 10	80 5 88 6	25 6 27 0	21 6 23 0	
„ 8, South inlet dock	302 10	333 5	70 0	22 9	18 9	
„ 9, Dock	253 4	283 2	64 11	21 9	17 9	
„ 11, North inlet dock	406 0	426 0	70 0	25 9	21 9	In course of construction.
DEVONPORT.						
No. 1, Basin dock	266 0	299 0	65 0	27 10	23 4	
„ 2, „ 3, ...	415 6	437 0	73 0	31 1	27 7	Two old docks being altered into one. New one (constructing).
„ 4, ...	209 6	241 2	56 2	20 4	15 10	
„ 5, ...	263 4	275 10	64 0	20 7	16 1	Number of building slips—one of 1st class, two of 2nd class, and three of 3rd class.
KEYHAM.						
No. 1, South dock	348 2	356 6	80 0	23 0	20 0	
„ 2, Middle dock	281 9	308 0	80 0	23 0	20 0	
„ 3, Graving dock	274 6	307 0	80 0	27 0	24 0	Being altered and made 136 ft. 6 in. longer on keel-blocks, and 109 ft. at tops.
SHEERNESS.						
No. 1, Dock	241 0	253 4	57 7	25 2	20 8	
„ 2, „	225 7	251 10	57 8	25 2	20 8	
„ 3, „	241 0	253 4	63 5	25 2	20 8	Number of building slips—one of 2nd class.
„ 4, „	180 7	203 10	50 3	19 10	15 4	
„ 5, „	154 4	196 1	58 7	14 8	10 2	
CHATHAM.						
No. 1, Dock	203 5	222 5	57 0	16 0	13 0	
„ 2, „	374 6	397 9	62 2	23 6	20 6	Number of building slips—one of 1st class and six of 2nd class.
„ 3, „	320 5	347 5	62 10	23 6	20 6	
„ 4, „	232 0	253 0	62 8	21 0	18 0	
WOOLWICH AND DEPTFORD.						
No. 1, Dock	250 0	265 0	65 0	22 0	17 2	Number of building slips—one of 1st class, seven of 2nd class, and four of 3rd class.
„ 2, „	241 3	272 0	65 0	21 0	16 2	
„ 3, „	264 0	290 8	80 0	21 0	16 2	Being made 10 ft. longer on the blocks, and 74 at the top.
Outer dock, Deptford	196 0	196 0	54 0	15 3½	9 8½	
Inner dock, Deptford	167 6½	190 4½	46 10	13 3	7 8	
PEMBROKE.						
No. 1	387 8	404 0	75 0	24 6	18 6	Number of building slips—four of 1st class and nine of 2nd class.
CHERBOURG.						
No. 1, in outer basin.....	.....	246 0	58 0	.....	.....	
„ 1, in new basin	.....	370 0	60 0	.....	.....	
„ 2, „	.....	370 0	60 0	.....	.....	
„ 3, „	.....	340 0	60 0	.....	.....	Number of building slips—nine of 1st class.
„ 4, „	.....	340 0	60 0	.....	.....	
„ 5, „	.....	340 0	60 0	.....	.....	
„ 6, „ double locks	.....	350 0	65 0	.....	.....	
„ 7, „ „	.....	350 0	65 0	.....	.....	
BREST.						
No. 1, small	.....	210 0	56 0	.....	.....	
„ 2, „	.....	210 0	56 0	.....	.....	
„ 1, double	.....	500 0	60 0	.....	.....	Can be made into four of 250 ft.
„ 2, „	.....	500 0	60 0	.....	.....	
L'ORIENT.						
No. 1, double.....	.....	340 0	58 0	.....	.....	Recently lengthened.
„ 2, „	.....	600 0	.....	.....	.....	Constructing.
TOULON.						
No. 1, old	.....	250 0	58 0	.....	.....	
„ 2, „ smaller	.....	230 0	58 0	.....	.....	
„ 3, „ „	.....	230 0	58 0	.....	.....	Number of building slips—sixteen of 1st class.
„ 1, new	.....	336·69	62 0	.....	.....	
„ 2, „	.....	396·88	.....	.....	.....	
„ 3, „	.....	545·79	.....	.....	.....	
ROCHEFORT.						
Small	.....	210 0	55 0	.....	.....	
Double.....	.....	450 0	60 0	.....	.....	Can be made into one of 210 and one 240.
Large	.....	360 0	80 0	.....	.....	
HAVRE.						
New dock	.....	426 0	90 0	.....	.....	

TABLE I.—Dimensions of Dry or Graving Docks—*continued.*

Name or Number of Dock.	Length on Blocks at Bottom of Dock.	Length at Top of Dock.	Width of Entrance.	Depth of Water on Sill at O. W. H. Spring-tides	Depth of Water at O. H. M. Neap-tides.	Remarks.
LIVERPOOL.	ft. in.	ft. in.	ft. in.	ft. in.	ft. in.	
Canada lock and graving dock	501 0	.....	100 0	26 0	19 0	
Huskisson lock and graving dock	396 0	.....	80 0	24 9	17 9	
Sandon graving docks—						
No. 1, east	540 0	.....	60 0	21 9	14 9	
„ 2, „	540 0	.....	70 0	21 9	14 6	
„ 3, „	540 0	.....	60 0	21 9	14 9	
„ 4, „	540 0	.....	70 0	21 9	14 9	The total area and quay space of the Liverpool and Birkenhead Dock is as follows:—
„ 5, „	540 0	.....	45 0	21 9	14 9	
„ 6, „	540 0	.....	45 0	21 9	14 9	
Clarence graving docks—						
No. 1, outer gates	405 0	.....	45 0	21 3	14 3	
„ 1, inner gates	291 0	.....	45 0	18 9	11 9	
„ 2, outer gates	414 0	.....	45 0	21 3	14 3	
„ 2, inner gates	288 0	.....	32 10	18 9	11 9	
Canning graving docks—						
No. 1	441 0	.....	35 9	19 11½	12 11½	
„ 2	488 0	.....	35 9	18 3½	11 3½	
Brunswick graving docks—						
No. 1	399 0	.....	42 0	20 9	13 9	
„ 2	399 0	.....	43 0	20 9	13 9	
Queen's graving docks—						
No. 1	438 0	.....	42 0	19 11¼	12 11¼	
„ 2	435 0	.....	70 1	21 9	14 9	
BIRKENHEAD.						
No. 1, new dock } constructing	750 0	.....	85 0	25 9	.....	
„ 2, „ } constructing	750 0	.....	50 0	25 9	.....	
„ 1, dock } belonging to	300 0	.....	40 0	16 6	.....	
„ 2, „ } belonging to Laird	180 0	.....	45 0	16 6	.....	
„ 3, „ } belonging to Brothers	400 0	.....	65 0	24 3	.....	
„ 4, „ } belonging to Brothers	440 0	.....	85 0	20 6	.....	
SOUTHAMPTON.						
Western dock	343 0	346 0	66 0	20 0	16 0	The eastern dock, made in 1854, is of brickwork, with Portland copings, and is stated to have cost £53,000.
Middle dock	232 0	233 0	51 0	15 6	11 6	
Eastern dock	425 0	538 0	80 0	20 0	21 0	

Name of Dock.	Water Area.		Quay Space.	
	acres	yards	miles	yards
Liverpool	251	2664	18	763
Birkenhead	121	2869	5	786
Total	372	5533	23	1549

TABLE II.—Principal Dimensions of other Dry Docks of 300 feet in length, and upwards. 1862.

Name of Port.	Name of Dock.	Length over all.	Breadth of Entrance.	Depth of Water over Sill at O. H. W.
		feet.	feet	feet
Leith	On the East Sands	400	71	23
Sunderland	Laing's	300	48	14
„	Commissioners	315	45	16·8
West Hartlepool	No. 1	375	60	16
„	No. 2	355	50	17
Great Grimsby	No. 1	400	70	19·6
Thames	Northfleet	400	74	19·6
„	New Crane	463·6	43·9	14·6
„	Union (upper)	331·6	39·8	15
„	Regent, No. 12	338	42·2	16
„	Green & Co.	342	62	18
„	General Steam	328	40	14
Portsmouth	Camber Dock	345	50	17·3
Isle of Wight	Cowes	330	36	16·6
Plymouth	Mill Bay	367	80	27·6
Falmouth	No. 1	360	54	14
„	No. 2	400	90	20
Appledore	.....	326	43·3	15
Bristol	Great Western	300	45	13
„	Albion	380	38·6	13·6
„	Green	323	56	15
Cardiff	East Bute	435	48	18
Swansea	No. 3	300	36	16
Holyhead	.....	307	62·9	17
Greenock	Steel	361	47·8	16
„	Scott	300	45	15
„	Corporation	360	38	13
Dumbarton	.....	300	41	13
Glasgow	Tod & M'Gregor	500	56	18
Dublin	No. 1	400	70	18
Londonderry	.....	321	50	18
Cork	West Passage	390	86	24
„	Wheeler's	420	59	20
Trieste	Austrian Lloyd's	300	...	25
Bombay	Old Dock	613	51·9	16
„	Duncon Dock	600	63	16
Singapore	New Harbour	390	43	15
„	.....	450	62	18
Canton River	T. C. Couper	550	72	17
Amoy	.....	300	...	...
Australia	Cockatoo Island	306	58	20·6
„	Mort's, in Waterview Bay	345	75	19
Rio Janeiro	Cobras Island	301	70	28

DIMENSIONS of a few of the Vessels in H. M. Navy and in the Merchant Service too large to be docked at the Fitz Roy Dock.

Name.	Service.	Tonnage.	Length.	Beam.	Depth.	Draft.
			feet	feet	feet	ft. in.
Warrior	H. M. Iron-clad Frigate—Iron	6,109	380	58	.....	26 5
Black Prince	" " "	.....	380	58	.....	27 3
Achilles	" " "	6,121	380	59	.....	27 2
Minotaur	" " "	6,621	400	59	.....	26 10
Northumberland	" " "	6,621	400	59	.....	26 10
Agincourt	" " "	6,621	400	59	.....	26 10
Caledonia	" " Wood	4,125	273	59	.....	26 9
Royal Oak	" " "	4,056	273	58	.....	25 8
Prince Consort	" " "	4,045	273	58	.....	25 8
Ocean	" " "	4,047	273	58	.....	26 9
Royal Alfred	" " "	4,068	273	58	.....	25 6
Lord Clyde	" " "	4,067	280	59	.....	26 0
Lord Warden	" " "	4,067	280	59	.....	26 0
Zealous	" " "	3,716	252	58	.....	26 0
Hector	" " Iron	4,089	280	56	.....	25 7
Valiant	" " "	4,063	280	56	.....	26 10
Resistance	" " "	3,710	280	54	.....	26 0
Defence	" " "	3,720	280	54	.....	25 6
Bellerophon	" " Corvette—Iron	4,246	300	56	.....	26 0
Hercules	" " " "	.....	.....	.....	.....	.....
Jumna	H. M. Transport Service—Troop-ship	4,173	370	49	41·4	.....
Euphrates	" " "	4,173	365	49	.....	.....
Peshawur	Peninsular and Oriental Co.	3,229	380	42	35	.....
Australian	" "	3,487	365	42	35	.....
Kedive	" "	3,329	380	42	36	.....
Mirzapore	" "	3,329	380	42	36	.....
Pekin	" "	3,229	380	42	35	.....
John Elder	Pacific Steam Co.	3,200	370	41	37	.....
Chimborazo	"	3,850	370	49	37	.....
Cusco	"	3,850	370	49	37	.....
City of York	Inman Line	3,200	380	.....	.....	.....
City of Brussels	"	3,000	400	40	.....	.....
Building, but not named ...	"	4,600	416	43	.....	.....
	"	4,800	430	44	36	.....
City of Brooklyn	Philadelphia Steam Co.	3,000	370	42	.....	.....
City of Montreal	"	4,600	433	43	36	.....
Scotia	Cunard Co.	3,871	379	48	30	.....
Persia	"	3,300	376	45	30	.....
Russia	"	3,141	346	42	39	.....
Conrad	Java *vid* Suez	3,000	350	39	31	.....
Canopus	Liverpool and Alexandria	3,000	400	37	28	.....
Prinz Hendrick	Suez	3,000	350	39	31	.....
Ville de Paris	C. G. T. of France	3,300	350	44	29	.....
France	National Steam Co.	3,610	410	42	32	.....
Pacific	Ocean Steam Co.	4,000	437	41	.....	.....
Caspian	J. A. Allan	2,500	360	38	32	.....
Prussian	"	3,000	340	40	36	.....

[Illustrations—twelve sheets.]

Sydney: Thomas Richards Government Printer.—1874.

1873.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

TRIAL BAY AS A HARBOUR OF REFUGE.

(PETITION OF E. W. RUDDER.)

Ordered by the Legislative Assembly to be printed, 24 *September*, 1873.

To the Honorable the Legislative Assembly of New South Wales, in Parliament assembled.

May it please your Honorable House,—

Since it has pleased God and your Country to entrust to your counsels the welfare and happiness of your fellow-men, and upon your deliberations made them to depend, your Petitioner is emboldened to remind your Honorable House that we are still without a "Harbour of Refuge" for the protection of mariners and others visiting our various sea-ports. He would respectfully ask the question, can the value of human life be over-estimated, and is not its protection one of the most sacred trusts committed to your care, to neglect which, when imperilled through neglect to provide for its safety, is to incur a high responsibility? How far you have entailed this upon your Honorable House, in having so long neglected to provide a "Refuge" upon some part of our tempestuous coast, for the protection of the numerous ships of all kinds trading to our ports, the widows and orphans of those seamen who have lost their lives through shipwreck may perhaps testify. Could you penetrate the abyss of water which spends the fury of its waves against our rock-bound shores, and behold the whitened skeletons it contains, once the living frames of brave and noble men, who manned those ships the scattered remnants of whose wrecks strew our coasts, what a ghastly assembly would meet your gaze! Picture to your Honorable Assembly their hopeless struggles for life, their despair, their agonizing thoughts of home, of kindred, and of eternity, and what, I ask, must be your feelings? Could they, a ghastly multitude, appear at the bar of your House, would they not upbraid you for the millions you have lavishly voted for the construction of Railroads, to the neglect of a "Harbour of Refuge." The expense of such a structure will no doubt be very great; has this consideration deterred you from voting money for the construction of Railroads? Have not our seamen a paramount claim upon your sympathy, your wisdom, your justice, and your liberality? Will you then longer delay, when so admirable a site has been pointed out to you as Trial Bay? Will you still vote millions for Railroads, and not one towards the construction of a Harbour of Refuge? Your Petitioner appeals to the noblest feelings of your nature. For the sake of humanity, for the love of consistency, and for the benefit of commerce, no longer delay to provide sufficient funds to construct a "Harbour of Refuge." Look at the noble example set by the Mother Country; she has granted for this benevolent and noble object more than ten millions of money. Will you not follow in her footsteps? Where will you find a finer, hardier, braver, or more generous class of men than British tars? In peace ever vigilant to carry the products of our industry to the uttermost parts of the earth; and in war ever foremost to protect your homes, and secure the peace and happiness and safety of our wives and children. Have none of you, honorable gentlemen, been exposed to the fury of the raging tempest when visiting your distant stations, or happy Old England? On such occasions would not the knowledge that a "Harbour of Refuge" was within reach have calmed your fears? By every motive which impels man to act with energy and decision, when national and noble objects are required to be done, do notpermit another Session to pass over without appropriating the requisite means for the accomplishment of that now brought under your notice. It is not to be credited for one moment that your constituents will do otherwise than approve of such a course of action. Would to God all money voted by your Honorable House could boast of so glorious a destination as the protection of human life and the preservation of property. The safety of a single cargo might be more in value than the annual expenditure entailed by the construction brought under your notice during two or three years, to say nothing of hundreds of human lives which may be snatched from a watery grave, and preserved to their families and country. What are Railroads in comparison to this, especially when it is considered that more than two million tons of shipping are engaged annually in the import and export trade of this and the adjoining Colony of Queensland? Neither is this all: it would lay the foundation upon which great local improvements would rise, and the concentration of a numerous population follow as the natural result. The Crown Lands in the vicinity would meet with a ready sale, at prices such as to bring to the Treasury no small sum of money towards reimbursing the national expenditure. Perhaps it is not too much to say

that in this respect Trial Bay holds out unrivalled inducements. It is the outlet to one of the richest agricultural districts in this Colony, commanding one of the shortest (and when completed) best coast roads into the interior. Beside all your Petitioner has hitherto urged upon your Honorable House, he would call your attention to the important fact that it would present a splendid opening for the employment of our prison population, which, as a point in political economy and moral reformation cannot well be too highly appreciated. Let the Government give the convict healthy employment with reasonable encouragement, and then there would be some just ground for hope that he would reward your decision by permanent reclamation, and final restoration as a useful member of society. Surely these are subjects worthy your solemn deliberation; they involve no party questions, infringe no rights, but embrace principles which give nobility to man, exalt nations, and bless our race. Having submitted a plan, accompanied by a letter, to the Honorable the Minister for Lands, dated April 26th, 1867, on the subject of the proposed "Breakwater" at Trial Bay, as well as petitioned your HonorableHouse, your Petitioner prays you will give this Petition your favourable consideration, as one which has not been hastily or inconsiderately brought under your notice.

And your Petitioner, as in duty bound, will ever pray, &c. &c.

E. W. RUDDER.

Kempsey Villa, East Kempsey, Sept. 16, 1873.

Sydney: Thomas Richards, Government Printer.—1873.

[8d.]

1873.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

CROOKHAVEN RIVER.

(WORK PERFORMED IN, BY STEAM DREDGE "PLUTO.")

Ordered by the Legislative Assembly to be printed, 9 *September*, 1873.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 18 March, 1873, That there be laid upon the Table of this House,--

"A Return showing :—

"1. The number of years the Steam Dredge "Pluto" has been engaged in "deepening the Crookhaven River.

"2. The number of days the dredge has been at work in each year.

"3. The number of cubic yards removed by the dredge in each year.

"4. The distance deepened by the said dredge.

"5. The present depth of water in the channel of the Crookhaven at high "and low water in the shallowest part of the channel.

"6. The cost to the Government, including dredge and equipment, in "deepening the Crookhaven River."

(*Mr. Warden.*)

CROOKHAVEN RIVER.

RETURN in compliance with Mr. Warden's Motion of the 18th March, 1873, showing—

1st. The number of years the Steam Dredge "Pluto" has been engaged in deepening the Crookhaven River.

2nd. The number of days the dredge has been at work in each year.

3rd. The number of cubic yards removed by the dredge in each year.

4th. The distance deepened by the said dredge.

5th. The present depth of water in the channel of the Crookhaven at high and low water in the shallowest part of the channel.

6th. The cost to the Government, including dredge and equipment, in deepening the Crookhaven River.

DREDGE "PLUTO."

1. Number of years Steam Dredge "Pluto" has been engaged in deepening the Crookhaven River :—

Commenced dredging 23rd January, 1863, to 23rd March, 1873.—10 years 2 months.

2. The number of days the dredge has been at work in each year :—

1863	205 days
1864	197 „
1865	241 „
1866	240 „
1867	255 „
1868	216 „
1869	214 „
1870	*121 „
1871	251 „
1872	201 „
1873, to 23rd March ...	43 „
Total.....	2,184 days

3. Number of cubic yards removed by dredge in each year :—

1863	35,111 cubic yards
1864	55,244 „
1865	57,333 „
1866	56,148 „
1867	61,371 „
1868	41,113 „
1869	47,556 „
1870	24,044 „
1871	62,970 „
1872	38,693 „
1873, to 23rd March ...	8,337 „
Total.....	488,420 cubic yards

* Boiler of "Pluto" under extensive repairs during this year; the dredge was consequently laid up and most of the crew discharged while this work was being carried out.

4. The distance deepened by said dredge :—6 miles (not including dredging at Bomaderry).

5. Present depth of water in the channel of the Crookhaven, at high and low water, in the shallowest part of the channel :—

Shallowest part, German Flat, to the north of Appletree Island,—high water, 6 feet 6 inches, low water, 3 feet.

6. The cost to the Government, including dredge and equipment, in deepening the Crookhaven :—

	£ s. d.	£ s. d.
Cost of dredge (including preparation of plans, &c.)		7,034 6 3
„ punts	1,650 0 0	
1869	2,600 0 0	
		4,250 0 0
S. T. "Pearl," cost	2,400 0 0	
Alterations...	232 13 0	
		2,632 13 0

Annual Expense.

1862	355 15 0
1863	2,255 10 6
1864	1,917 14 4
1865	1,774 0 5
1866	1,936 5 6
1867	2,338 7 8
1868	2,405 9 3
1869	2,085 9 4
1870	2,247 15 0
1871	2,221 5 2
1872	2,551 12 8
1873	443 6 3
	22,532 11 1
	£ 36,449 10 4

Sydney: Thomas Richards, Government Printer.—1873.

[3d.]

1873.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

PILOTS.

(EMPLOYED BETWEEN POINT DANGER AND CAPE HOWE.)

Ordered by the Legislative Assembly to be printed, 7 October, 1873.

No. 1.

RETURN showing the number of Pilots employed on the Coast of New South Wales, from Point Danger to Cape Howe, where stationed, and the number of Men engaged at each Station, from 1 January to 1 July; 1873.

Pilots.	Date.	Where Stationed.	Men employed.
W. M'Gregor	1 January to 1 July...	Tweed River	4
G. R. Easton	" " ...	Richmond River	5
F. Freeburn	" " ...	Clarence River	4
J. B. Garrard	" " ...	Macleay River	4
J. Stewart	" " ...	Bellinger River	4
E. Kingsford	" " ...	Port Macquarie	4
J. O. Bradley	" " ...	Manning River	4
J. Taylor	" " ...		
J. Lott	" " ...		
D. Powell	" " ...		
J. H. Dagwell	" " ...	Newcastle	19
J. L. B. Brown	3 May to 30 June ...		
J. Bain	12 May to 1 July.....		
R. Cork	1 January to 1 July...		
A. Coutts	" " ...		
D. Christison	" " ...		
A. W. Jack	" " ...	Sydney	24
W. May	" " ...		
J. L. B. Brown	1 January to 30 April		
R. Houslar	1 January to 1 July...	Wollongong	2
J. Craig	" " ...	Shoalhaven	4
R. M. Tranent	" " ...	Moruya	2
B. Russell, junr.	" " ...	Twofold Bay	3

No. 2.

RETURN showing the number of Vessels (from the 1st January to the 1st July, 1873) that have been trading to each River where Pilots are stationed.

Station.	No. of Vessels in and out.	Station.	No. of Vessels in and out.
Tweed River	46	Newcastle	2,225
Richmond River	158	Sydney	4,929
Clarence River	169	Wollongong	633
Macleay River	105	Shoalhaven	224
Bellinger River	49	Moruya	55
Port Macquarie	85	Twofold Bay	113
Manning River	184		

No. 3.

RETURN showing the names of Vessels that took Pilots, and the amounts of Pilotage received at the Port of Sydney, from the 1st January to the 1st July, 1873.

Name of Vessel.		Amount of Pilotage. £ s. d.	Name of Vessel.		Amount of Pilotage. £ s. d.
Yarra Yarra	In	5 16 8	Ino		2 10 0
Mary Ann Annison	„	4 19 0	Bangalore	In and out	39 5 4
Adventurer	„	5 1 8	Three Brothers	In	2 19 6
Huntly Castle	In and out	20 15 4	Saxon	„	7 17 4
Agate		5 4 2	Cutty Sark	In and out	30 14 0
Inverdruie	In and out	19 14 0	Shahpore	„ „	49 17 4
Amelia	„ „	13 4 8	Argonaut	„ „	35 14 8
August Reimers	Out	3 10 8	Rebecca Goddard	„ „	13 15 4
Abergeldie	„	19 4 0	Damascus	„ „	32 2 8
Solid	„	2 12 4	Christiana Thompson	Out	17 19 8
Janet Stewart	In	3 7 4	Woodbine	In	4 4 0
Canning	In and out	30 12 8	Golden Sea	Out	23 12 8
Geraldine	„ „	6 1 4	Chance	In	2 10 0
Conflict	„ „	38 0 8	Somerset	In and out	43 6 8
Prince Alfred	„ „	8 12 0	August	„ „	9 2 8
Bessie Morris	„ „	16 19 4	Lady Bird	Out	4 15 4
Lady Bowen	In	14 17 4	Glencora	In and out	35 10 8
Governor Blackall	„	5 10 4	John Williams	Out	3 2 0
Minschickoff	In and out	3 14 8	John Rennie	In and out	28 5 4
France	Out	8 9 4	Naomi	„ „	11 16 8
Kate Kearney	In	2 10 0	Agnes Rose	Out	16 10 4
Verulam	In and out	10 8 8	Metaris	„	4 1 4
Emma	Out	5 6 4	Onward	In and out	20 4 0
Dover Castle	„	16 14 4	Gazelle	„ „	6 6 0
Isabelle	In and out	5 0 0	Marie Louise	„ „	8 6 0
Duncraig	Out	11 13 0	Glendower	„ „	39 14 8
Strathnaver	„	16 19 4	Halley Bailey	„ „	5 0 0
Arethusa	In and out	7 6 8	William Manson	„ „	12 4 0
Western Star	In	2 19 8	Inverness	Out	12 1 8
England	„	14 6 8	Norman	„	4 4 8
Lady Alicia	In and out	6 10 0	Agenoria	„	2 10 0
Baroda	„ „	41 1 4	Lucy	In and out	5 0 0
Parana	„ „	34 4 8	Signal	„ „	16 8 0
John Wesley	„ „	7 18 8	The Tweed	Out	29 1 8
Australian Sovereign	„ „	11 15 4	Ann Duthie	In and out	33 2 8
Inverary	„ „	9 10 0	Sumatra	„ „	42 4 8
Girvan	„ „	23 2 8	Ascalon	„ „	31 5 4
Helen White	„ „	9 10 0	Gleaner	In	2 10 0
Victoria	In	16 6 0	Berwickshire	In and out	17 15 4
Madame Demorest	„	7 9 4	Mendoza	„ „	16 10 0
Day Dawn	„	6 12 8	Novelty	In	6 5 4
Australasian Packet	In and out	6 1 4	Prince Alfred	In and out	5 7 4
Mary Ann Christina	In	2 13 8	Isabelle	In	2 10 0
Moravian	In and out	32 5 4	Rowena	In and out	6 9 4
Duke of Edinburgh	Out	18 12 4	British Commodore	„ „	46 6 8
Chance	In	4 15 4	Spirit of the Age	„ „	11 11 4
E. M. Young	„	5 15 0	Queensland	In	6 18 0
Kosiusko	Out	19 17 4	Melanie	„	2 10 0
Far Away	In	6 17 0	Harlaw	In and out	29 16 0
Rubicon	In and out	5 0 0	Oriflamme	„ „	47 5 4
Jessie M'Donald	„ „	9 3 4	British King	„ „	52 14 0
Macassar	„ „	8 12 8	Jessie	In	2 10 0
Brucklay Castle	Out	16 18 0	Northampton	In and out	38 14 0
Go-ahead	„	2 10 0	Leucadia	„ „	29 17 4
Dancing Wave	In	2 10 0	Dounne Castle	„ „	29 11 4
Queen of the Age	In and out	25 4 8	Douglas Castle	„ „	22 12 0
Windsor Castle	„ „	32 12 8	Isle of Anglesea	„ „	24 3 4
Ethiopian	Out	13 19 4	Nineveh	In	19 11 4
Isabella	In and out	8 10 8	Berkshire	„	24 11 0
Agate		5 4 2	Evelyn	In and out	39 6 0
Botanist	In and out	38 13 4	Sibyl	In	2 10 0
Garnock	„ „	22 11 4	Agate	In and out	10 8 4
Alcandre	In	3 4 8	Thames	„ „	14 16 8
Sam Mendel	Out	17 4 8	Baroda	„ „	41 1 4
Donald M'Lean	„	2 10 0	Bertha	„ „	6 0 8
Parramatta	„	25 7 0	Rifleman	In	11 19 4
Serena Thayer	In and out	6 17 4	Nation's Hope	In and out	24 14 0
Lelia	„ „	5 0 0	Europe	„ „	11 4 0
Sarah Pile	„ „	4 8 4	Falcon	In	13 4 8
William Duthie	Out	16 2 8	Roslyn Castle	In and out	21 9 4
Mooltan	In and out	54 5 4	Henrietta	„ „	14 7 4
Belted Will	„ „	11 13 4	Prince Alfred	„ „	8 12 0
Duke of Abercorn	„ „	35 0 0	Monsoon	In	4 14 4
Black Adder	„ „	30 6 0	Buckinghamshire	In and out	24 8 8
Mary Ann Annison	Out	4 19 0	Dunbar Castle	In	15 8 4
Thermopylæ	In and out	31 12 0	Energy	In and out	5 0 0
Otta and Antonie	In	18 19 0	Clara	In	15 13 0
Alexander Duthie	In and out	38 12 8	Light Brigade	In and out	41 9 4
Commissary	Out	15 0 0	Paragon	Out	2 13 0
Sydney Griffiths	In	5 11 0	Joyce Phillips	In	8 11 4
Mercury	In and out	12 0 8	H. & L.	In and out	8 4 0
Coleroon	„ „	25 7 4	Lord Ashburton	In	14 13 0
Isabelle	„ „	5 0 0	Upolu	In and out	5 0 0

Name of Vessel.		Amount of Pilotage. £ s. d.
Hallie Jackson	In	2 10 0
Baingalore	In and out	39 5 4
Aviemore	In	18 3 8
John S. Lane	„	2 10 0
Newcastle	In and out	37 18 0
Ionia	In	2 18 0
James Paton	„	6 12 4
Bothwell Castle	„	9 17 4
Orange Grove	„	6 8 4
Essex	„	20 18 8
Zenobia	„	19 1 8
Halloween	„	15 6 8
Farningham	„	4 13 8
Star of the South	„	11 1 8
Durham	„	21 8 8
Prospect	„	3 6 0
Cicero	„	18 16 8
Corionne	„	6 12 0
Leander	„	14 2 8
Tamesa	„	11 17 8
Leicester	„	21 16 4
Annie Brown	„	2 13 4
Annie Bow	„	4 3 4
Tranquebar	„	6 11 4
Wentworth	„	10 16 8
Romeo	„	10 13 8
Patriarch	„	22 6 4
Total	£	3,012 5 10
Tweed River.		
Bertha	In and out	2 10 0
Alma	Out	1 5 0
Hibernia	In and out	2 10 0
Advance	„ „	2 10 0
Sarah Marie	„ „	2 10 0
Sarah & Jane	„ „	2 10 0
Sarah & Jane	„ „	2 10 0
Bertha	„ „	2 10 0
Advance	„ „	2 10 0
Sarah & Jane	„ „	2 10 0
Bellinger	„ „	2 10 0
Hibernia	„ „	2 10 0
Octoroon	„ „	2 10 0
Sarah & Jane	„ „	2 10 0
Mary	In	1 5 0
Bellinger	In and out	2 10 0
Octoroon	„ „	2 10 0
Octoroon	„ „	2 10 0
Bertha	In	1 5 0
Atalanta	In and out	2 10 0
Bellinger	In	1 5 0
Octoroon	„	1 5 0
Total	£	48 15 0
Eden.		
Eleanor Johnson	In	1 5 0
Victoria	In and out	32 12 0
City of Melbourne	In	10 5 0
Agnes Jessie	In and out	3 2 4
Amphitrite	„ „	2 3 0
Total	£	49 7 4
Wollongong.		
Adieu	In and out	5 16 0
Culgoa	„ „	1 17 4
Challenge	„ „	0 16 8
Total	£	8 10 0
Clarence.		
Maid of Erin	In and out	2 10 0
Dawn	„ „	2 10 0
Brave	„ „	6 18 0
Au Revoir	„ „	4 12 0
Kate Moynahan	„ „	3 8 0
Tower Hill	„ „	6 0 8
Mary Grant	„ „	4 12 0
Grace Darling	„ „	2 14 8
Civility	In	2 16 4
Total	£	36 1 8

Name of Vessel.		Amount of Pilotage. £ s. d.
Shoalhaven.		
*Pilotage		28 1 0
Total	£	28 1 0
Richmond River.		
Look Out	In and out	3 12 0
Mary	„ „	5 8 0
Lady Denison	„ „	4 6 0
Wallaby	„ „	2 12 0
Storm King	„ „	2 10 8
Australia	„ „	2 2 8
Octoroon	„ „	2 10 0
Susannah Cuthbert	„ „	5 7 4
Resolute	Out	1 5 0
Mary Bannatyne	In and out	3 17 4
Amphitrite	„ „	4 6 0
Schoolboy	„ „	5 6 8
Ellesmere	„ „	5 19 4
Florence	„ „	2 10 8
Leonidas	„ „	3 14 0
Kate Moynahan	Out	1 14 0
Sarah Nicholl	In and out	2 10 0
J. G. Coleson	„ „	2 10 0
Margaret	„ „	2 18 0
Commerce	„ „	2 10 0
Alpha	Out	1 7 4
Pacific	In and out	2 10 0
Mary Campbell	„ „	4 16 0
Examiner	„ „	6 0 8
Hector	„ „	3 16 8
Spunkie	„ „	4 8 0
Storm Bird	„ „	3 2 8
Pioneer	„ „	5 5 4
Alpha	„ „	2 14 8
Kate Conley	„ „	5 2 8
Welcome Home	Out	1 16 4
Pilot	In and out	3 7 4
Lucy & Adelaide	„ „	3 0 0
Martha & Jane	„ „	2 17 4
Yarra	„ „	4 14 0
Sword Fish	„ „	3 14 0
Lismore	„ „	2 18 8
Sir J. Newton	„ „	4 0 8
Susannah Cuthbert	„ „	5 7 4
Schoolboy	„ „	5 6 8
Examiner	„ „	6 0 8
Wallaby	„ „	2 12 0
Alpha	„ „	2 14 8
Ceres	„ „	3 0 8
Amphitrite	„ „	4 6 0
Nil Desperandum	„ „	5 4 8
Ceara	„ „	5 14 8
Susannah Cuthbert	„ „	5 7 4
Emma Jane	„ „	3 15 4
Kate Moynahan	„ „	3 8 0
Wallaby	„ „	2 12 0
Alpha	„ „	2 14 8
Octoroon	„ „	2 10 0
Storm Bird	„ „	3 2 8
Susannah Cuthbert	„ „	5 7 4
Margaret	In ...	1 9 0
Mary Bannatyne	In and out	3 17 4
Lucy and Adelaide	„ „	3 0 0
Florence	„ „	2 10 8
J. G. Coleson	In ...	1 5 0
Examiner	In and out	6 0 8
Commerce	In ...	1 5 0
Alpha	In and out	2 14 8
Wallaby	„ „	2 12 0
Storm King	In ...	1 5 0
Schoolboy	In and out	5 6 8
Australia	In ...	2 1 4
Athletic	„ ...	1 5 0
Sir J. Newton	In and out	4 0 8
Sarah Nicholl	In ...	1 5 0
Welcome Home	In and out	3 12 8
Total	£	245 17 4

* Amount as per revenue vouchers; particulars not forwarded.

No. 4.

RETURN showing the names of Vessels that took Pilots, and the amounts of Pilotage received at the undermentioned Outports, from 1st January to 1st July, 1873.

Outport.	Name of Vessel.		Amount of Pilotage.	Total.
			£ s. d.	£ s. d.
Moruya	N. M'Lauchlin	.....	1 5 0	1 5 0
Port Macquarie	Titania	In and out ...	2 10 0	
	Thomas and Henry	" " ...	2 10 0	
	Despatch	.....	1 5 0	
	White Cloud	In and out ...	2 10 0	8 15 0
Manning	Nil	.....	.....	.....
Macleay River	Undaunted	.....	1 5 0	
	Grafton	In and out ...	7 1 4	
	Keera	" " ...	10 10 8	18 17 0
Bellinger River	Nambucra	In and out ...	2 10 0	
	Princess Alexandria	" " ...	2 10 0	
	West Hartley No. 1	" " ...	2 10 0	
	Princess Alexandria	" " ...	2 10 0	
	Resolute	" " ...	2 10 0	
	Sea Ripple	" " ...	2 10 0	
	Nambucra	" " ...	2 10 0	
	Princess Alexandria	" " ...	2 10 0	
	Confidence	" " ...	2 10 0	
	Do.	.....	1 5 0	
	Resolute	.....	1 5 0	
	Eliza	.....	1 5 0	26 5 0

No. 5.

RETURN showing the names of Vessels which took Pilots, also the amounts received for Pilotage and Harbour Removal Dues, at the Port of Newcastle, during the period from 1st January to 1st July, 1873.

Name of Vessel.	Pilotage.	Harbour Removal Dues.
	£ s. d.	£ s. d.
African Maid	2 10 0	.....
G. C. Lorenz Meyer	5 2 0	.....
Flore	9 4 0	1 15 0
Patterdale	20 0 0	.....
Jylland	4 9 0	.....
Deux Freres	6 6 8	.....
Omeo	.....	2 0 0
Esk	6 18 4	.....
Lizzie and Rosa	.....	1 5 0
Bluche	7 11 8	.....
Thomas Brown	4 13 0	.....
Aarhnus	4 5 4	.....
Solid	2 12 4	.....
Beulah	12 8 8	.....
Yronne	5 2 8	.....
Norham Castle	11 12 8	.....
Jenny	4 3 8	.....
Bazonnais	6 2 8	1 5 0
Esmeralda	5 5 4	1 5 0
Derwent	3 13 8	.....
Gladiateur	7 2 8	.....
Esk	6 18 4	1 10 0
Mohina	3 15 8	.....
Dauphin	5 12 4	.....
Bulwark	22 4 0	.....
Exonia	3 4 0	.....
Total for the month ending 31st January, 1873	170 18 8	9 0 0
Inverdruie	9 17 0	.....
Emile	3 11 4	.....
Flying Cloud	5 14 8	.....
Middlesex	19 17 0	.....
Go-a-head	2 10 0	.....
Haddington	20 2 0	6 0 0
Gladiateur	7 2 8	.....
Beulah	12 8 8	.....
Hero	.....	5 0 0
Go-a-head	2 10 0	2 0 0
Solid	2 12 4	1 0 0
Esmeralda	6 4 8	1 5 0
Girvan	11 11 4	.....

Name of Vessel.	Pilotage.	Harbour Removal Dues.
	£ s. d.	£ s. d.
Helen White	4 15 0	.....
You Yangs	.....	1 10 0
Australian Sovereign	5 17 8	.....
Jylland	4 9 0	1 0 0
Leichhardt	7 13 0	.....
Leichhardt	7 13 0	1 10 0
Ellen Richmers	5 0 0	.....
Crested Wave	5 15 0	.....
Auguste Freideric	6 2 4	1 5 0
Pactole	6 15 4	3 0 0
Conquest	8 12 0	.....
Dandenong	.....	5 5 0
Lord Macaulay	14 2 4	2 10 0
Aarhnus	4 5 4	1 0 0
Alfred Hawley	7 0 0	.....
Havilah	.....	1 0 0
Deux Freres	6 6 8	2 10 0
Macedon	8 17 4	3 10 0
G. C. Lorenz Meyer	5 2 0	1 5 0
Jenny	4 3 8	1 0 0
Omeo	.....	2 0 0
Garnock	11 5 8	.....
Esk	6 18 4	.....
Blackbird	.....	5 5 0
Yronne	5 2 8	1 5 0
Pattendale	20 0 0	6 0 0
Dauphin	5 12 4	2 10 0
Victoria	16 6 0	.....
Total for the month ending 28th February, 1872	281 16 4	58 10 0
You Yangs	.....	1 10 0
Memento	.....	1 10 0
Bluche	7 11 8	3 0 0
Victoria	16 6 0	2 5 0
Norham Castle	11 12 8	2 0 0
Tawera	3 17 4	.....
Rebecca	6 16 0	.....
Titania	14 13 0	.....
Harmonia	6 5 4	.....
Cantalre	5 10 4	.....
Parame	8 17 8	.....

Name of Vessel.	Pilotage.	Harbour Removal Dues.	Name of Vessel.	Pilotage.	Harbour Removal Dues.
	£ s. d.	£ s. d.		£ s. d.	£ s. d.
Dandenong	.....	3 10 0	Solo	15 16 0	.....
Isabella	4 5 4	.....	Emile Marie	4 5 4	.....
Helen White	4 15 0	3 0 0	Plato	4 15 4	.....
Girvan	11 11 4	6 0 0	Rainbow	10 17 8	.....
Alfred Hawley	7 0 0	.....	Ben Nevis	4 5 8	.....
Isabella	4 5 4	.....	Windsor Castle	17 18 4	.....
Foldin	4 1 0	.....	Argonaut	17 17 8	3 0 0
Ellen Richmers	5 0 0	1 0 0	Dandenong	.....	3 10 0
Inverdruie	9 17 0	1 15 0	Neomi	5 18 4	.....
Bulwark	22 4 0	6 0 0	August	4 11 4	2 0 0
Crested Wave	5 15 0	1 5 0	Knight Commander	23 18 4	3 0 0
Macedon	.....	3 10 0	Forward Ho	15 11 4	3 0 0
Esk	.....	1 10 0	Clairelle	7 5 0	.....
Mahnia	3 15 8	3 0 0	Gazelle	3 3 0	.....
Conquest	8 12 0	1 15 0	Geraldine	3 0 8	1 0 0
Fearless	15 3 4	.....	Florence Nightingale	7 14 8	1 10 0
Solid	2 12 4	.....	Annie Bow	4 3 4	2 0 0
Georgina	5 5 0	.....	Zemindar	18 5 8	.....
Laura	5 9 0	.....	Blackbird	.....	3 10 0
Flying Cloud	5 14 8	1 5 0	Somerset	21 13 4	.....
Garnock	11 5 8	4 0 0	Nelson	20 16 0	.....
You Yangs	.....	3 0 0	Macedon	8 17 4	1 15 0
Foldin	4 1 0	2 0 0	Lyttleton	9 15 4	.....
Blackbird	.....	3 10 0	Rota	14 7 4	.....
Fintzel	8 2 4	.....	Annie	7 6 0	.....
Alcandre	3 4 8	.....	Jeannie Louttit	8 4 4	.....
Archetech Renaud	3 7 4	.....	Escort	10 5 4	.....
Laju	9 5 4	.....	Claymore	4 15 8	.....
Mercury	6 0 4	.....	Buston Vale	7 0 4	.....
Belted Will	5 16 8	.....	Inverness	12 1 8	2 0 0
Cantalre	5 10 4	2 10 0	Alice	5 12 4	.....
Victoria	16 6 0	.....	Golden Spur	10 19 0	.....
Alcandre	.....	1 0 0	Neomi	5 18 4	1 5 0
Masonic	9 0 0	.....	Vernon	21 19 8	.....
Titania	14 13 0	2 5 0	Plato	4 15 4	2 0 0
Middlesex	19 17 0	3 0 0	Emile Marie	4 5 4	2 0 0
Georgiana	5 5 0	.....	Dandenong	9 11 8	1 15 0
Victoria	16 6 0	2 10 0			
Rebecca	6 16 0	1 10 0	Total for the month ending 30th April, 1873	544 8 0	64 0 0
Solid	2 12 4	1 0 0			
Tawera	3 17 4	1 0 0			
Dandenong	9 11 8	1 15 0			
Laura	5 9 0	1 5 0	Signal	8 4 0	.....
Camilla	4 7 0	.....	Solo	15 16 0	5 0 0
Macedon	.....	3 10 0	Somerset	21 13 4	6 0 0
Louis	6 6 8	.....	Gazelle	3 3 0	2 0 0
Archetech Renaud	3 7 4	3 0 0	Evening Star	6 4 0	.....
Harmonia	6 5 4	1 5 0	Lulie	2 10 0	1 0 0
Paramé	8 17 8	5 5 0	Windsor Castle	17 18 4	3 0 0
Knight Commander	23 18 4	.....	Macedon	.....	3 10 0
Macedon	8 17 4	.....	Isabella	4 5 4	.....
Mercury	6 0 4	1 5 0	Glenlore	17 15 4	.....
Colleroon	12 13 8	.....	Berwickshire	8 17 8	.....
Laju	9 5 4	1 15 0	Atlantic	9 12 4	.....
You Yangs	.....	3 0 0	Ambassador	11 10 8	.....
Psyche	10 17 8	.....	Bosphorus	5 6 8	1 5 0
Belted Will	5 16 8	1 5 0	Balnaguith	6 8 4	.....
Camilla	4 7 0	1 0 0	Commodore	18 16 8	.....
Fintzel	8 2 4	3 0 0	You Yangs	.....	1 10 0
			Toowoomba	9 15 0	.....
Total for the month ending 31st March, 1873	492 5 8	98 5 0	Luzon	6 13 4	.....
			Mount Stuart Elphinstone	10 3 8	.....
			Rainbow	10 17 8	2 0 0
			Blackbird	.....	1 15 0
Iris	5 13 4	.....	Mary Belle Roberts	6 3 0	.....
Fearless	15 3 4	2 10 0	Isabella	.....	1 0 0
Masonic	9 0 0	1 15 0	Alice Haake	4 1 8	.....
Louis	6 6 8	1 5 0	Zemindar	18 5 8	3 0 0
Blackbird	.....	5 5 0	Lyttleton	9 15 4	1 15 0
Calleroon	12 13 8	2 0 0	Legion of Honor	20 6 4	.....
Forward Ho	15 11 4	.....	Clairellen	7 5 0	1 10 0
August	4 11 4	.....	Escort	10 5 4	2 0 0
Annie Bow	4 3 4	.....	Dandenong	9 11 8	1 15 0
Inverness	12 1 8	.....	Jeannie Louttit	8 4 4	1 10 0
Dandenong	.....	5 5 0	Rota	14 7 4	2 10 0
Isabella	4 5 4	.....	Meander	6 5 8	.....
Florence Nightingale	7 14 8	.....	Buston Vale	7 0 4	1 10 0
Isabella	4 5 4	.....	Wheatlandside	18 4 0	.....
Macedon	8 17 4	1 15 0	Gothenburg	8 7 0	.....
Argonaut	17 17 8	.....	Gothenburg	8 7 0	.....
Geraldine	3 0 8	.....	Formosa	6 7 0	.....
Victoria	16 6 0	.....	Golden Spur	10 19 0	4 0 0
You Yangs	.....	3 0 0	Constance	.....	2 10 0
Marie Louise	3 3 8	.....	Macedon	8 17 4	1 15 0
Psyche	10 17 8	2 0 0	Stonehouse	19 4 4	.....
Victoria	16 6 0	2 10 0	Omeo	11 0 0	.....
Iris	5 13 4	2 10 0	Alice	5 12 4	2 10 0
Marie Louise	3 3 8	1 0 0	Nelson	20 16 0	3 0 0

Name of Vessel.	Pilotage.	Harbour Removal Dues.	Name of Vessel.	Pilotage.	Harbour Removal Dues.
	£ s. d.	£ s. d.		£ s. d.	£ s. d.
Luzon	6 13 4	.....	Dandenong	.....	3 10 0
Victorine	5 3 4	.....	Mount Stuart Elphinstone	10 3 8	2 0 0
Evening Star	6 4 0	1 5 0	Illoro	6 12 8	1 5 0
Galatea	24 12 4	.....	Mahnia	3 15 8	.....
Illoro	6 12 8	.....	Ophelia	19 14 8	.....
You Yangs	.....	1 10 0	St. Andrew's Castle	10 13 0	.....
Globe	4 4 8	.....	Prince Alfred	4 6 0	.....
Signal	8 4 0	1 10 0	Macedon	8 17 4	1 15 0
Formosa	6 7 0	.....	H. & L.	4 2 0	.....
Blackbird	.....	5 5 0	Cingalee	5 13 0	.....
Europe	5 12 0	.....	Hadda	5 6 8	.....
England	.....	5 0 0	St. Bricedale	5 0 8	.....
Alice Haake	4 1 8	2 0 0	Annie	7 6 0	6 0 0
Conflict	19 10 4	.....	Iris	5 13 4	.....
Victoria	16 6 0	.....	Legion of Honor	20 6 4	3 0 0
Victorine	5 3 4	.....	You Yangs	.....	1 10 0
Vernon	21 19 8	6 0 0	You Yangs	9 11 8	.....
Sea Gull	7 1 0	.....	Wheatlandside	18 4 0	3 0 0
Dandenong	.....	3 10 0	Stonehouse	19 4 4	3 0 0
Jeannie Oswald	3 4 8	.....	Edinburgh Castle	10 9 0	.....
Charles Auguste	12 14 4	.....	Egmont	6 9 4	1 5 0
Wildwood	18 6 4	.....	Hercules	20 7 4	.....
Lady Cairns	21 1 8	.....	Queen of Australia	20 12 8	.....
Bertha	3 0 4	.....	Isabelle	4 10 0	2 0 0
Eaton Hall	29 13 0	.....	Celestia	3 15 0	.....
Etta Loring	11 18 8	.....	Celestia	3 15 0	1 0 0
Dovercourt	8 2 4	.....	Wildwood	18 6 4	3 0 0
Victoria	16 6 0	2 10 0	May	3 19 0	.....
Globe	4 4 8	1 0 0	Questembert	6 1 8	.....
Mary Belle Roberts	6 3 0	1 5 0	Rutlandshire	17 12 0	.....
Ambassador	11 10 8	2 0 0	Royal Alfred	20 13 0	.....
British King	26 7 0	.....	Parsee	21 7 0	.....
Leichhardt	.....	3 0 0	British Monarch	21 8 0	.....
Total for the month ending 30th May, 1873	755 5 0	93 0 0	Etta Loring	11 18 8	6 0 0
			Galatea	24 12 4	6 0 0
			David Brown	15 1 8	.....
			Esk	.....	1 10 0
			Bosphorus	5 6 8	.....
Macedon	.....	5 5 0	Dandenong	9 11 8	.....
Balnaguith	6 8 4	3 15 0	Dovercourt	8 2 4	1 10 0
Berwickshire	8 17 8	3 10 0	Hadda	5 6 8	2 10 0
Shahpore	24 18 8	.....	Lodore	14 6 8	.....
Shahpore	24 18 8	6 0 0	St. Bricedale	5 0 8	1 5 0
Jeannie Oswald	3 4 8	.....	H. & L.	4 2 0	1 0 0
Glencora	17 15 4	3 0 0	Euterpe	19 19 0	.....
You Yangs	.....	1 10 0	Oberon	19 17 8	.....
Europe	5 12 0	1 5 0	Staffordshire	19 9 4	.....
Atlantic	9 12 4	3 10 0	Louis	6 6 8	.....
Bertha	3 0 4	1 0 0	Grand Duchess	22 5 0	.....
Toowoomba	9 15 0	1 15 0	Iris	5 13 4	.....
Henrietta	7 3 8	.....	Cingalee	5 13 0	1 5 0
Camille	.....	1 5 0	Macedon	8 17 4	1 15 0
Thyatira	16 0 8	.....	Conflict	19 10 4	3 0 0
Isabelle	4 10 0	.....	Charles Auguste	12 14 4	2 0 0
Corona	19 19 8	.....	Titania	.....	0 5 0
Commodore	18 16 8	3 0 0	Victoria	.....	0 5 0
Sea Gull	.....	1 10 0			
			Total for the month ending 30th June, 1873	768 5 4	96 15 0

No. 6.

Comparative Statement.	Pilotage.	Harbour Removal Dues.
	£ s. d.	£ s. d.
Total for the Month ending 31st January, 1873	170 18 8	9 0 0
" " 28th February, 1873	281 16 4	58 10 0
" " 31st March, 1873	492 5 8	98 5 0
Total for the Quarter ending 31st March, 1873	945 0 8	165 15 0
Total for the Month ending 30th April, 1873	544 8 0	64 0 0
" " 31st May, 1873	755 5 0	93 0 0
" " 30th June, 1873	768 5 4	96 15 0
Total for the Quarter ending 30th June, 1873	2,067 18 4	253 15 0
Total for the Quarter ending 30th June, 1873	2,067 18 4	253 15 0
" " 31st March, 1873	945 0 8	165 15 0
Increase for the Quarter ending 30th June, 1873	1,122 17 8	88 0 0
Total for the Quarter ending 31st March, 1873	945 0 8	165 15 0
" " 30th June, 1873	2,067 18 4	253 15 0
Total for the Half-year ending 30th June, 1873	3,012 19 0	419 10 0

WILLIAM R. LOGAN,
Sub-Collector of Customs.

Custom House, Newcastle,
3rd October, 1873.

No. 7.

RETURN showing the number of Vessels (including Coasters) that have entered and cleared at the Port of Newcastle, during the period from 1st January to 1st July, 1873.

Number of Vessels Inwards.	Number of Vessels Outwards.	Total Number of Vessels.
1,055	1,170	2,225

WILLIAM R. LOGAN,
Sub-Collector of Customs.

Custom House, Newcastle,
3rd October, 1873.

Sydney: Thomas Richards, Government Printer.—1873.

[6d.]

1873.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

MARIA GIBSON.

(PETITION OF, RELATIVE TO THE LATE PILOT GIBSON.)

Ordered by the Legislative Assembly to be printed, 4 *December*, 1873.

To the Honorable the Legislative Assembly of New South Wales, in Parliament assembled.

The humble Petition of Maria Gibson, late of South Head, Watson's Bay, now of Woollahra,—

RESPECTFULLY SHOWETH:—

That in consequence of the death of her husband, Henry Gibson, your Petitioner has been left almost wholly destitute, with three (3) daughters to provide for and maintain.

That Henry Gibson having been for thirty-one (31) years Sea Pilot on the station of Port Jackson, was compelled through failing health (brought on principally by the performance of his arduous and perilous duties) to resign, and was afterwards appointed Light-house Keeper, which office he filled till the day of his death.

That the said Henry Gibson has received the highest testimonials from Ministers of the Crown, Members of Parliament, and the leading merchants and shipowners of Sydney.

That pensions or gratuities have been granted to the following Pilots, or widows of Pilots, viz.:—

Mrs. Robinson, widow of Pilot Robinson.
Mrs. Reeder, „ Reeder, 3 weeks in the service, £70 per annum.
Mrs. Shanks, „ Shanks, £50 per annum.
Mrs. Jenkins, „ Jenkins, one month's pay for every year of service.
Captain Fullerton, one month's pay for every year's service.

The services of no one of the Pilots above mentioned have extended to a period of twenty (20) years.

That your Petitioner has brought up respectably and given a liberal education to a large family (ten in all), all with the exception of three (3) younger daughters now being in situations.

That your Petitioner, therefore, humbly prays that your Honorable House will take the circumstances of her case into your favourable consideration, and grant such relief as to your Honorable House may seem fit.

And your Petitioner, as in duty bound, will ever pray.

MARIA GIBSON.

1873–4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

SEAL ROCK LIGHT-HOUSE.

(PETITION OF MASTER MARINERS, RESPECTING.)

Ordered by the Legislative Assembly to be printed, 5 March, 1874.

To the Honorable the Minister for Works, N.S.W.

The Petition of the undersigned Master Mariners,—

HUMBLY SHOWETH:—

That your Petitioners having heard that the Government is about adopting the Report of the Select Committee of the Legislative Council held in 1863, on the advisability of establishing additional Light-houses on the Coast, would beg to submit that the Light-house contemplated being built in the vicinity of the Seal Rocks should be placed on the headland known as Sugar-loaf or Seal Rock Point, and not on the rock proposed by some persons, for several very important reasons, viz.:—

1st. That, if placed upon the main land, it could be seen from a greater distance on account of its elevation as compared with the rock.

2nd. That the access to the one would be much easier than the other, where supplies could be landed almost at any time and not attended with the same risk and danger.

3rd. That the outlay of erecting the Light-house on the point would not be above one half of what it would be if built on the rock.

4th. That the cost of maintaining and keeping it in order would be very small when compared with the other position, while the advantages derived from the Light would be equal if not superior to the other, and would enable the Government with the funds at their command to erect another Light on the Solitaries, where it is much required, in place of expending the whole sum on one Light.

Trusting that you will take a favourable view of the matter and adopt the above suggestions, which would confer a great benefit on the coasting trade generally.

And your Petitioners, as in duty bound, will ever pray, &c.

Name.	Where trading.	No. of years as Master.	Name.	Where trading.	No. of years as Master.
Ph. Jackson	North and South	23	Robert Cox	North	12
A. Brown	do.	12	Peter Fleming	North and South	15
A. W. Ainsworth	do.	31	William Hutton	do.	31
Thos. Partridge	do.	26	James Holden	do.	12
J. Storm	do.	16	Joseph Thomas	North	12
J. E. Gilrick	do.	33	Joseph Trenear	North and South	16
Wm. Marshall	North	20	Samuel Craig	do.	20
Jno. M'Clemens	North and South	20	Henry Blaxell	do.	16
Jno. Blair	do.	18	George Stewart	do.	19
Michael Sugden	do.	32	Henry M'Auley	do.	8
Edwd. Weight	do.	22	Henry Bastian	do.	32
Lewis Elworthy	do.	10	William Inglis	do.	23
C. Mierewsdroff	Manning River	6	C. Smith	do.	31
E. Vamore	North and South	40	P. Cooney	do.	34
A. Kendall	Cape Hawke	8	Albert R. Howell	do.	15
Jno. Greenlees	Manning River	24	Rob. T. Moodie	do.	20
William Gardiner	North	23	William Jackson	do.	11
Cecil S. Fison	North and South	15	William Fitzhardinge	do.	12
William J. Stuart, s.s. "Alexandra"	do.	12	G. Pearson	North and South, Torres Straits.	3
Ernest Harrison	Intercolonial, N. & S.	3	Robert Taylor	North and South	14
John Meredith	do.	3	John Howard	New Caledonia	
John Cox	do.	2		North and South	20
James Liddell	do.	19	Chs. Charlesworth	North and South	12
Alexr. M'Intosh	do.	5	James Griffin	do.	16
Charles Greville	do.	2	L. D. Nicholson	do.	31
Charles B. Parker	do.	2	T. Elworthy	do.	11
William ——	do.	20	Peter Macgregor	Queensland Trade	5
James Thomas	North and South	16	.....	.....	.....
John H. Baford	do.	20	F. C. Knight	To Queensland	20
Joseph Foreman	do.	18	John Jamieson	North and South	16

1873–4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

CHANNELS NEAR SOW AND PIGS SHOAL.

(CORRESPONDENCE RESPECTING DEEPENING OF.)

Ordered by the Legislative Assembly to be printed, 11 *June*, 1874.

FURTHER RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 12 March, 1873, That there be laid upon the Table of this House,—

"Copies of all Papers and Correspondence between the Admiralty Surveyor, "Marine Board, and others, with the Government, respecting the deepening "of the Channels near the Sow and Pigs Shoal."

(Captain Onslow.)

SCHEDULE.

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CHANNELS NEAR SOW AND PIGS SHOAL.

No. 1.

LIEUT. GOWLLAND to THE UNDER SECRETARY FOR FINANCE AND TRADE.

Sydney, 3 July, 1873.

SIR,

I beg to call the attention of the Honorable the Treasurer to a plan of the Sow and Pigs Flats, which has been prepared by the Engineer-in-Chief for Harbours and Rivers, in connection with the proposed channel through this shoal, as originally suggested in my letters of 14 June and 29 July, 1872.

It is most erroneously stated, and inserted without authority on this drawing, that the eastern channel is suggested by Admiral Richards, the Hydrographer.

As an officer of the Hydrographic Staff of the Navy, in constant correspondence with him and his representative in the Colony, I have the honor to request that his name may be erased from this drawing, as being most unwarrantably and without permission placed thereon.

Admiral Richards directed me to ascertain whether this channel could be dredged to admit an iron-clad.

On consulting with the Marine Board and other experienced men, it became evident that, however available this channel might be made for men-of-war and powerful steamers, it would be practically useless, and at times dangerous, for the admission of our large home and foreign shipping.

The Hydrographer, then, not only never suggested the eastern channel for general shipping requirements (for which purpose I presume it will be made), but he has in a subsequent letter entirely approved of my report and suggestions to this Government for dredging the west channel.

It is evident, therefore, that his name and important opinion has been wrongly made use of to enhance the value of a scheme which never obtained his concurrence.

I feel it my duty at the same time to point out that an extract alluding to the state of the flats is inserted on this plan, taken from the journals of H.M.S. "Rattlesnake," in 1847, which is calculated to mislead and convey a wrong impression of the range of tides and facilities for crossing the bar at the present time.

In the Report of the Harbour Commissioners in 1866, of which Mr. Moriarty was a member, it will be found that the serious attention of the Government is directed to the shoaling of the Sow and Pigs Flats since 1847, as, on comparing the old surveys made then with more minute and searching ones made of this locality for the investigations of the Commission, it was found to have silted up from 1 to 2 feet in the interval.

Why then it is now thought necessary to ignore the report of the Commission of 1866 and quote as information of the present state of this shoal from the old journals of 1847 seems to me inexplicable, the more so as this information, it is well known, is quite incorrect at the present time, no matter how trustworthy the surveys and remarks may have been twenty-five years ago.

I have, &c.,
JOHN J. GOWLLAND,
Admiralty Surveyor.

No. 2.

THE UNDER SECRETARY FOR FINANCE AND TRADE to LIEUT. GOWLLAND.

The Treasury, New South Wales,
4 July, 1873.

SIR,

Referring to your letter of the 3rd instant, on the subject of deepening the channel by the Sow and Pigs, I am directed by the Colonial Treasurer to request that you will have the goodness to furnish him with a copy of the letter which you state you have received from Admiral Richards, approving of your report and suggestions to this Government for deepening the west channel.

I have, &c.,
G. EAGAR.

No. 3.

THE UNDER SECRETARY FOR FINANCE AND TRADE to THE UNDER SECRETARY FOR PUBLIC WORKS.

The Treasury, New South Wales,
9 July, 1873.

SIR,

I have the honor, by direction of the Colonial Treasurer, to hand you enclosed, for the information of the Honorable the Secretary for Public Works, copy of a letter, dated the 3rd instant, from Lieutenant John J. Gowlland, Admiralty Surveyor, which appears to Mr. Lloyd to have a very important bearing upon the question of the proper channel to be deepened by the Sow and Pigs Shoal.

I am also to ask you to have the goodness to cause the papers in connection with the proposed channel (which were in the first instance forwarded to you from this department on the 6th August, 1872), and any additional papers on the subject, to be returned to this office, for Mr. Lloyd's information.

I have, &c.,
G. EAGAR.

No. 4.

No. 4.

MINUTE OF THE UNDER SECRETARY FOR FINANCE AND TRADE and MINUTE OF THE COLONIAL TREASURER.

Papers relating to the proposed deepening of a channel by the Sow and Pigs Shoal.

I BEG to submit the following facts, with a view to inquiry, for the consideration of the Honorable the Treasurer.

On the 9th instant, I applied by letter to the Works Department for Treasury papers in the matter of deepening the Sow and Pigs Channel, which had been forwarded to them on the 16th August, 1872, and not returned.

On the 11th instant, I learned by the merest accident, for the first time and to my great surprise, that the papers referred to, and later documents in connection with them, had been laid on the Table of the Assembly, by the Treasurer, on the 24th April last, the day before Parliament was prorogued.

Turning to "Votes and Proceedings" No. 92, I find the following entry (24 April) :—

"3. Papers :—Mr. G. A. Lloyd laid upon the Table the following papers :—
"Return to an Order made on the 12th March, 1873, in reference to the Channels near the Sow and Pigs Shoal."

As the Under Secretary, I am responsible to the Minister for the preparation of all papers laid by him upon the Table of Parliament—always a duty of special importance. With respect to these particular papers, I desire to state that I applied for them in writing, on the 2nd April last, for the purpose of preparing them for Parliament, that they were never returned to me ; and not having come through me into the hands of the Treasurer, to be laid upon the Table, I must respectfully disclaim all responsibility for them.

I have obtained a printed copy of the papers from the Government Printing Office, and have thus had an opportunity of perusing them. Had they been returned to me when applied for on the 2nd April, it would have been my duty, in submitting them to the Treasurer, to suggest the propriety of their being referred to the President of the Marine Board and Lieutenant Gowlland, for their replies to a long and elaborate memorandum adverse to their proposition, which had been sanctioned by the then Treasurer, Mr. Piddington, which the papers show to have been prepared by the Engineer-in-Chief for Harbours and Rivers on the 25th March last. The interval between the 2nd and 24th of April would have afforded ample time to obtain those replies. As the matter now stands, these papers present for the consideration of the Assembly, on an important question affecting the navigation of the port, an entirely one-sided case.

Under the circumstances which I have stated, I feel bound to bring the facts to the notice of the Treasurer, with a request that he will have the goodness to cause it to be ascertained,—

1st. Why these papers were not returned to the Treasury when applied for by me under B.C. Minute of 2nd April, 1873 ?

2nd. Under what circumstances they were prepared for and laid upon the Table of the Assembly without coming through this department in the usual and regular way ?

G. EAGAR.

I recollect some papers and plans being given to me by my honorable colleague the Minister for Works to lay on the Table of the House, which I did, knowing very little about them. Now that I see what the papers are, I shall be glad if Mr. Sutherland will have the goodness to ascertain why they were not returned to the Treasury when asked for on the 2nd April, and why they did not pass through this department in the usual way. Had the papers been sent here, all the subsequent steps taken (which being without the knowledge and concurrence of the Marine Board are in contravention of the powers under the Navigation Act of 1871) would have been avoided.—G.A.L., 14/7/73.

The Secretary for Public Works.

The Under Secretary for Public Works.—B.C., G.E., 15/7/73.

No. 5.

THE UNDER SECRETARY FOR PUBLIC WORKS to THE UNDER SECRETARY FOR FINANCE AND TRADE.

Department of Public Works,
Sydney, 17 July, 1873.

SIR,

I am directed to acknowledge the receipt of your letter of the 9th instant, enclosing a copy of Lieutenant Gowlland's report respecting the proposed deepening of a channel at the Sow and Pigs Shoal, and requesting that the papers having reference to this subject may be returned to you.

In reply, I am to inform you that Lieutenant Gowlland's report will receive the attention of the Secretary for Public Works and form the subject of a separate communication.

With reference to the return of the papers in question, I am to state that, as it appears they were laid upon the Table of the Legislative Assembly by the Honorable the Finance Minister and ordered to be printed on the 24th April last, and are now in the custody of the Clerk of the House, Mr. Secretary Sutherland is unable to comply with your request.

I have, &c.,
JOHN RAE.

No. 6.

No. 6.

THE UNDER SECRETARY FOR PUBLIC WORKS to THE UNDER SECRETARY FOR FINANCE AND TRADE.

Department of Public Works,
Sydney, 26 July, 1873.

SIR,

I am directed by the Secretary for Public Works to request that you will have the goodness to furnish me with a copy of Lieutenant Gowlland's report and suggestions as to the dredging of the western channel at the Sow and Pigs, together with a copy of the letter of the Hydrographer in reply thereto approving of the same.

I have, &c.,
JOHN RAE.

No. 7.

THE UNDER SECRETARY FOR FINANCE AND TRADE to THE UNDER SECRETARY FOR PUBLIC WORKS.

The Treasury, New South Wales,
Sydney, 28 July, 1873.

SIR,

I have the honor to acknowledge receipt of your letter of the 26th instant, and, in reply, am directed to enclose you copy, 1, of a letter dated 4th instant, addressed to Lieutenant Gowlland, R.N., before he left the Colony, in reference to Admiral Richards' approval of the plan for deepening the west channel at the Sow and Pigs Shoal; and 2, of Mr. Gowlland's reply to the same, which is all the information Mr. Lloyd has, at present, upon the subject.

I have, &c.,
G. EAGAR.

Mr. Moriarty.—B.C., 29/7/73, J.R.
See separate report on M.P., 73/2940.—B.C., Under Sec. P. Works, 25/8/73.

[*Enclosure.*]

Lieut. Gowlland to The Under Secretary for Finance and Trade.

Sydney, 5 July, 1873.

Sir,

I have the honor to acknowledge the receipt of your letter of the 4th July, and to inform you that, in reply to a letter from me containing a report of my survey and borings of the west channel at the Sow and Pigs Flats, Admiral Richards replies,—"I am glad that the subject of deepening the channel at the Sow and Pigs is being entertained; it will not be a very serious undertaking."

I would beg to suggest to the Honorable the Treasurer that, as a serious difference of opinion seems to exist with regard to the cutting of these channels, the plans, papers, reports, &c., bearing on the subject, should be referred for an opinion to Admiral Richards again; and being shortly about to visit England, I shall be glad to undertake the duty of bringing the subject in all its bearings before him.

I have, &c.,
JNO. J. GOWLLAND,
Admiralty Surveyor.

No. 8.

MINUTE OF THE SECRETARY FOR PUBLIC WORKS.

IN bringing this subject again under the notice of my honorable colleague, I have to invite his concurrence with me in the suggestion that copies of all papers in connection herewith be forwarded through the proper channel to Admiral Richards, with a request that that distinguished officer would favour the Government with his valuable opinion on the important question at issue.

JOHN SUTHERLAND, 30/8/73.

The Under Secretary, Finance and Trade.—B.C., 4/9/73, J.R.

REPORT of Engineer-in-Chief for Harbours and Rivers.

23 August, 1873.

Sir,

29 July, 1873. I have the honor to acknowledge the receipt this* day of some further correspondence between Lieutenant Gowlland and the Honorable the Under Secretary for Finance and Trade, in reference to the deepening of the channel at the Sow and Pigs; and I would, in reporting thereupon, at the outset beg to observe that, as Lieutenant Gowlland's communications contain many inaccuracies to which it will be necessary for me to refer, I shall regret having to do so in his absence, as I would much prefer that he had an opportunity of replying to what I shall have to say.

In the first paragraph of his letter of the 3rd instant, Lieutenant Gowlland calls the attention of the Honorable the Treasurer to "a plan of the Sow and Pigs Flats which has been prepared by the Engineer-in-Chief for Harbours and Rivers, in connection with the proposed channel through the shoal," on which he alleges "It is most erroneously stated and inserted without authority on this drawing that the eastern channel is suggested by Admiral Richards, the Hydrographer,"—and, "as an officer of the Hydrographic Staff, he requests that his (the Hydrographer's) name may be erased from the drawings, as being most unwarrantably and without permission placed thereon."

Lieutenant Gowlland, before taking upon himself to accuse me of acting "most unwarrantably" in this matter, might (I should have thought) have taken the trouble to have informed himself of the precise meaning of the expression to which he so much objects. The

The word "suggestion" which he complains of is a very common one, and one which Lieutenant Gowlland might very reasonably have been expected to understand the meaning of, but it is obvious that when penning his indignant demand for its erasure he did not very clearly comprehend it.

When using the word "suggested" as coupled with the name of the Hydrographer in the instance complained of, I did so advisedly, and after due consideration of its precise meaning. I was particularly careful to avoid seeming to commit Admiral Richards to any greater degree of assent to my recommendation than was fully warranted by his own *litera scripta*. I therefore pointedly drew the distinction between his "suggestion" and my "recommendation." The papers laid before Parliament and printed by order of the House show that this whole question arose out of a suggestion of the Hydrographer that the eastern channel of the Sow and Pigs Shoal should be bored to ascertain the feasibility of dredging it sufficiently to admit an ironclad or line-of-battle ship. His own words, as quoted by Lieutenant Gowlland, are—"I have been looking at the east channel of the Sow and Pigs Reef, and think it would be worth the while of the Government to have the bottom tried by boring to the depth of 3 or 4 feet, which could easily be done by an iron rod with a weight attached. If it (*i.e.*, the eastern channel) is a bottom which could be dredged, it would not be a very expensive process to make a channel of a cable wide which would admit of an iron-clad entering." Thus it will be seen that Admiral Richards drew pointed attention to the advisability of dredging the eastern channel, in language which might be fairly called a recommendation that it should be done, if found on examination by boring to be practicable. The borings which have been made show it to be perfectly practicable and easy. I contend, therefore, that Admiral Richards' own language would have quite warranted me in using the expression that he had recommended it, had I done so. I did not, however, being careful, as I have stated, to avoid seeming to commit the Hydrographer to any but the faintest degree of assent to the proposal. I therefore wrote on the plan "suggested" by the Hydrographer and "recommended" by the Engineer-in-chief for Harbours and Rivers.

The exact meaning of the word "suggestion," as given in the Imperial Dictionary, is defined to be a "hint," "a first intimation," "proposal or mention" "the presentation of an idea to the mind." The same meanings are given in Craig's Universal Technological Dictionary, and in half-a-dozen others. It will thus, I think, be admitted by any one who understands plain English, that not the most critical philologist could object to the expression "suggested" as employed in the sense in which I have used it; and that so far from Lieutenant Gowlland's complaint being well founded, it is he who has "most erroneously" taken exception to an expression which in the instance in question is perfectly appropriate and correct.

I have shown in my former report that Mr. Gowlland's proposal would involve the useless expenditure of some £139,000; that the blasting away of the rock in his channel would take many years to complete; that the channel, even were it completed, must inevitably silt up, or would involve a continued and heavy expenditure for dredging, in consequence of the cross run of the currents, and that it would, from the same cause, be at all times dangerous. I have shown that a better channel may be made for about one-twentieth of the first cost, and maintained at about the same proportional rate. Mr. Gowlland has not ventured to contradict a single one of my statements, but contented himself with objecting to my taking the Hydrographer's name in vain, and attributing to him the "suggestion." I very respectfully request, therefore, that the words "suggested by the Hydrographer" be not omitted from my plan.

In the fourth paragraph of his letter of the before-named date, Lieutenant Gowlland goes on to state "Admiral Richards directed me to ascertain whether this (*i.e.* the eastern channel) could be dredged to admit an ironclad. On consultation with the Marine Board and other experienced men, it became evident that, however available for men-of-war and powerful steamers, it would be practically useless, and at times dangerous, for the admission of our large home and foreign shipping."

It would seem as if Lieutenant Gowlland had forgotten, or did not know, or assumed, that we would not know that both the eastern and western channels, in their present state, have ample water for any ships engaged in the home or foreign trade. (The list on the margin shows the load draught of all the large ships now at the Circular Quay, with some others; from which it will be seen that any one of them could enter or leave at about ordinary low-water, without difficulty, and every one of those ships would enter or leave under the control of steam-tugs. I understand that such a thing as a large vessel sailing up this harbour is almost unknown in the present day.)

Names of Ships.	Tonnage.	Loaded draught ft.	in.
Glendower	1192	22	0
Sobraon.....	2130	22	0
Surrey	1089	22	0
Agra	957	21	6
Ben Lomond ..	1000	21	0
Parramatta	1521	21	0
Essex	1255	20	6
La Hogue	1331	20	6
Aviemore	1190	20	0
Dunbar Castle	1000	20	0
Lady Bowen ..	747	20	0
Merwanjee Framjee..	1079	19	9
Strathnaver	1100	19	6
Thyatira	962	19	4
Cordillera.....	852	19	0
Hawkesbury....	1208	19	0
Patriarch	1200	19	0
Agnes Rose	1089	18	6
Border Chief ..	1010	17	6

If therefore the eastern channel, as he admits, would not be dangerous for men-of-war and large steamers, it is absurd to say that it would be so for much smaller vessels when under the control of steam. But on this, the nautical view of the question, we find the deliberate opinion of Commodore Stirling in favour of the eastern channel, as being for many reasons, which he assigns, the safer of the two. There is then, on the one hand, the highest nautical authority pronouncing in favour of the eastern channel, after due examination of the whole question, having had Lieutenant Gowlland's surveys and reports before him, and assigning his reasons for coming to the opinion at which he has arrived; while on the other side there is Navigating Lieutenant Gowlland's opinion, formed apparently without having examined the eastern channel, as directed by the Hydrographer—without taking one single observation in the western channel, to show how the tides and currents would probably affect his proposed cutting—and finally, in the face of his own borings, which show that the channel he proposed to dredge could not possibly be dredged—pronouncing *ex cathedra* in its favour, and recommending that this impossibility should be immediately attempted. And in his second letter, although with my report before him, pointing out the impracticability of his proposal, which he has not attempted to controvert, we find him still adhering to his former recommendation, only asserting that the western channel would be more convenient for our home and foreign shipping,—an assertion as transparently absurd as it is unsupported by a tittle of evidence or one single intelligible reason or argument.

Since the discovery of Port Jackson, the instances of merchant vessels being unable to enter or leave at any stage of the tide have been exceedingly few. To use Lieutenant Gowlland's own language, "the American ship 'St. John,' and one or two others, have been compelled to wait a high tide to enter or leave." Here then we see, according to this gentleman's own writing, the extent to which the dangerous character of the eastern channel, which he makes so much of, is likely to prove a hindrance to the accessibility of the port. The "St. John" and one or two other vessels, which might have to wait for high-water, would come in under charge of steam-tugs, and therefore be as safe in one channel as in the other.

But admitting, for the sake of argument, that the "St. John" and one or two other vessels had to wait for high tide to enter or leave this port, what then? Could such vessels enter or leave the London Dock, the Liverpool Docks, those of Bristol, Glasgow, or any other port in Great Britain, without waiting for high tides? Most certainly they could not. How therefore is Sydney worse off than they are, with their

enormous

enormous trade? To secure some imaginary convenience then for these one or two vessels, this Government is advised to spend £145,000 in blasting away the rock and dredging about a million tons of sand from the western channel, when the eastern channel can be made available for about £9,000.

In the fourth paragraph of his report of July 3, Lieutenant Gowlland goes on to say—"The Hydrographer then not only never suggested the eastern channel for general shipping requirements, but he has, in a subsequent letter, entirely approved of my report and suggestion for dredging the western channel." As to the first part of this paragraph, I have already shown that the Hydrographer did suggest the deepening of the eastern channel for ironclads or line-of-battle ships, but I have never stated that he suggested the eastern channel for general shipping requirements; and I feel certain that he is not at all likely to suggest to this Government anything so absurd as to expend £145,000 in attempting the impossibility of dredging rock to accommodate "the one or two ships" that might otherwise have to wait for high-tide to enter.

As to the statement that Admiral Richards entirely approved of Lieutenant Gowlland's suggestions, this is obviously a delusion on the latter gentleman's part.

The expression used by the Hydrographer warrants no such supposition; on the contrary, it is abundantly clear that he referred, in the passage quoted, to his own former suggestions as to deepening the eastern channel, and intended to express his gratification at finding it could be so easily dredged. It is clear that he could not have been aware of any difference of opinion between Lieutenant Gowlland and myself on the subject, as he makes no reference to my reports and surveys, and indeed could not have seen them at the date of his letter, as they were only laid on the Table of the House on the 24th April, about which time his letter must have been written, and Mr. Gowlland's memo. referring to the Hydrographer's approval is dated July 3rd.

Admiral Richards says—"I am glad that the subject of deepening the channel at the Sow and Pigs is being entertained; it will not be a very serious undertaking." How this sentence can be construed into an expression of *entire approval* of the proposal to deepen the western in preference to the eastern channel, which he knew to be the better of the two, I am at a loss to understand. To me it seems, on the contrary, when viewed in conjunction with Admiral Richards' former suggestion pointing attention specially to the eastern channel, to show that he had taken for granted that Lieutenant Gowlland had carried out his instructions and had made the borings he had directed in the eastern channel, and understanding from his report that the bottom was of a character to admit of being easily dredged, expressed his satisfaction as above. It is not to be supposed that, had the Hydrographer's attention been pointedly drawn to the difference of opinion existing here on the subject, and to the fact that while the eastern channel, which he had himself suggested, could be easily dredged, and that the latter would involve expensive under-water blasting—that the quantity of sand to be dredged from it would amount to nearly one million of tons, and that the set of the currents was so unfavourable to the direction of the proposed cutting as to render its early silting up certain—he would have written in the almost indifferent terms he has used, or that he would have given any expression of opinion in favour of Mr. Gowlland's scheme; and I believe he has not done so.

There is but one other matter in connection with Lieutenant Gowlland's last report to which I find it necessary to refer, which is, where he takes exception to the extract from the Voyage of H.M.S. "Rattlesnake," Captain Owen Stanley. This extract speaks for itself. The survey of the Sow and Pigs Shoal by the officers of the "Rattlesnake" was made with special reference to the available depth of water, as it was then in contemplation to commence the construction of the Fitz Roy Dock. The depth of water at that time is stated to have been 21 feet in the western channel and 24 feet in the eastern channel; and as these are about the depths in those channels at the present time, it shows that at all events within the last twenty-eight years there has been no material change.

In conclusion, I would beg to express the pleasure I feel in being able to agree with Lieutenant Gowlland in one thing, and I gladly second his suggestion that the whole of the papers and plans in this case be sent Home officially to the Hydrographer.

I have already sent to him non-officially copies of the papers laid before Parliament; but if now sent through the proper channel, he would probably not object to favour the Government with his opinion on the questions, which, considering his great experience, his high position, and acknowledged scientific attainments, cannot but be of great value, and would, I am sure, be acceptable to the Government.

I have, &c.,
E. O. MORIARTY,
Engineer-in-Chief for Harbours and Rivers.

No. 9.

THE UNDER SECRETARY FOR PUBLIC WORKS to THE UNDER SECRETARY FOR FINANCE AND TRADE.

The Under Secretary for Finance and Trade.—B.C., 23/8/73, J.R.

The Engineer-in-Chief for Harbours and Rivers to The Under Secretary for Public Works.

Department of Public Works,
Harbours and Rivers Branch,
Sydney, 22 August, 1873.

Suggesting that notice be inserted in papers respecting buoys and moorings in eastern channel, Sow and Pigs Shoal.

THE channel at the Sow and Pigs Shoal which it is proposed to deepen, having been marked out with buoys and moorings, it is necessary that notices be inserted in the Gazette and papers, warning captains of vessels navigating that part of the harbour against coming into collision with them.

I enclose a draft notice for approval; probably the Marine Board should be requested to issue it.

E. O. MORIARTY.

Approved.—J.S., 23/8/73.

PUBLIC

PUBLIC NOTICE.

It being in contemplation to deepen the eastern channel at the Sow and Pigs Shoal, notice is hereby given to the masters of vessels and others navigating that channel, that buoys and moorings have been laid for the purpose of marking the limits thereof, and they are requested to avoid coming in collision with the same.

The Engineer-in-Chief for Harbours and Rivers to The Under Secretary for Public Works.

Sydney, 6 September, 1873.

Respecting Dredge "Samson."

THE Dredge "Samson" having taken up her position at the eastern channel at the Sow and Pigs Shoal, Sydney Heads, I beg to suggest that the Marine Board be moved to cause a notice to be inserted in the papers, directing that vessels navigating that part of the harbour be confined as much as possible to the western channel, so as to avoid unnecessary interference with the dredging operations.

E. O. MORIARTY,
Engineer-in-Chief.

See my minute of 10th instant, on papers 6,667 and 6,901.—G. A. LLOYD, 12/9/73.

No. 10.

THE UNDER SECRETARY FOR FINANCE AND TRADE to THE UNDER SECRETARY FOR PUBLIC WORKS.

The Under Secretary for Works.—B.C., 10/9/73, G.E.

THE Marine Board advised that the western, not the eastern channel should be deepened. Will the Under Secretary for Finance and Trade favour me with an explanation of the reason of this recommendation being ignored and return former papers.

FRANCIS HIXSON.
25/8/73.

The original papers are in the possession of the Legislative Assembly A Parliamentary printed copy herewith.

G. EAGAR.

The President of the Marine Board.—B.C., 25/8/73, G.E.

THE Marine Board having had under consideration a minute from the Honorable the Minister for Public Works, requesting that notice should be given warning captains of vessels from coming into collision with certain buoys and moorings, begs to call your attention to clauses 19 and 121 of the "Navigation Act of 1871," whereby the general "preservation of ports, harbours, and havens,—the superintendence of sea, harbour, or river marks,—the placing and removing of moorings,—and the conservation of the navigable waters within the jurisdiction," are specially vested in this Board.

In the present case, the Board has not authorized the placing of such marks and moorings, and altogether disclaims responsibility for the works which these marks and moorings are intended to facilitate. If the power to place such marks and moorings exists in any authority independently of this Board, that authority should alone give the notice considered necessary.

The Board is now, by the Parliamentary Papers before them, for the first time officially made aware that their recommendation in favour of deepening the western channel has been set aside, and that works are about to be proceeded with for deepening the eastern channel. When the Board made their recommendation in favour of the western channel, they had in view the accommodation of all vessels frequenting the port, whether under sail or under steam, in all seasons and weathers; and they see no reason to alter their views. They therefore urge that, before works are proceeded with for deepening the eastern channel (which will still, in their opinion, leave it necessary to deepen the western channel for the accommodation of the general commerce of the port), further consideration should be given to the matter; and the Board is prepared to maintain the views they have already expressed, before any competent Court of inquiry; and that, pending such inquiry, all works involving expenditure should be stopped.

FRANCIS HIXSON,
President.
2 September, 1873.

The Minister for Works, whose attention is specially called to this matter.

G. A. LLOYD.

Mr. Moriarty, for information.—B.C., 10/9/73, J.R.

No. 11.

SUGGESTION OF MR. MORIARTY.

As the Marine Board have refused to insert the notice referred to, either in the Gazette or the daily papers, I would beg to recommend that the accompanying notification for the dredge being employed in the eastern channel of the Sow and Pigs Shoal, be published by the Department of the Minister for Public Works, in the *Herald* and *Empire* papers.

E. O. MORIARTY.
26/9/73.

No. 12.

No. 12.

THE ENGINEER-IN-CHIEF FOR HARBOURS AND RIVERS to THE UNDER SECRETARY FOR PUBLIC WORKS.

Reply to Minute of Marine Board in re-laying down moorings at Sow and Pigs Channel.

IN their memo. under date 2nd September, the Marine Board call attention to the 19th and 121st clauses of the Navigation Act, whereby "the general preservation of ports, harbours, and havens,—the superintendence of sea, harbour, and river marks,—the placing and removing of moorings, &c.,—are all vested in the Board," and they would seem to be labouring under the misapprehension that there had been some trenching on their functions and powers on the part of the Department of Public Works, in placing, without their sanction, the moorings for securing the dredge which is at work at the Sow and Pigs Shoal, which the Government had ordered to be deepened. It may perhaps be right to assure the Marine Board that there has been no intention whatever of encroaching on their privileges, the moorings referred to being only those temporary ones required to secure the dredge in her proper position while working, and which are of course wholly distinct from those permanent "moorings" and "sea or river marks" required for general purposes of navigation, the "placing and removing" of which have been entrusted to the Board by the Navigation Act.

The Board will of course see that the placing and shifting of the dredge's moorings are matters which must always be left to the master of the dredge, who lays them out to suit the cutting he may be making. Such has always hitherto been the practice, and such it must continue to be. But in the instance in question, the dredge being employed in an important fairway, it was thought that the notification if made by the Board would become more generally known amongst seafaring people, and thus diminish the danger of accident from vessels navigating the channel coming into collision with the dredge or her punts. This is the more necessary as it is proposed to continue the work night and day whenever the weather permits. And I cannot forbear from expressing my regret that the Board should not have considered this object as of more importance to the nautical community even than the assertion of their unquestioned dignity.

In the second paragraph of their minute, the Board "altogether disclaims responsibility for the works these marks and moorings are intended to facilitate." But no one, I imagine, supposes that the Board had any responsibility in the matter, their responsibility having ceased when the Government overruled the imbecile proposal to dredge the rocks from the western channel of the Sow and Pigs, to which the Board had given their adhesion.

In the third paragraph the Board observe that when they made their recommendation in favour of the western channel "they had in view the accommodation of all vessels frequenting the port, whether under sale or steam, in all seasons or weather." I have already, I think, sufficiently disposed of this absurdity, in my reply to the same arguments when used by Lieutenant Gowlland, and have shown that any merchant vessels entering or leaving the port *can now* safely take either channel in their unimproved state, and that all now use steam-tugs. It is inexplicable how a number of nautical gentlemen should be oblivious of these facts.

If the Board will obtain a return of the number of large merchant vessels that now come up under sail, and their draught of water, and compare it with those coming under the charge of steam-tugs, they will, I think, be disposed to admit that it would not be worth while to incur any expense in the western channel in order to suit the tastes of those few "ancient mariners" who prefer to sail up the harbour to employing a tug.

But the Board it seems are fortified with other reasons in favour of the western channel, which they are prepared to adduce before "any competent Court of inquiry." I should have thought that the Executive Government of this Country might, in default of a more competent tribunal, have been considered as capable of weighing any arguments the Marine Board may have to adduce. And until the Executive shall have been afforded the opportunity of weighing whatever arguments the Board may still have in reserve, I suppose it will not be considered necessary to stop the works.

E. O. MORIARTY.
14/10/73.

No. 13.

THE UNDER SECRETARY FOR FINANCE AND TRADE to THE UNDER SECRETARY FOR PUBLIC WORKS.

The Treasury, New South Wales,
15 August, 1873.

SIR,

I have the honor, by direction of the Colonial Treasurer, to hand you enclosed, copy of a letter and minute from the Marine Board of New South Wales, dated the 8th instant, on the subject of a transfer to that body of the Government dredges and their appliances, and I am to request that you will bring the same to the notice of the Secretary for Public Works.

Mr. Lloyd further desires me to ask if you will have the goodness to ascertain from Mr. Sutherland if the proposed transfer of the dredges can be at once arranged.

I have, &c.,
G. EAGAR.

Harbours and Rivers.—B.C., 6/11/73.

[*Enclosures.*]

The President of the Marine Board to The Under Secretary for Finance and Trade.

Sydney, 8 August, 1873.

Sir,

I have the honor to forward, for the consideration of the Honorable the Treasurer, the following minute of the Marine Board:—

"The question of the unsatisfactory manner in which dredging operations have been carried on from time to time being under the consideration of the Board, it was unanimously resolved that, as the Marine Board

Board are the conservators of the navigable waters within the jurisdiction, and therefore, the legal and responsible authority under whose direction the dredging should be conducted, application be made to the Honorable the Treasurer for the Government dredges and appliances attached to be placed under their control."

I have, &c.,
FRANCIS HIXSON,
President.

The Engineer-in-Chief for Harbours and Rivers to The Under Secretary for Public Works.

Respecting application of the Marine Board for control of Dredges.

In their letter of the 8th August, the Marine Board, having before them the (as they allege) unsatisfactory manner in which the dredging operations are carried on, and resolving that, as conservators of the navigable waters, they are the legal and responsible authorities under whose direction the dredging operations should be conducted, request that the dredges and appliances may be handed over to their control.

I have merely to observe, in reference to this request, that the Marine Board, who seem to wish to arrogate to themselves the exclusive powers of initiating and conducting public works on the harbours and rivers of the Colony, are as much in error in their interpretation of the law as their statement that the working of the dredges is unsatisfactory is contrary to fact. The opinion of the Honorable and learned the Attorney General has disposed of the former, and I am in a position to show, as regards the latter, that the dredging operations in this Colony will bear favourable comparison, both as to quantity of work done and the cost of it, with similar work in the harbours and rivers of Great Britain.

But as the Marine Board in this, as in some other cases, have not condescended to give any reasons they may have in support of their conclusions, I should have some difficulty in meeting their general statements as to the alleged unsatisfactory working of the dredges, further than by a general but most distinct denial of its correctness.

The Legislature having provided a distinct sphere (and probably a sufficient one) for the operations of the Marine Board, in the supervision of the light-houses and pilots, excluding therefrom all interference with public works, which, including the expenditure of large sums of money voted by Parliament, are confided to the general Government and the Minister more particularly responsible, with the obvious advantage, amongst others, that undertakings, many of them of almost national importance, are carried out under competent professional supervision, and not liable to be marred by empirical notions, as would have happened in the case of the Sow and Pigs channel had the *resolutions* of the Board been acted upon.

Dredging operations in all parts of the world are carried out under the supervision of the engineers to whom are entrusted the harbour or river improvements they are designed to effect. The Department of Harbours and Rivers in this Colony has been established to carry out such work, and in my capacity of Engineer-in-Chief I have designed and constructed all the dredges and appliances, with one exception, which the Colony possesses; which will have cost about £210,000 in the first instance, and involve an annual outlay for maintenance and repairs of some £40,000, and designed them specially to meet the requirements of the particular operations in which they are intended to be employed. Their efficient control in the conduct of those operations demands the same experience and professional qualifications as was necessary in their construction.

18/11/73. E. O. MORIARTY.

No. 14.

Minute of the Secretary for Public Works.

Department of Public Works,
Sydney, 15 October, 1873.

In reference to Mr. Booth's question on this day's Business Paper, which bears upon a claim put forward by the Marine Board to have the control of the dredging and other public works on the navigable rivers of this Colony, I have thought it right to submit the accompanying question for the consideration of the Crown Law Officers; but in the meantime I would beg to bring the matter under the notice of the Cabinet, in order to elicit an opinion, before the answer (which might very seriously infringe on my functions) is given to Mr. Booth.

JOHN SUTHERLAND.

No. 15.

Minute of the Secretary for Public Works.

Department of Public Works,
Sydney, 15 October, 1873.

In reference to Mr. Booth's question on the Business Paper of this day, I should be glad to be favoured with the opinion of the Crown Law Officers as to whether clauses 19 and 121 of the Navigation Act can be construed into interfering with or in any way over-riding my powers as Minister for Public Works, of initiating and constructing works for the improvement of the navigable waters of this Colony, as set out in the departmental arrangements of the Government, and more particularly defined under the Navigable Water Protection Act.

I would point out that in the Navigation Bill, as submitted to Parliament in Session of (February) 1870, the Act 25 Victoria, No. 17, was proposed to be repealed, but in the Navigation Act as passed it was not so repealed, although some few of its clauses were re-enacted. I infer from this circumstance that it was not the intention of the Legislature to confer any powers on the Marine Board to interfere with public works, and that the conservancy of the Board is limited to the matters referred to in clause 121, in respect to which the Board is authorized to make regulations.

JOHN SUTHERLAND.

Urgent.—The Crown Solicitor, B.C., 15/10/73.—J.R.

No. 16.

THE CROWN SOLICITOR to THE UNDER SECRETARY FOR PUBLIC WORKS.

Crown Solicitor's Office,
Sydney, 31 October, 1873.

SIR,

I have the honor to return herewith the papers relating to the question raised by the Marine Board, to have the control of all matters connected with improvements of the navigable waters of the Colony, and to forward a copy, which you will find on the other side, of Mr. Attorney General Butler's opinion thereon.

I have, &c.,
JOHN WILLIAMS,
Crown Solicitor.

COPY OF OPINION.

I AM of opinion that clauses 19 and 121 of the "Navigation Act of 1871" cannot be construed as overriding the powers of the Minister for Works to construct works for the improvement of the navigable waters of the Colony. The "preservation," &c., mentioned in section 19, and the "conservation," &c., mentioned in section 121, must be considered as limited to matters in respect of which they are authorized, by one or other of those sections, to frame regulations, or to matters of an analogous kind. They have power under these sections to prevent obstructions, nuisance, or injury to the ports and navigable waters of the Colony, but there is no ground whatever for the claim of the Marine Board to take the construction of the public works connected with harbours and navigation out of the hands of the responsible Minister.

E. BUTLER.

No. 17.

THE UNDER SECRETARY FOR PUBLIC WORKS to THE UNDER SECRETARY FOR FINANCE AND TRADE.

Department of Public Works,
Sydney, 11 November, 1873.

SIR,

With reference to Mr. Booth's question, No. 5, on the Business Paper for this day, I have the honor to request that you will have the goodness to return to me the papers and plans (if at the Treasury) respecting the deepening of the harbour at the Sow and Pigs Shoal, forwarded to you on the 5th September last, for the purpose of being transmitted to the Hydrographer in England, and any other papers you may have on the subject.

I have, &c.,
JOHN RAE.

No. 18.

THE UNDER SECRETARY FOR FINANCE AND TRADE to THE UNDER SECRETARY FOR PUBLIC WORKS.

The Treasury, New South Wales,
11 November, 1873.

SIR,

I have the honor to acknowledge receipt of your letter of this day's date (which reached me at noon); and, in compliance with your request, I beg to return to you, enclosed, the papers which you transmitted to this department on the 5th September last. They were not accompanied by any plan.

With reference to your request "for any other papers on the subject," I am to inform you that a copy of Lieut. Gowlland's Report upon the deepening of the Sow and Pigs Channel, dated the 12th July last, and addressed to this department, as an answer to that of the Engineer-in-Chief for Harbours and Rivers, dated 25th March last, will be forwarded to you as soon as possible, together with relative plan. The only other papers I am aware of as not yet in your possession are two letters from the Marine Board, dated respectively 14th and 29th October last, herewith.

I have, &c.,
G. EAGAR.

[*Enclosures.*]

The President of the Marine Board to The Under Secretary for Finance and Trade.

Sir, Sydney, 14 October, 1873.

I have the honor to invite your attention to the following resolutions passed by the Marine Board on the 9th instant:—

1. That the eastern channel of Port Jackson is being deepened against the advice of the Board.
2. That the eastern channel, when the deepening is completed, will be valueless for all commercial purposes.
3. That for the commercial purposes of the port the western channel will have to be deepened.
4. The Board begs to invite the attention of the Honorable the Treasurer to their minute of 2nd September last, on the same subject.

73/4,310.

I have, &c.,
FRANCIS HIXSON,
President.

The Minister for Works.—G.A.L., 11/11/73.
The Under Secretary for Public Works, with letter.—G.E., 11/11/73, B.C.

The

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The President of the Marine Board to The Under Secretary for Finance and Trade.

Sydney, 29 October, 1873.

Sir,

Referring to my letter of the 14th instant, I have the honor to forward a further resolution from the Marine Board, on the subject of the deepening of the eastern channel of Port Jackson. 73/8,056.

I have, &c.,
FRANCIS HIXSON,
President.

The Minister for Works.—G.A.L., 11/11/73.
The Under Secretary for Public Works, with letter.—G.E., 11/11/73, B.C.

The matter of the deepening of the eastern channel of the Sow and Pigs Shoal being under consideration, it was resolved that the following minute should be sent to the Treasury:—

"The Marine Board desires again to invite the attention of the Honorable the Treasurer to the several letters and minutes on the question of the deepening of the eastern channel, as it appears that the works are still being proceeded with in opposition to the protest from the Board."

FRANCIS HIXSON,
President.

No. 19.

The Under Secretary for Finance and Trade to The Under Secretary for Public Works.

The Treasury, New South Wales,
13 November, 1873.

Sir,

Referring to my letter (No. P.O. 1,956) of the 11th instant, I have now the honor to enclose to you examined copies of the following documents, namely:—

Letter to the Treasury from Lieut. John J. Gowlland, Admiralty Surveyor, requesting to be permitted a perusal of the correspondence, plans, charts, &c., relating to the subject of deepening a channel at the Sow and Pigs Flats, originally suggested by him in July, 1872. July 8th, 1873—Treasury No., 5,464.

Report of Lieut. John J. Gowlland, Admiralty Surveyor, upon the deepening of the Sow and Pigs channels, in answer to a report of the Engineer-in-Chief for Harbours and Rivers, on the same subject, dated 25th March preceding. July 12—Treasury No., 5,465.

I have also to hand you an *original* plan of the Sow and Pigs Flats (Treasury No., 5,465) forwarded to the Treasury by Lieut. Gowlland, with, and as forming part of, his report of 12th July, above referred to.

I have, &c.,
G. EAGAR.

Mr. Moriarty to see.—J.R., B.C., 15/11/73.

[*Enclosures.*]

Lieut. Gowlland to The Under Secretary for Finance and Trade.

(Treasury No., 5,464, 14 July, /73.) Sydney, 8 July, 1873.

Sir,

I have the honor to request I may be permitted a perusal of the correspondence, plans, charts, &c., relating to the subject of deepening a channel at the Sow and Pig Flats, originally suggested by me in July, 1872.

I have, &c.,
JOHN J. GOWLLAND,
Admiralty Surveyor.

As we have not the original papers, let Lieut. Gowlland have a Parliamentary copy.—G.A.L., 8/7/73.
Copy forwarded accordingly.—G.E., 8/7/73.

Lieut. Gowlland to The Under Secretary for Finance and Trade.

(Treasury No., 5,465, 14 July, /73.) Sydney, 12 July, 1873.

Sir,

I have read the report of the Engineer-in-Chief for Harbours and Rivers in reference to my proposal to deepen the western channel at the Sow and Pigs Shoal; and assuming, as I think I may fairly do, that the most damaging case which that officer could make out against that proposal has been made in this report, it is gratifying to me to find that my scheme can be so easily defended against the criticism it has been subjected to; and I think I shall have no difficulty in showing that Mr. Moriarty's objections are in every case either ill-founded in themselves or based upon erroneous estimates.

So far as I understand these objections, they seem obviously reducible to the three following heads:—

(1.) The expense of formation.
(2.) The difficulty of maintenance.
(3.) The dangers in a navigating point of view.

Before

Before entering, however, into the consideration of these objections, it may be worth while to relieve Mr. Moriarty's mind from a misconception under which he seems to labour, and which has found expression more than once in his report, in terms in which culpable neglect of the instructions of my superior officer, and unsoundness of judgment in a professional point of view, are covertly insinuated against me.

That misconception on the part of Mr. Moriarty consists in the singular construction he puts upon the suggestions of Admiral Richards for trying the eastern channel of the Sow and Pigs Shoal by boring, communicated to me in a letter in the early part of 1872. These *suggestions* Mr. Moriarty persists in regarding as *imperative instructions* to me to recommend the adoption by the Government of the eastern to the exclusion of the western channel for the admission of "iron-clads" or "line-of-battle ships."

Mr. Moriarty must allow me to be the best judge of all communications addressed to me by the Hydrographer—the head of my department—and of the margin he usually leaves to my discretion.

I should be ill-deserving indeed of the trust which Admiral Richards has for six years reposed in me as the hydrographic officer in charge of the Admiralty Survey in this Colony, if I were capable of treating the suggestions of so eminent an authority with the disregard and indifference which Mr. Moriarty seems so anxious to impute. The fact is that, so far from intentionally ignoring the capabilities of the eastern channel, the dredging of which was suggested in Admiral Richards' letter, I had for a long time before, and was at the time of the receipt of that letter, more favourably impressed with the eastern than with the western channel, as offering a passage for vessels of exceptionally heavy draught, which with, as I then thought, no very great amount of dredging, might be made available for the class of ships referred to by Admiral Richards.

I have long been familiar—perhaps more intimately than Mr. Moriarty seems to think possible—with all the physical features presented by both these channels, whether as regards depth of water, contour and nature of the bottom, and direction and velocity of the tides; and it was with some reluctance and only after a most careful consideration of relative advantages and disadvantages in a *nautical* point of view, and after consultation with the ablest and most experienced navigators frequenting the port, that I found myself constrained to abandon my original prepossession in favour of the eastern channel.

And as this change of opinion was in accordance with the views entertained on the subject by the nautical and commercial gentlemen composing the Marine Board, whose functions and authority as the legal custodians and conservators of the coast and navigable waters of the Colony would naturally bring such matters under their special jurisdiction, my case is strengthened by the approval and concurrence of the proper marine authorities.

Other reasons which led to this change of opinion will be more fully stated presently; but I may be here permitted to remark that Admiral Richards, in a recent letter replying to my own, which informed him what I had done in the way of examining and recommending as the best channel, has signified his general approval of the course pursued by me, in terms altogether inconsistent with the gratuitous supposition of Mr. Moriarty, that the *eastern channel alone* was to be examined for recommendation.

I now proceed to the consideration of the stated objections to my proposal for deepening the west channel.

Of these, that most prominently and elaborately put forward is the objection on the score of expense.

Mr. Moriarty represents my plan as involving a cost to the Country of £145,000, but estimates his own at the modest sum of £5,306, a difference of *only* £139,694 in his favour.

Now the calculations on which these figures are based are at the present moment a mystery to me, and a mystery which the computer alone could solve. However, in this, as in many other controversies, the conflict of calculations independently worked out invariably leads to good results.

On referring to the accompanying plan, it will be seen that the area required to be dredged in the western channel is represented by a figure bounded by two irregular and two parallel lines, and tinted brown, about 3,000 feet in length by a width of 600; over this space the lowest depth of water shown by my soundings is 19½ feet, and the borings, depth of water, and nature of the bottom, are shown in the following table.

BORING No. 1.

Boring No.	1	21	feet of water, bored down through	2	feet of	sand and mud to rock.
"	2	23	" "	7	"	and stiff clay to rock.
"	3	23	" "	4	"	" " "
"	4	20½	" "	6½	"	and stiff clay.
"	5	24	" "	6½	"	"
"	6	23	" "	6½	"	"
"	7	22	" "	6	feet of	coarse sand and stiff clay.

NOTE.—The soundings are expressed in feet, and reduced to low-water level of an ordinary spring tide.

Now, to secure the requisite uniform depth of 27 feet throughout this channel at low-water spring tides, it is clear, upon inspection of the soundings shown upon the plan, that by deepening it to an average depth of about 5 feet over the entire area the desired result can be attained.

The solid contents of the area to be dredged I calculate at 379,500 tons, but this calculation takes no account of the silt which Mr. Moriarty states would accumulate in the channel during the process of dredging. That gentleman's estimate of *one-third* for the additional quantity of sand which would be probably washed into the excavation from the adjoining bays and banks by the currents, is in my opinion a mere conjecture, though possibly it may be the result of a fallacious inference on his part, that the compact sand and clay of which, as shown by the borings, the bottom of the channel is composed, must possess the same erratic properties as the sewage silt of Darling Harbour or the Cove. I prefer, therefore, to disregard this element of silting up throughout the calculations, as no definite value, or even approximation to it, can safely be assigned.

Deducting, therefore, the amount of this allowance for washing in from Mr. Moriarty's figures, we shall have reduced his 900,000 tons of silt to be removed to 600,000, as against 379,500 tons by my calculation; and the difference between the two (220,500 tons) will be further reduced by the quantity of rock excavation which may be found necessary.

On this most important subject, namely, the amount of rock that will require to be excavated from the south extreme of the western channel, I cannot speak so confidently as I could wish; at the same time, however, judging from the experiments actually made, and comparing my results with the soundings

on

on the same spot, taken by Captain Stanley in 1847, which show 26 *and* 27 *feet of water in the immediate vicinity of my No.* 1 *(and shallowest)* boring, I feel assured that the amount of rock required to be removed, if any at all, will not exceed *one-twelfth* of Mr. Moriarty's gigantic estimate (120,000 tons). In no other part of the channel than in the immediate neighbourhood of my No. 1 Boring have I any misgivings as to the nature of the bottom; and assuming the accuracy of Captain Stanley's recorded soundings in 1847 (which I presume no one will care to dispute, and certainly not Mr. Moriarty, who himself cites that officer's survey, and of course takes his accuracy for granted), the influence is imperative that the diminished depth of water shown by my soundings in the position of this boring is attributable to the deposit of silt during the twenty-six years which have elapsed since that survey was executed, and which can be removed of course by simple dredgings. Nor does it follow, even if future borings in this locality should show the existence of rock, that the rock so found is necessarily a continuous stratum. It is more probable, judging from the conformation of George's Head and the nature of the projecting reef at its base, that any rock found in its vicinity will be in the form of detached blocks or knolls.

I am at a loss to understand how such an extravagant estimate as 120,000 cubic yards for each rock blasting could be seriously debited to my scheme, unless upon the assumption, altogether unwarrantable and arbitrary, that at least *one-half* of the entire area of the western channel (the section tinted brown) would require to be blasted out of the solid rock to a depth of 3 feet.

At no other position in the channel than in the vicinity of my No. 1 Boring do we find less than 4 feet of sand and clay under a depth of 23 feet of water; and it will be seen by reference to the plan that, at a distance of less than half a cable's length from the centre of the channel and towards the western limit of it, boring No. 7 shows 6 feet of coarse sand and clay over the rock, on a depth of 22 feet of water.

Collecting the results of the above comparison of calculations, it will be seen that Mr. Moriarty's estimate of the quantity of silt to be removed is about 220,500 tons, and of rock to be excavated at least 110,000 cubic yards, in excess of mine. According to his estimate, the cost of my proposed undertaking is to be set down at £145,000; but according to mine, which is based entirely upon his own rates, the cost of dredging would not exceed £9,900, and of rock excavation (if required) £10,000,—altogether £19,900, as against his £145,000.

But I desire here to guard myself from being supposed to accept Mr. Moriarty's rates for cost of dredging and excavation as datum points in the comparison of the two rival projects.

My only reason for assuming those rates to be true was for the mere purpose of instituting that comparison, and showing its results in a tangible form.

It will probably be found, whenever either scheme shall be carried into execution, that the estimate of its cost will be considerably exceeded.

Now, what are the advantages claimed by Mr. Moriarty in favour of his proposal to dredge the eastern channel, and which he announces to have secured the express approval of Commodore Stirling? The position of the channel, which is stated to have received such a distinguished mark of approbation, is represented in the plan by the contiguous portions, tinted green and red. Mr. Moriarty professes to be able to obtain the required depth of 27 feet throughout the first (the green) section by the removal of 160,000 tons only of silt, which by a similar process of reduction of one-third, as in the case of the calculations for the western channel, will have to be put down at 106,000 tons. The cost of this work is put down at £5,306; but these last figures take no notice whatever of Commodore Stirling's suggestion to dredge an additional space from a point half way across the 17-foot patch to a point opposite Green Point, marked in the plan referred to in his minute. This additional space is shown in my plan by the portion tinted red, and its area may with sufficient accuracy for the present comparison be set down as equal in extent to that comprised in Mr. Moriarty's original proposal. For dredging this additional space Mr. Moriarty sets down a sum of £4,000, which, added to £5,306, the estimated cost of his own scheme, would make a total cost of £9,306, for removing, according to my calculations, 350,000 tons of sand and clay.

According to the same basis of computation, the amount of silt to be removed from the western channel, which I calculate too at 379,500 tons, would cost £9,900, thus leaving a difference in favour of the eastern channel of about £600, instead of nearly £20,000, as shown by Mr. Moriarty.

So much as to the question of comparative cost.

It remains to compare the two channels from the navigating point of view. The consideration of this question necessarily raises three points for determination in reference to position and direction of channel, and the conditions and facilities of entry and exit, which ought to be secured for—

(1.) Large vessels of deep draught, such as are referred to by Admiral Richards, viz., "line-of-battle ships," and "iron-clads," and, I may add, large ocean steamers.

(2.) Vessels of deep draught entering or leaving the port under canvas.

(3.) Vessels of the last class whilst being towed.

Now, I contend that the channel which could be used by vessels of any of the above classes, the iron-clad of 26 feet, the mail-steamer of 23 feet draught, or a heavy draught coal-laden ship, such as the "St. John," and *safely* used, under the most adverse conditions of weather, such as a heavy south-easterly or southerly gale,—ought to be *par excellence* the channel of port Jackson.

And, as I maintain that all experienced navigators will continue to prefer the western to the eastern channel, and as all the advantages which could be secured by the deepening of the eastern channel, so as to admit an iron-clad, or line-of-battle ship can be attained almost as cheaply, and far more favourably for the purpose of navigation, by a similar deepening of the western channel, and as the improvement of the last-mentioned channel would entail *no alteration of existing beacons or leading marks*, or divert navigation from a ship passage which *has now been in use for nearly a century*, surely some more potent reasons ought to be adduced by Mr. Moriarty than are contained in his report, to show why the existing and well-known ship channel, together with all the familiar beacons and leading marks connected with it, should be abandoned. A very heavy burden of proof lies upon those who assert the affirmative.

Some emphasis has very properly been given to Commodore Stirling's minute, expressing his preference of the eastern channel, but it is clear to my mind, on a perusal of that minute, in connection with Admiral Richards' suggestions, that the Commodore must have had in view chiefly the conditions under which an iron-clad containing her own motive power, and manned by a powerful crew, would be likely to enter the port; in other words, that a ship of this class would steer for a position about mid-way

between

between the Heads before altering her course to proceed up the harbour; and if its requirements were confined to the navigation *only* of large and powerful steamers, there can be no doubt that the eastern channel is not without some merits.

But the ocean-going commerce of this port is, and will continue to be conducted in the main by large sailing-vessels of 1,000 to 2,000 tons burthen, of the class of the present London and Liverpool ships; and it is absolutely indispensable to their safe entrance, as any sailor will readily understand, that there should be no violent and dangerous alteration of course, such as would be necessitated during the prevailing gales on this coast, if such a ship, entering the port from the southward, should be obliged to make good her entrance by the eastern channel; nor is it less imperative that, under any circumstances, the greatest attainable sea-room should be afforded her for working in, and for swinging and drifting whilst at anchor.

These conditions of safe navigation in regard to this class of vessels are afforded only by the western channel, and I shall be contented to rest my recommendation of that channel upon the judgment of those who are most concerned in interest, and most competent from experience, to offer a trustworthy opinion upon the subject.

Nor should it be forgotten that the persons to whose judgment I appeal—the masters of large deeply-laden British and American ships—are often compelled by stress of weather to effect an anchorage at any cost in our harbour, as a *harbour of refuge;* and it will hardly be contended by Mr. Moriarty, or those who approve of his scheme, that any improvement of the eastern channel will counterbalance the immense natural advantages afforded in such an emergency by the western channel.

Every sailor can appreciate the advantage of having room wherein to make a long and gradual sweep to turn his ship, as, for instance, when entering the port with a south-east gale, rounding South Reef as close to as possible, and steering about west, it would be an absolutely impossible manœuvre to haul sharp upon a south course within the narrow limits of the eastern channel; while plenty of room and an easy and gradual movement of the helm would bring a ship fairly pointing into the west channel with a fair wind through on a south-west course.

The obvious object in Mr. Moriarty's original plan, in allowing so narrow an opening to the sea entrance of his proposed channel, was at once detected by the experienced eye of Commodore Stirling, and, as has been shown, the alterations suggested by the Commodore, and adopted by Mr. Moriarty, at once doubled all that gentleman's estimates.

Lastly, as to vessels whilst in tow. Most of the arguments in support of the western in preference to the eastern channel for sailing-ships are applicable to vessels in tow, though perhaps with lesser force; but the necessity for a long and gradual sweep is even greater perhaps in the case of a ship with a tug a-head than if left to her own motive power; for obviously it would be necessary to steer well to the northward between the Heads to gain sufficient sea room to round up and point for the east channel. This evolution, if accomplished at all, would bring wind and sea right a-head, and on the supposition of a gale blowing, accompanied with a heavy sea, the danger occasioned by the parting of a warp can hardly be over-stated, for in such an event a ship would run a great risk of being knocked to pieces on the North Head, which would (in the case supposed) be dangerously close to leeward.

The entrance by the west channel in a similar case would be very different, as on rounding South Reef, close to, the long and gradual sweep to its sea entrance would be effected in sheltered and comparatively smooth waters, without incurring the danger of steering to leeward for the mere purpose of obtaining room to turn; and besides this, the direction of the channel itself, when entered, is nearly a continuation of the same gently curving segment.

In conclusion, I would desire to say that I have given due consideration to Mr. Moriarty's objections, derived from the direction and velocity of the tides, as affecting the maintenance of the cutting in the western channel, but I have altogether failed to appreciate the weight of these objections, because a tide of maximum velocity of less than a knot and a half an hour, even though its direction should be at *right angles* to the course of such a channel as the west channel, could exert no material influence during the process of dredging, or prove detrimental to the maintenance of the dredged channel.

A careful study of the tides, made by Captain Denham, which is in accordance with my own observations, and which guided me in proposing this direction of the western channel, tends to show that the stress of the tide, both at ebb and flow, is almost, if not quite parallel to the course of my proposed cutting; but whether this be the case or not, I regard the tidal influence as an altogether inappreciable element for or against either scheme.

I have, &c.,

JOHN J. GOWLLAND,

Admiralty Surveyor.

P.S.—There is an advantage which the western channel possesses over the eastern, which any naval or military officer could not fail to appreciate, but which I have not thought necessary to lay any emphasis upon in the above review of Mr. Moriarty's objections. I may, however, briefly draw attention to the fact that, in the event of an enemy's ship or fleet forcing an entrance into the harbour, the fire from the fortifications on the western heights would, from its elevation, as a plunging fire, be far more damaging to the enemy whilst navigating the western than it would be when entering by the eastern channel, while at the same time the heavy guns on the Inner South Head would cover the ships through a much larger arc, and the concentrated fire of the batteries would be far more formidable to an enemy in the western than in the eastern channel.

No. 20.

THE ENGINEER-IN-CHIEF FOR HARBOURS AND RIVERS to THE UNDER SECRETARY FOR PUBLIC WORKS.

Sydney, 30 November, 1873.

MINUTE in reply to Lieut. Gowlland's letter of the 12th July, 1873, respecting Sow and Pigs Channel.

I HAVE to acknowledge the receipt of Lieutenant Gowlland's letter of the 8th July last, and his report of the 12th July, accompanied by a plan of the Sow and Pigs Shoal, which were transmitted under covering letter of the Honorable the Under Secretary of the Treasury of the 13th instant, and which reached this office on the 15th.

I suppose these are the papers and plans so long mislaid, and which it would appear, by the statement of Mr. Booth in Parliament, the Marine Board had not scrupled to accuse this department of having suppressed.

How

How wholly unfounded was the imputation the above-mentioned dates will show.

Although the Marine Board seem to have been aware of the existence of these documents, no one in this department was, and when the Under Secretary for Public Works applied to the Honorable the Under Secretary for the Treasury, on the 26*th July*, for "any other papers *and reports* of *Lieutenant Gowlland*, in order that they might be laid before Parliament," the reply of the latter gentleman, in transmitting the report and letters of the 3rd and 9th of July respectively, was "that *they were all* the information *Mr. Lloyd had at present upon the subject.*" Yet at that very time, and ever since, until again quite recently applied for, Lieutenant Gowlland's lengthy report, which was received in the Treasury on the 14th July, one fortnight before the above request was made and the reply given, never came to light.

This oversight is inconvenient, as the report has come to me for a reply when I am very busy getting many important works out for contract, and when time is scarcely afforded me to expose the tissue of specious fallacies and misstatements it contains.

Lieutenant Gowlland classifies my objections to his channel under three heads :—

1st. The expense of formation.
2nd. The difficulty of maintenance.
3rd. The dangers in a navigating point of view.

And he anticipates no difficulty in showing that the objections I have taken are either ill-founded in themselves or based on erroneous estimates. But I think a careful perusal of his report, considered with a few comments which I shall have occasion to make on it, will show that his anticipations are not likely to be realized in this respect, and that in so far as relates to erroneous estimates they are only to be found on his side.

Passing over a good deal of personal but otherwise unimportant matter (unimportant to all but perhaps Lieutenant Gowlland himself), wherein he seeks to explain his reasons for disregarding the Hydrographer's directions as to the borings in the eastern channel, I would merely observe that I have not fallen, as he supposes, into the error of construing those directions into imperative orders to recommend its deepening. It will be seen that my report bears no such construction.

I could not help expressing, and did express my surprise that a junior officer like Lieutenant Gowlland should have wholly disregarded the clear directions of an officer so distinguished as the Hydrographer, and my surprise on this score has not been diminished by any explanation which he has endeavoured to give. He claims to be the best judge of how far he may be bound to attend to the orders of his superior officer, and, as he is the person most interested, I have no desire to curtail his liberty of action in this respect.

Lieutenant Gowlland states that at first he was in favour of the eastern channel, which, he thought, *with no very great amount of dredging might be made available for the class of ships referred to by Admiral Richards*, but that subsequently he altered his views. Of the cogency of the reasons which worked this change in his opinions we are left comparatively in the dark, and the Marine Board, who are said to have worked his conversion, although the matter has been frequently before them, seemed unable to assign any other reason for their preference of the western channel than that they believe it would be more convenient for the general class of large merchant ships frequenting the port. How utterly unreasonable and invalid this argument is I have pointed out in a former report. I have shown that for the purposes of the merchant shipping either channel is now amply sufficient, and I gave a list of the draughts of water of all the large ships in port at the time, showing that for any of them there is ample water in either channel without deepening.

I now supplement the list by another, giving the tonnage and load draughts of the ships now in port, which will be seen fully to bear out my former statements in this respect; and in further proof of the sufficiency of the channels in their present unimproved state for merchant vessels, I would point to the circumstance that, until this matter was first mooted by Admiral Richards, no complaint had ever been heard of the insufficiency of the channel, and no request had been made to the Government to have it dredged.

In trying to make out their case the Marine Board and Lieutenant Gowlland have in every report referred to the *one solitary instance of the American ship* "*St. John*," which was said to be detained for water. If there was another case they have failed to discover it, for they certainly have not mentioned it, unless it be the case of the "Mooltan," and the circumstances attending that little matter I need not further refer to.

The reasons, therefore, which have led to Mr. Gowlland's conversion from his original prepossession in favour of the eastern channel still remain enveloped in mystery; and until the Marine Board shall condescend to produce some intelligent and intelligible arguments I shall make him a present of the amount of "strength" his case derives from *the concurrence of the marine authorities.*

It must not, however, be inferred from Lieutenant Gowlland's easy conversion that the nautical members of the Board are unanimously in favour of the western channel. I have been informed on the most reliable authority that such is not the case, and that at least one of its members, a commander of considerable experience, is decidedly in favour of the eastern channel. Such also, I am informed, is the opinion of many of the most experienced mariners frequenting the port, and I cannot say on which side the preponderance of opinion would be, but I think that most persons will agree with me in thinking that the opinion of Commodore Stirling and Admiral Richards, in favour of the eastern channel, should be considered pretty conclusive.

Mr. Gowlland questions the correctness of the calculations by which I arrived at the estimated difference in cost of deepening the two channels, which he states to be a "*mystery to him*," and in place of them he substitutes a calculation and estimate of his own. The calculation bears on the face of it so transparent a blunder, in the mere multiplication, that it would be ludicrous, if it were not also unfortunate, that the mistake happens to be in Lieutenant Gowlland's favour, and is not the only error in the same direction displayed by these papers.

I shall presently show in detail how I have arrived at the figures I have given, but I would first observe, as I foresaw that any calculations I might make would not improbably be called in question, I determined to err, if at all, in all the data I took for computation, on the side most favourable to Mr. Gowlland's proposition.

I assumed the length of the channel to be dredged at only 3,500 feet; and that this was considerably within the mark will be seen by reference to Mr. Gowlland's *original chart*, laid on the Table of the Assembly and ordered to be printed.

On

On that plan the average length of the channel shown by the pink tint, as requiring to be dredged is 3,814 feet, made up as follows:—Length on the eastern side, 4,057 feet; at the centre, 3,750 feet; and at the western side, 3,636 feet; the mean or average of these three measurements being 3,814 feet, which is 314 feet longer than I assumed in my calculations.

Lieutenant Gowlland, in his last report and plan, now that it becomes an object to diminish as much as possible the quantity of dredging, reduces the length of the channel to 3,000 feet, being 814 *less than is shown on his own original plan.*

But there is a still more inexplicable discrepancy than this, for in the *lithographic plan* printed with the other papers by order of the House, and which I supposed would have been an exact counterpart of the original as laid upon the Table, the reduction in the length of the channel from 3,814 to 3,000 feet has been made.

If Mr. Gowland's original tracing be placed upon the lithograph, this discrepancy will become at once apparent; and I must say, that I do not think it quite fair to impute to me that I have over-estimated the quantity of dredging as shown on his own original chart, and to alter Parliamentary documents to support the imputation, which it is plain Lieutenant Gowlland has done.

But to return to my calculation of the quantity of dredging in the western channel. I took, as I have said, 3,500 feet for the length to be dredged; the width which I have assumed is 600 feet, the same as suggested by Admiral Richards, but to this has to be added the side slopes, for it is clear that the sand on either side of the channel will not stand vertically. These slopes I have taken at 10 to 1, being about the same as that of the adjoining beaches.

The next dimension to be considered was the depth of the dredging which would be required, and I have taken it at 6 feet 6, the present channel being about 21 feet average depth.

In determining the depth of the channel, it will be necessary to have a clear conception of what is required, and what was proposed to be done, the proposal being that the channel should be deepened sufficiently to admit of an iron-clad or line-of-battle ship entering at all times.

Name.	Draught. ft.	in.
Warrior ...	26	5
Black Prince	27	3
Achilles ...	27	2
Minotaur ...	26	10
Northumberland ...	26	10
Agincourt ...	26	10
Caledonia ...	26	9
Royal Oak ...	25	8
Prince Consort	25	8
Ocean... ...	26	9
Royal Alfred	25	6
Lord Clyde ...	26	6
Lord Warden	26	0
Zealous ...	26	6
Hector ...	25	7
Valiant ...	26	10
Resistance ...	26	0
Defence ...	25	10
Bellerophon ...	26	0

The list on the margin gives the draught of water of some of the iron-clads of the English Navy, which will be observed to range from 25 feet 8 inches to 27 feet 3 inches. In a channel of only 27 feet as proposed by Lieutenant Gowlland, the "*Black Prince*" and "*Achilles*" *would ground at low-water*, and owing to the rise and fall of the wave, which is rarely less than 2 feet in even the finest weather, vessels of this class would not have very much to spare even at half-tide. Nothing *under* the 27 feet should therefore be allowed for clearance, and the rise and fall of the swell.

In my computation I allowed 6 inches over the 27 feet for an average, which few persons will I think consider excessive; and it must further be borne in mind that, as it is not possible in dredging a channel of this length to shave it off to an exact level as a carpenter would plane a board, it becomes the more necessary in a place where the water is not perfectly still to allow some small margin for safety and irregularities in the work.

That this was Lieutenant Gowlland's own opinion may be gathered from the fact that, on his own original tracing, the dredging is shown as proposed to be carried out at either end of the channel to the 30-feet line, which would give a depth of 3 feet for clearance, or 2 feet 6 inches more than I have estimated.

The computation according to my estimate was as follows:—Length, 3,500 feet; width, 600 feet; depth, 6 feet 6 inches = 13,650,000 cubic feet; which, divided by 20, the number of cubic feet in a ton of sand, gives 682,500 tons; to which has to be added the sand taken from the side slopes = 73,937 tons, making in all 756,437 tons; and if to this again be added one-third more for sand likely to be washed into the channel, it gives a gross total of 1,008,582 tons; from which deducting (say) 87,500 tons for rock, we get 921,082 tons of sand to be dredged from the western channel. (I took it in my former report as 900,000 in round numbers, being resolved, as I have said, to keep well within rather than seem to exceed the quantity in my estimate.)

But meanwhile, as to the estimated addition of one-third for sand likely to be swept into the channel by the waves and currents from either side, it will be seen from my report that I did not profess to give this quantity as anything more than a very rough approximation, but I have kept it too on the low side, under- rather than over-estimating the quantity, as I was unwilling to seem in any manner to over-state the case against the western channel. Mr. Gowlland thinks I have made a "fallacious inference" in assuming that the compact sand and clay, as he calls it, of the Sow and Pigs Shoal must possess "the same erratic properties as the sewerage silt of Darling Harbour." I would assure him that I have fallen into no such error. The sewerage and silt of Darling Harbour, which are mostly street detritus mixed with mud, settle down at once, and have no "erratic properties" whatever; while the ever-shifting sand of the Sow and Pigs possesses those "erratic qualities" in the highest degree, being almost a pure quick-sand.

In reference to the question as to what allowance would be fair in this instance, I would beg to refer to the reports of Messrs. Portus and Laing, masters of the dredges "Vulcan" and "Samson," whose opinions, from their long experience in dredging in sand, are entitled to considerable weight. They estimate from $\frac{1}{4}$ to $\frac{1}{3}$ more than the neat measurement as being a fair allowance.

We have had considerable experience, in the dredging operations at Newcastle and other harbours and rivers, of the movement of the sand, and since my former report we have acquired some actual experience of the character of the sand at the Sow and Pigs. At Newcastle, time after time, the dredge has deepened the berths for large vessels at the Horse-shoe, which have been as frequently filled in again immediately. It is found that the dredge can be worked for days almost in the same spot, it being only necessary to let the buckets down and dredge a deep hole, when it is found that the action of the tides and waves on the bottom causes the sand from all sides to flow into the depression almost as if it were water.

The reports of Mr. Laing and Mr. Portus are appended, and will be found to fully bear out what I have stated in this respect. I think, then, that in estimating one-third over and above the neat measurements of the cutting, it will be seen that I have in no way over-stated it.

It will be observed that, in speaking of this channel, Lieut. Gowlland himself refers to a silting up which he states to have taken place at one part since the survey of Captain Denham; and it is clear from a comparison of former soundings with those of the present day that, although in the main there is no alteration worth mentioning—no permanent shoaling, that local changes have undoubtedly taken place, the

channel

channel being now deeper in some parts than formerly and shoaler at others. Similar changes are always taking place at other ports on this coast, where the bottom of the channel is composed of free-moving sand.

Now, to take Mr. Gowlland's own computations:—At paragraph 12 he describes his channel as 3,000 feet in length, 600 feet in width, and gives the lowest depth of water, as shown by his soundings, as 19½ feet; and at paragraphs 14 and 15 he says—"*to secure the requisite uniform depth of* 27 *feet through the channel at low-water springs it is clear that, by deepening it to an average depth of* 5 *feet over the whole area, the desired result can be obtained. The solid contents of the area to be dredged I calculate at* 379,500 *tons.*

Here, in a simple matter of multiplication, there is an error of over 70,000 tons in his own favour, for, taking the figures he has given, $\frac{3,000 \times 600 \times 5}{20}$ are equal to 450,000 tons, not 379,500, as he makes it to appear, and this without making any allowance for the side slopes or for any irregularities in the bottom, but assuming that the channel shall be dredged to the uniform depth of 5 feet with mathematical accuracy, the absurdity of which is too patent to require comment. It shows, however, this gentleman's total want of acquaintance with the subject of dredging.

The depth of 27 feet *minimum*, or 27 feet 6 inches average (as they would probably wait for some time before attempting to come up), while but just sufficient for a line-of-battle ship or ironclad, would be unnecessarily deep for merchant ships; and if a return be obtained from the Harbour Master's Office of the draughts of water of ships entering this port, on which pilotage has been paid, for the last twenty years, I venture to assert that there will not be found twenty *merchant ships* which would require the depth of water Lieut. Gowlland proposed for his channel.

Lieut. Gowlland, in a former report, reminded me that I had agreed to a paragraph in the report of the Harbour Commission, to the effect that there seemed to be some indication of a permanent shoaling at the Sow and Pigs. I certainly did so, but I have since discovered, on carefully going over the sections prepared by that gentleman himself for the Commission, and by which the other members with myself were misled, that a considerable shoaling is represented to have occurred at places where no such shoaling has really taken place, the error at one part amounting to as much as 25 feet in the depth of the channel for about 500 feet in length. It is scarcely to be wondered at, with such a document before them, that the Commission were led into the error of reporting, as they did, *that there appeared to be some evidence of shoaling in the channel.*

As I have stated, there are undoubtedly evidences of some local changes, but there is no evidence of any general shoaling over the whole area of the channels. Any disturbance of the existing regimen of this channel, however, or of the equilibrium established between the scour of the tides on the one hand and the tendency of the waves to deposit the sand on the other, is certain to be followed by the result always experienced in similar cases, namely, the tendency to restore the pre-existing state of things. And it is to this tendency that I look for the levelling off the floor of the channel, and the filling up of any artificial cutting which we might make, to such an extent as would demand the extra allowance which I have made.

Having in the foregoing pages, I think, shown pretty conclusively that I have not over-estimated the probable amount of dredging, I shall now show that, in so far as regards the rock excavation, I have been equally moderate in my computations. I have estimated it at probably 120,000 yards, but Lieut. Gowlland states, "*if any at all*, it will not exceed one-twelfth part of my 'gigantic estimate.'"

"*If any at all*" is rather a curious expression to use in the face of his own borings.

At boring No. 1 the rock is only 23 feet from the surface of the water, according to Lieutenant Gowlland, and may be assumed to deepen thence towards the other borings, which show about 27 feet to the rock. I have already shown that a channel with 27 feet of water would be only barely sufficient for an ironclad of the "Warrior" or "Black Prince" type, and that as regards the sand portion, an extra depth of 6 inches should be allowed for contingencies, and as a margin of safety, above the minimum depth of 27 feet. On a rock bottom of the uneven character that would be left after blasting, it must be anticipated that a number of projections and prominencies will be left, for it is quite impossible to excavate it to an exactly smooth or level surface. Whatever be determined on for the *minimum depth* of the channel, therefore, it is obvious that the *average depth* must be something more. I allowed 6 inches as the margin in sand, but in rock, owing to the greater injury a ship would receive if she struck on the hard bottom, and the greater difficulty there would be of blasting it out to a uniform level surface, I allowed 2 feet 6 inches extra, or 3 feet in all, over and above the *minimum depth*, for the mean depth in the rocky parts of the channel, and I am confident that any person who has had the slightest experience in blasting or in quarrying operations under water will admit that 3 feet is not too much.

To Lieutenant Gowlland, perhaps, who has had no practical experience whatever in such matters, it may seem possible to smooth off the bottom to an exact level, and that it would be unnecessary to make any allowance for the irregularities and prominencies which would be left, but this is only one of those errors into which unprofessional and inexperienced persons are apt to fall, when dealing with matters that they do not understand.

It will have been obvious, from what I have stated, that in any computation of the quantity of sand and rock to be removed, much depends on the margin of safety to be allowed for very heavy ships.

I have allowed 6 inches, and 3 feet, for sand and rock respectively. Lieutenant Gowlland allows *nothing*. Which of the two is the safer estimate I now leave for others to say.

In no other part of the channel than in the immediate neighbourhood of boring No. 1 has Lieut. Gowlland any *misgiving* as to the nature of the bottom; and "assuming that Captain Stanley's recorded soundings are correct, the inference is (he thinks) imperative that the diminished depth of soundings is attributable to the deposit of silt."

But a more careful study of Captain Stanley's soundings than Lieutenant Gowlland would seem to have bestowed on them will show that, in the immediate neighbourhood of boring No. 1, Captain Stanley shows only 23 and 24 feet. At boring No. 1 Lieutenant Gowlland shows rock at 27 feet, and about the same at borings 2 and 3. At boring No. 4 there is 19½ feet water and 6½ feet sand to clay. Close to this boring is the *Sow and Pigs rock, dry at low water*. The inference from these depths, and from the horizontality of the stratification of the sandstone rock on either side, seems to me to be that the rock in this channel forms part of the plateau of the Sow and Pigs reef, the surface of which is nearly level, and that it extends over a considerable portion of the area of the channel; and this supposition is sustained by the circumstance that, for the greater part of its length, a comparison of Captain Stanley's and Captain Denham's soundings with those of Captain Sydney, of more recent date, show very little difference in the

 depths.

depths. Lieutenant Gowlland's surmise, that any rock found in the vicinity will be in the form of detached knolls or blocks seems to me quite unsupported by the facts, as far as they are known.

The plan which accompanies Lieutenant Gowlland's last report purports to represent the western channel as originally recommended by himself, and the eastern as suggested by the Hydrographer, and recommended by me, with the addition recommended by Commodore Stirling, tinted pink.

I have shown before, that, as regards the western channel, it is not by any means a correct and truthful representation of the original plans submitted by Lieutenant Gowlland, the channel being now diminished in length from 3,814 to 3,000 feet. As regards the eastern channel, it is unfortunate in being equally incorrect.

At paragraph 16, Lieutenant Gowlland says, deducting the allowance for washing-in from Mr. Moriarty's figures, the 900,000 tons of silt to be removed became reduced to 600,000 tons, as against 379,500 tons by his calculation. "That as regards the rock, he *cannot speak as confidently as he could wish*," but he feels assured that the amount required to be removed, "*if any at all, will not be one-twelfth*" of my gigantic estimate, as in no other part of the channel than at boring No. 1 has he any misgiving as to the nature of the bottom; nor does it (he thinks) follow, *if future borings in this locality show the existence of rock*, that it is necessarily a continuous stratum, it is "*more probably*" in the form of detached boulders or blocks.

I give this as a sample of this gentleman's style of reasoning. Being unable to speak with confidence, he yet feels *fully assured* that everything will turn out just as he would wish it, and so it becomes quite unnecessary to make any allowance for contingencies, or for a possible disappointment of his "full assurance."

As to the first of the above statements, I have shown that it is not safe to disregard the washings in, in the face of testimony to the contrary, of persons who have had considerable experience in work of this kind, and who report that a greater allowance than $\frac{1}{3}$ of the neat measurements of the channel should be made; the 900,000, or more correctly speaking 921,000 tons, cannot therefore be reduced by 220,000. I have shown that Lieutenant Gowlland's own estimate of 379,500 is wholly erroneous; that by his own dimensions it should have been at least 450,000 tons; and further, if any allowance is to be made in the depth of the channel, over and above the exact draught of a heavy ship, for margin of safety, it will be found fully to make up the difference between my estimate and his.

The grounds, therefore, for reducing my estimate from £145,000 to £19,000, or to even £600 as he gives it in another place, are to be found only in Lieutenant Gowlland's imagination; and my only surprise is that, while on this part of the subject, he did not reduce the dredging and rock excavation to a negative quantity, which would have been more satisfactory to himself, and not much further from the truth.

Turning now to the eastern channel, which Lieutenant Gowlland has represented by the portions tinted green and pink, I must here again complain of the inaccuracy of his representations. The channel is not correctly placed, nor shown as I represented it, being about 250 feet nearer the rocks of the south reef. I suppose that having altered his own channel, he felt bound to perform the same office for mine. However, the effect in the latter instance is to render the channel apparently less accessible than originally shown, a point on which Lieutenant Gowlland has dilated at some length. *This erroneous representation is also shown on Lieutenant Gowlland's lithographs, published by order of Parliament.*

The tracing accompanying this paper shows correctly the position of this channel, as suggested in the first instance by me, with the addition recommended by Commodore Stirling. Its width was 600 feet, as suggested by Admiral Richards, and widened out at either side.

The estimate of £5,306 for deepening this channel was, as the papers show, made before the additional width of the 17-feet patch was proposed by Commodore Stirling, but the cost of the whole with the addition became £9,306.

Lieutenant Gowlland desires to guard against accepting my rates for cost of dredgings; but as he has probably never done any dredging he can know nothing whatever about the cost of it, and his acceptance or rejection of those rates is not perhaps of any great importance, nor likely to affect in any very material degree the actual cost of the work.

It remains to consider the two channels from the navigating point of view, as regards the facilities for entry and exit by—

1st. Large vessels, such as line-of-battle ships and iron-clads, referred to by Admiral Richards.

2nd. Vessels of deep draught entering or leaving under canvas.

3rd. Vessels of the last class while being towed.

Lieutenant Gowlland contends that the channel which could be most safely used by any of the above classes of vessels, the iron-clad, the mail steamer, and the heavy draught coal-laden ships (as represented by the ever-recurring "St. John") should be *par excellence* the channel for Port Jackson. In this I entirely concur with him, with some slight reservation, however, as to the question of cost; and the latter being settled in favour of the eastern channel, that it is considered the better of the two in *a navigating point of view* by Commodore Stirling. Admiral Richards, at least one member of the Marine Board, and several of the more intelligent and experienced shipmasters of the port, must be considered deciding "*par excellence*" in its favour.

That all experienced navigators were agreed to prefer the western channel, and that the improvement of it would entail no alterations of existing beacons or leading marks, or divert navigation from a ship's passage which has been in use for nearly a century, would doubtless have much weight if there were any proof—anything beyond the mere bald assertion that experienced navigators would "prefer it," or that the improvements in the eastern channel must necessarily cause any alteration in the beacons and leading marks of the western channel. The pathetic and touching appeal in favour of these old familiar leading marks and beacons does equal justice to Lieutenant Gowlland's head and heart, but even old familiar beacons must yield to inexorable necessity at times, even as old familiar mile-stones have to be left to pine in solitude when a road is diverted from its old familiar track. But the deepening of the eastern channel, in which there are also "old familiar leading marks and beacons," need lead to no such melancholy results as Lieutenant Gowlland dreads for the western channel, for any of the merchant vessels entering the port might continue to use it as at present. Lieutenant Gowlland claims that the western channel would be more convenient for vessels of deep draught entering or leaving the port under canvas. In this observation Lieutenant Gowlland does not show a very intimate acquaintance with the present practice. I believe I am correct in saying that, as a matter of fact in the present day, and for many years past—indeed, ever since the introduction of steam-tugs—none of the long merchant ships are attempted to be brought

brought in or taken out under canvas—they all come up under steam. He admits that "if the requirements were confined to the navigation only of large and powerful steamers, there can be no doubt but the eastern channel is not without some merits. *But the Ocean-going commerce of the port is* and will continue to be in the main by large sailing-vessels of 1,000 to 2,000 tons burthen, of the class of the present London and Liverpool ships." As regards these latter, I have already shown that as all of them are brought up under the charge of steamers, they are in precisely the same condition for taking either channel as if they were under their own motive power, and that practically *for vessels of this class, either channel in its present unimproved state is sufficient.*

Lieutenant Gowlland shows by a diagram in his chart (to which I would invite careful attention) the course that would be taken by a ship entering the port in a southerly gale, and which, as he says, would carry her with a fair wind into the western channel. There are some rather novel, though perhaps not very instructive, features about this diagram, as has been pointed out by a gentleman of considerable nautical experience.

It will be observed that this course which he has laid down would bring a ship about 250 feet closer to the South Reef than the line of leading mark at Middle Head show to be safe, and that off this point of the reef she would be only 60 feet from the 3-fathom line, and would consequently have to pass right through the breakers in rough weather. If this be a sample of Navigating Lieutenant Gowlland's navigation, most people, I think, would prefer not being his passenger when entering Port Jackson in a southerly gale; and as to carrying a fair wind into the western channel in a southerly gale, it has also been pointed out that no ship could possibly lie up into it.

On the tracing I have prepared to accompany this paper, I have shown how a ship could enter the eastern channel, taking precisely the same easy course as Lieutenant Gowlland has drawn for the western, while in south-easterly or easterly gales a vessel would have the additional advantage, as pointed out by Commodore Stirling, of being on the windward side of the channel, and in smooth water under the shelter of the South Head.

Lieutenant Gowlland also shows the course a vessel would take, in such weather as he mentions, entering the eastern channel, but I think he would get few sailors to agree with him that any such course could be necessary, or would be attempted, and he seeks to raise a false issue by misrepresenting the eastern channel, as I at first proposed it, or as it has since been determined to carry it out, with Commodore Stirling's suggested additions.

The original width of the channel as sketched in by me was 600 feet, which had been named by Admiral Richards; and although no person can doubt the advantages that would accrue from the greater width proposed by Commodore Stirling, few also will be disposed to consider that the width named by Admiral Richards was so insufficient as Lieutenant Gowlland would represent.

Lastly, as to vessels while in tow. Lieutenant Gowlland asserts that the necessity for a long and gradual sweep is even greater perhaps in the case of a ship with a tug ahead than if left to her own motive power, meaning the sails, I suppose; and he thinks it would be necessary to steer well to the northward between the heads to gain sufficient sea-room to round up. I have already pointed out, and illustrated on the tracings, that from the mid-channel between the Heads a ship could round up into the eastern channel on exactly the same curve as he has drawn for his western channel; and as to a vessel in tow being less manageable in narrow waters than if under her own canvas, it is only one of Lieutenant Gowlland's opinions, and will be taken for what it is worth.

In conclusion, he altogether fails to appreciate my objection as to the effect on the maintenance of the channel from the oblique direction of the current, which, he thinks, if run at right angles, would not be likely to exert any material influence during the process of dredging. I have already dealt with this branch of the subject at length, and need only in this place observe that it is not the current of one and a half knots alone which would have to be considered. It is necessary also to take into account the action of the waves on the bottom, assisted by the current. The manner in which heavy articles from the wrecks of the "Dunbar" and "Catherine Adamson" were swept along the bottom and ultimately washed up on the beach in Middle Harbour and elsewhere, shows how great is the influence of the waves upon the bottom of the harbour in bad weather.

I now come to the closing paragraph of this very lengthy report, which contains the statement *that his own observations show* that the set of the tide both at ebb and flow *is almost if not quite parallel* to the course of his proposed cutting; *but whether this be the case or not*, he regards the tidal influence as unimportant. I can only state as to this, that "his own observations show" that, as I am willing to believe, he knew very little about the currents, or he could not possibly have ventured to make such an assertion. The extreme care and accuracy with which the currents as represented by me were taken put any doubt of their correctness quite out of the question.

The report winds up with a postscript as to the military view of the matter, in which I regret to find Lieut. Gowlland's opinions at fault quite as much as he has shown himself to be in the engineering and nautical views of the question. The acknowledged difficulty in the way of the defence of Sydney is its great accessibility to an enemy's ships; and if the western channel would be the more easy of access than the other for ordinary ships, it would also be for an enemy's ship, and in so far should the port be more open to attack, by his own showing.

But a *real objection* in a military point of view would be that, in consequence of the height of the batteries of Middle and George's Heads above the water only admitting of a plunging fire, which all artillerists know to be uncertain, the closer a ship's course would bring her under their guns the less effective would be their fire, and it would be quite impossible to depress the guns of George's Head so as to bring them to bear on a ship at the inner part of the western channel.

But in the eastern channel an enemy's ship would, by reason of her greater distance from those batteries, be under constant fire from them, as well as from the batteries of Inner South Head, which, from being much lower and further retired, could also be brought to bear upon a ship in the eastern channel.

E. O. MORIARTY.

DIMENSIONS, draught, &c., of a few of the Vessels in H. M. Navy which could not enter by a channel of only 27 feet deep at low-water.

Name.	Service.	Tonnage.	Length.	Beam.	Depth.	Draught.
			′	′		′ ″
Warrior	H. M. iron-clad frigate—iron	6,109	380	58	.....	26·5
Black Prince	,, ,, ,, ,,	,,	380	58	.....	27·3
Achilles	,, ,, ,, ,,	6,121	380	59	.....	27·2
Minotaur	,, ,, ,, ,,	6,621	400	59	.....	26·10
Northumberland	,, ,, ,, ,,	6,621	400	59	.....	26·10
Agincourt	,, ,, ,, ,,	6,621	400	59	.....	26·10
Caledonia	,, ,, ,, wood	4,123	273	59	.....	26·9
Royal Oak	,, ,, ,, ,,	4,056	273	58	.....	25·8
Prince Consort	,, ,, ,, ,,	4,045	273	58	.....	25·8
Ocean	,, ,, ,, ,,	4,047	273	58	.....	26·9
Royal Alfred	,, ,, ,, ,,	4,068	273	58	.....	25·6
Lord Clyde	,, ,, ,, ,,	4,067	280	59	.....	26·0
Lord Warden	,, ,, ,, ,,	4,067	280	59	.....	26·0
Zealous	,, ,, ,, ,,	3,716	252	58	.....	26·0
Hector	,, ,, ,, iron	4,089	280	56	.....	25·7
Valiant	,, ,, ,, ,,	4,063	280	56	.....	26·10
Resistance	,, ,, ,, ,,	3,710	280	54	.....	26·0
Defence	,, ,, ,, ,,	3,720	280	54	.....	25·10
Bellerophon	,, ,, corvette	4,246	300	50	.....	26·0
Hercules	,, ,, ,, ,,	,,	,,	,,	.....	,,
	H. M. Transport Service Troop Ships.					
Jumna	.....	4,173	370	49	41·4	.....
Euphrates	.....	4,173	365	49	.....	.....

REGISTERED Tonnage and draught aft of some of the Ships trading to Sydney which could enter by either Channel at present.

No.	Name of Ship.	Registered Tonnage.	Draught aft.	No.	Name of Ship.	Registered Tonnage.	Draught aft.
			ft. in.				ft. in.
1	Sobraon	2,130	22 0	18	Clara	938	.....
2	Surrey	1,089	22 0	19	Nineveh	1,174	.....
3	Glendower	.....	22 0	20	* Sir John Lawrence	879	19 0
4	Agra	.....	21 6	21	* Strathnaver	1,017	19 0
5	Essex	1,255	20 6	22	* Abergeldie	1,152	18 3
6	La Hogue	1,331	20 6	23	* Carisbrook Castle	1,415	20 6
7	Aviemore	1,091	20 0	24	* Border Chief	1,011	17 6
8	Dunbar Castle	925	20 0	25	* Ethiopian	838	17 6
9	Merwamjee Framjee	1,079	19 6	26	* Duke of Sutherland	.....	18 4
10	Lady Bowen	.....	20 0	27	* Centurion	1,000	18 6
11	Thyatira	962	19 4	28	* Bruckley Castle	1,013	20 0
12	Cordillera	852	19 0	29	* Ironsides	899	18 0
13	Hawkesbury	1,120	19 0	30	* Cathcart	1,387	21 6
14	Patriarch	1,339	19 0	31	* Commissary	998	18 6
15	Agnes Rose	991	18 6	32	* Parramatta	1,521	21 0
16	Ascalon	938	.....	33	* Ben Lomond	986	21 0
17	Damascus	964	.....	34	* John Duthie	1,031	19 10

* Ships in Sydney Harbour in November, 1873.

Sydney, 27 Nov., 1873.

Sir,

I have to request your replies to the following queries :—

1st. Over what length of time has your experience extended in dredging sand from Newcastle or Sydney Harbour, and about what quantity have you removed in that time?

2nd. In dredging, about what length have you to move the dredge daily to lift (say) 1,000 tons of sand?

3rd. In estimating for the gross quantity of sand you would have to move in forming a channel of any dimensions through sea sand, such as that of Newcastle or Sydney Harbour, what proportion over and above the neat measurements of the cutting would you consider it necessary to allow for the sand liable to be washed in from either side by the action of the waves or currents?

I have, &c.,
E. O. MORIARTY.

Mr. J. Laing to The Engineer-in-Chief for Harbours and Rivers.

Dredge "Samson," 2/12/73.

Sir,

I have the honor to acknowledge the receipt of your letter of the 27th ultimo, requesting replies to the following queries :—

1st. Over what period of time has your experience extended in dredging sand from Sydney Harbour, and about what quantity have you removed in that time?

2nd. In dredging, about what length have you to move the dredge daily to lift (say) 1,000 tons of sand?

3rd.

3rd. In estimating for the gross quantity of sand you would have to move in forming a channel of any dimensions through sea sand, such as that of Sydney Harbour, what proportion over and above the neat measurements of the cutting would you consider it necessary to allow for the sand liable to be washed from either side by the action of the waves or currents?

Answers.

1st. My experience has extended over five years in Sydney Harbour, during which time I have removed nearly 600,000 tons of sand, debris, and silt, the sand being sometimes pure and sometimes mixed with other matter.

2nd. The length we require to move the dredge varies according to circumstances, such as the depth of water and depth of cutting, &c. I have loaded 300 tons of clear sand without moving the dredge from the spot or lowering the ladder, except what it fell with the tide, and having occasionally to lift a little to clear the buckets as the sand fell in, and we have often lifted over 100 tons in one cut. This is done at the Heads, where the bottom seems to be a lively quicksand, composed of sand and shells mixed, but the average space over which the dredge is moved for each 1,000 tons lifted will run about 10,000 superficial feet.

3rd. The proportion which should be allowed over neat measurements will depend a good deal upon the force and direction of the currents where the work is being done. At the top of Darling Harbour, off Market Wharf, Cuthbert's yard, the Circular Quay, and head of Woolloomooloo Bay, there is very little current, and the shore sand and debris from the streets is heavy silt. I believe there should at least be one-third added to the neat measurements for the quantity which will tumble or wash in from the sides before the natural bed in which it will lie is formed (and this should be independent of the quantities washed in after every heavy rain from the shores and sewers, for which I refer you to my letter dated 12/6/69).

Respecting the percentage which should be added to the neat measurements for the channel near Sydney Heads, where it appears to be very lively light sand, I can scarcely hazard an opinion yet, but it will be much greater than the percentage up the harbour.

I have, &c.,
J. LAING.

Mr. A. B. Portus to The Engineer-in-Chief for Harbours and Rivers.

Dredge "Vulcan,"
Newcastle, 29 November, 1873.

Sir,

I have the honor to acknowledge the receipt of your letter of the 27th instant, requesting me to state the length of time I have been employed dredging, the quantity dredged during that time, and the percentage in addition to the cubical contents of a cutting which it has in practice been found necessary to allow in estimating the quantity actually to be removed by dredging.

My experience of dredging extends over eight years, more than half of which has been spent in deepening Newcastle Harbour, the remaining portion of the time having been occupied in improving the navigation of the Hunter. 1,063,400 tons of sand and other material have been lifted during the above period by the dredge "Vulcan."

I have no difficulty in readily replying to your query as to percentage of material, which can best be done by stating the rule I have from experience laid down to guide me when replying to the many inquiries I have had to answer as to the time when work at which the dredge was employed would be completed.

Although you do not ask me to supply any information as to river dredging, I have thought it would not be unacceptable to state the results of my observations at the Flats as well as at Newcastle.

If dredging has to be done at Eale's or Raymond Terrace, 33 per cent. more sand must be removed than the cubical dimensions of the finished channel will show.

At the Finger-post channel (between Schnapper Island and Hell's Gates) an allowance of over 40 per cent. must be made, while at Hell's Gate cutting, a mile below, and Schnapper Island, a mile above it, an allowance of 25 per cent. will be ample. It should be borne in mind, however, that at the Finger-post cutting the material to be dredged is lively sand, whereas at the other two places shell mud and sand are met with.

At the Horseshoe, Newcastle, the disturbing influences are so great that I would not feel safe in estimating the quantity to be dredged at anything less than one-half more than the cubical contents of the mass to be removed.

During the strength of the ebb tide I have sometimes filled one of the punt hoppers without in any way altering the dredge's position or lowering the ladder, but under ordinary circumstances in the Horseshoe the ground got over in a day is about a section of 50 x 4 x 2 yards, in the removal of which from 900 to 1,000 tons of sand have to be dredged. The deepened water at places where the dredge has never worked sufficiently explains the difference between the theoretical and practical quantities.

Trusting that this letter embraces the information required,—

I have, &c.,
A. B. PORTUS.

No. 21.

THE ENGINEER-IN-CHIEF FOR HARBOURS AND RIVERS to REAR ADMIRAL RICHARDS.

Sydney, 12 July, 1873.

SIR,

I have taken the liberty of thus addressing you direct in reference to a matter which is of peculiar interest and importance to this port, and indeed to the whole Colony at present, and which, having been in the first instance brought under the notice of this Government by yourself, you will probably feel sufficiently interested in to wish to examine in all its bearings. I allude to your suggestions to Navigating Lieutenant Gowland in reference to the deepening of the eastern channel of the Sow and Pigs Shoal, near the entrance to this harbour, to admit of the passage of an iron-clad or line-of-battle ship.

The accompanying papers and charts, which were published by order of the Legislative Assembly, on the motion of Captain Onslow, I do myself the honor to transmit for your perusal. They will, I trust, be

 sufficient

sufficient to enable you to form a judgment as to the two proposals which have been made—namely, that of Lieut. Gowlland, which favours the deepening of the western channel, and the other the dredging of the eastern channel, which was first suggested by yourself, in which, for the reasons set forth in my report, I entirely concur, and which you will also observe is regarded with favour by Commodore Stirling.

Should you, in reconsidering the question, require any further information as to borings or otherwise, as Lieut. Gowlland is, I understand, returning to England, I would beg you to consider my services, or that of my department, entirely at your disposal, whether officially or otherwise, to obtain it.

It may be that I have overlooked some matters, or taken erroneous views on others; if it be so, I shall gladly endeavour to correct them, or to supplement the information already obtained in any particular that you may desire.

Your first memorandum to Lieut. Gowlland suggested having borings made to ascertain whether the nature of the bottom in the eastern channel was such as to admit of its being dredged to a depth of 27 feet. The borings which have been taken show the bottom is composed entirely of sand, *and that there will be no difficulty whatever in dredging it to the required depth.*

The borings in this channel, you will observe, are mostly confined to the outer bar, and to the 17-foot patch.

I have not considered it necessary to make any borings in the other parts, because I found, on examination of the old charts of Capt. Stanley and Admiral Denham, that depths of 27 feet formerly existed at these parts, thus showing that any changes now observed must be due to the shifting sand, which in Port Jackson, as every other harbour and river on this coast, is always producing some alterations in the soundings.

Lieut. Gowlland's borings in the *western channel show that it cannot be dredged*, the bottom of the proposed cutting for a considerable portion of its length being composed of *rock*. The very large quantity of rock excavation which would be required to deepen it to 27 feet appears to me to be a most formidable objection to the proposal. To you, who know the localities so well, I need scarcely point out that in so exposed a position, liable to constant interruptions from passing vessels, and from rough weather, underwater blasting would be a most tedious and expensive operation. The rock of which the visible portion of the Sow and Pigs reef consists is of the hard Sydney sandstone formation, and it is reasonable to suppose that the rock shown by Lieut. Gowlland's borings, as underlying a thin skin of sand in the western channel, is of the same character. If it be so, no dredge could make the slightest impression on it; and to blast it out would necessitate either a coffer-dam to enclose the whole or portion of the area, or to drill and blast by "battery" from the surface of the water, dredging up the broken fragments of stone afterwards. The cost of a coffer-dam and the risk of maintenance, and the expense of pumping, if the former plans were adopted, would be enormous, while the difficulty and uncertainty of drilling from floating stages in a position always subject to more or less swell, added to the difficulty of keeping the drill-holes clear of sand during the operation, would make the cost of the latter probably nearly as great, while the uncertainty and delay in completion would be greatly increased.

The minimum amount of rock excavation shown to be required by Lieut. Gowlland's borings is about 120,000 cubic yards, which I have estimated at only £1 per yard, being unwilling to seem to over-state the case against the proposal, although I feel convinced that it would cost considerably more.

It would seem, therefore, when considered in the light of your memorandum directing the borings to be made in the eastern channel to determine the practicability of dredging it, it is by reason of the rock excavation alone shown by Lieut. Gowlland's borings to be necessary in the western channel, the deepening of that channel in preference to the other, where no rock occurs, would not be regarded favourably by you.

Another very serious objection to the western channel, as laid down by Lieut. Gowlland, as it appears to me, consists in its obliquity to the direction of the currents both of flood and ebb, which at every stage of the tide flow across it at a considerable angle, which would not only render the navigation difficult, but would add greatly to the cost of its maintenance. As you will no doubt recollect, the sand forming the bank and in the adjoining bays is of that peculiarly fine-grained kind formed by the disintegration of the carboniferous sandstone formation which abounds on this coast, it is easily moved by the currents and waves. The changes which are apparent on comparison of the soundings shown on the older charts with those which are more recent are clearly attributable to this cause; and I feel the same cause must always continue to operate against the maintenance of any channel formed through such a material; but it would be with greatly exaggerated effect in cases where, like that under consideration, the direction of the channel was very oblique to that of the currents. The eastern channel has been laid down to correspond as nearly as possible in direction of that of the currents, so that the scour of tide would give a better chance of maintaining it.

The next point for consideration is the great difference in the quantity of sand which would require to be dredged to obtain the minimum depth of 27 feet in either case. By Lieutenant Gowlland's proposal the quantity to be dredged would be about 900,000 tons, while in the other, for a channel of 1,200 feet in width, as recommended by Commodore Stirling, the quantity to be dredged would only be about 300,000 tons, or about one-third of the former.

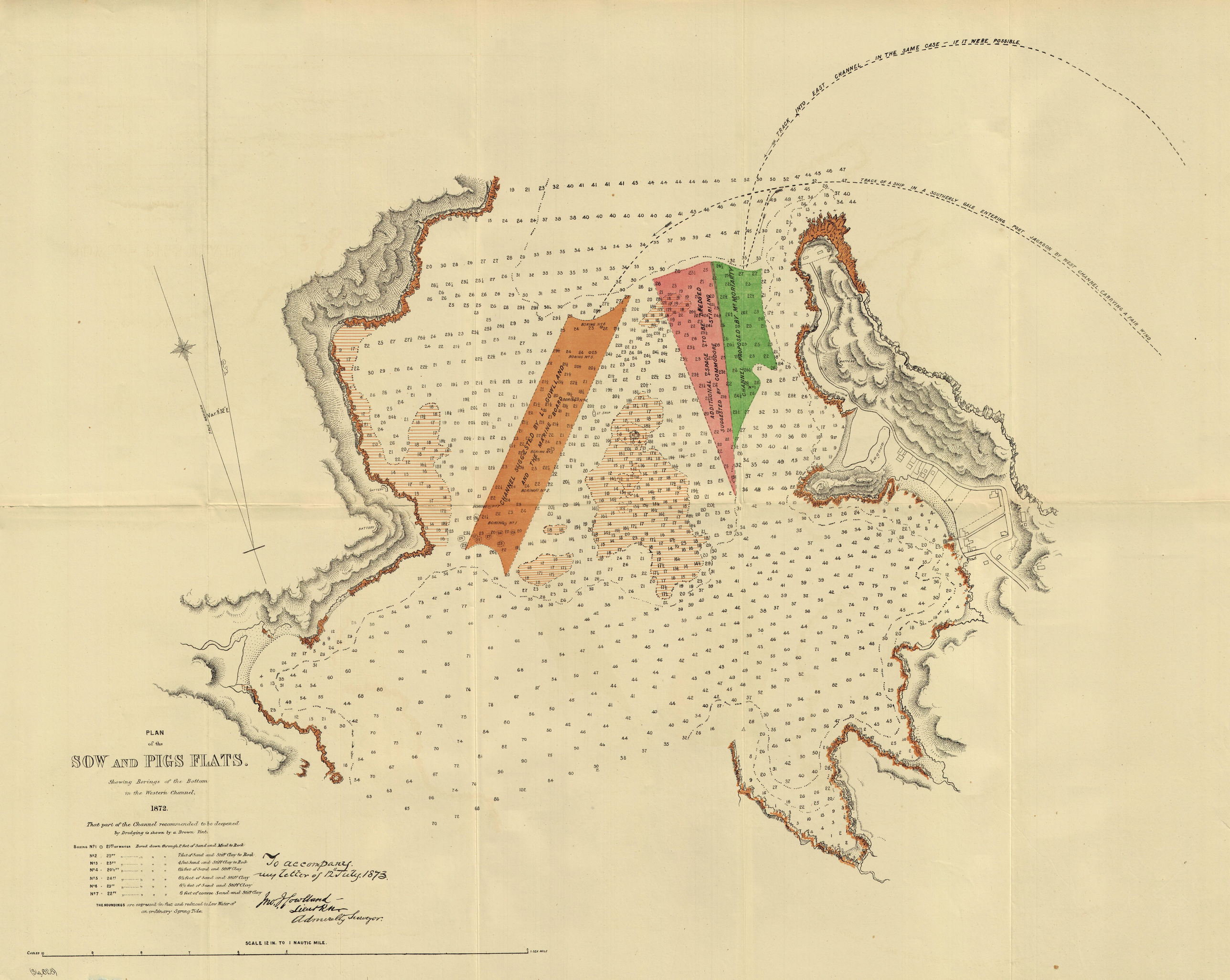
In a correspondence of more recent date than that which has been printed, it has been stated that one of the reasons (indeed, it is the only reason that I have heard alleged) in favour of the deepening of the western channel is that it would be more convenient for general purposes of trade than the other, while it is admitted that for men-of-war or large steamers the latter may be preferable; but in assigning this for a reason it seems to have been forgotten that, with the most rare exceptions, either channel is sufficient for any merchant ships visiting or ever likely to visit this port; and even if it were not so, or that the exceptions were more numerous, seeing that in every instance vessels are now towed in and out by powerful steam-tugs, they would find no more difficulty in taking the eastern channel than would be experienced by vessels navigated under their own steam.

In conclusion, I would ask you to accept my apologies for trespassing on your attention at such lengths as I have, in reference to a matter on which I have no right to address you officially, but, in view of the great importance of the subject, I trust you will excuse it, and believe me to remain,—

Your very obedient servant,
E. O. MORIARTY,
Engineer-in-Chief for Harbours and Rivers.

[2s.] [Two plans.]

Sydney: Thomas Richards, Government Printer.—1874.

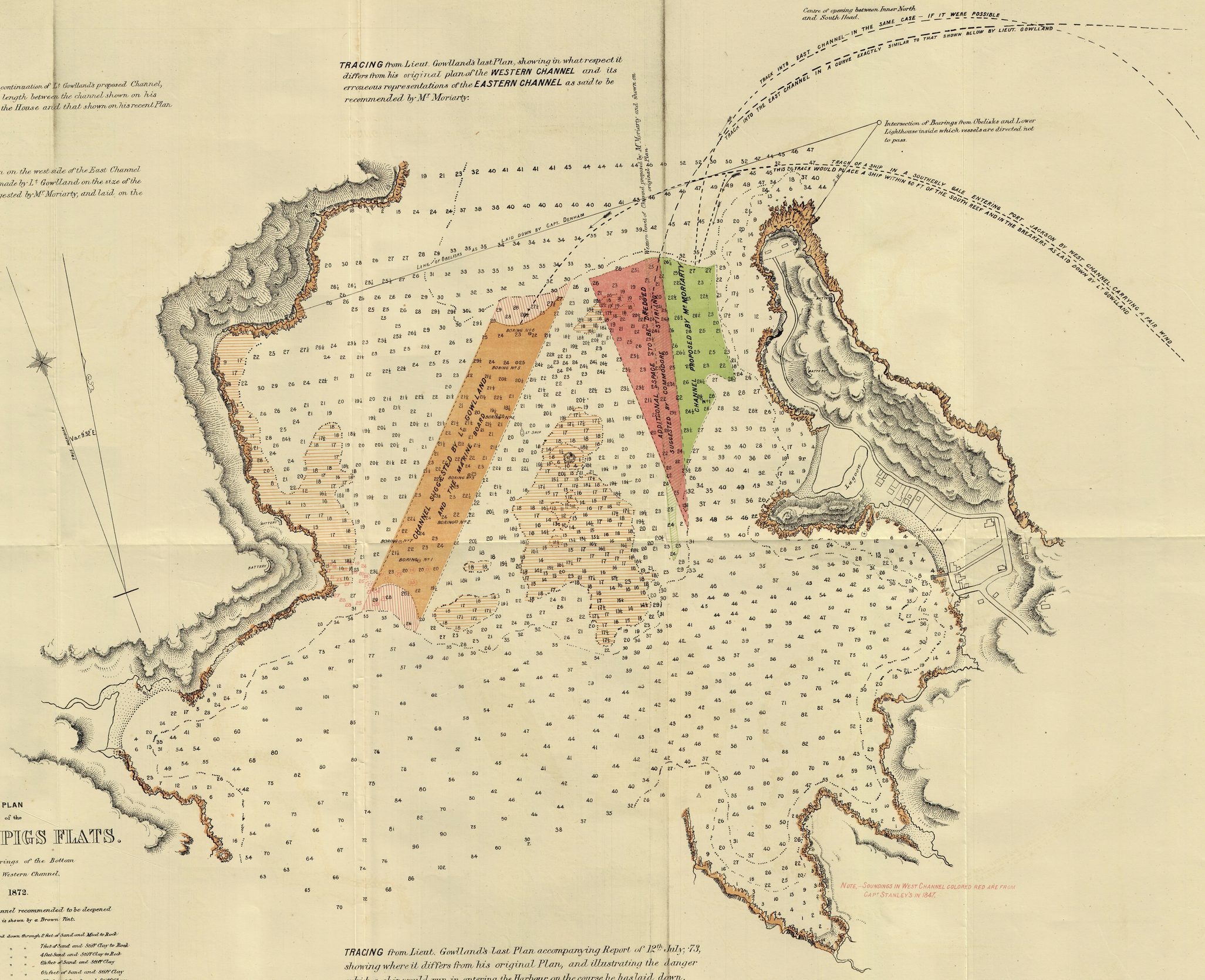

TRACK INTO EAST CHANNEL — IN THE SAME CASE — IF IT WERE POSSIBLE.
TRACK OF A SHIP IN A SOUTHERLY GALE ENTERING PORT JACKSON BY WEST CHANNEL CARRYING A FAIR WIND.
CHANNEL SUGGESTED BY L. GOWLLAND AND THE MARINE BOARD
ADDITIONAL SPACE TO BE DREDGED SUGGESTED BY COMMODORE STIRLING
CHANNEL PROPOSED BY Mr MORIARTY
BORING No 1
BORING No 2
BORING No 3
BORING No 4
BORING No 5
BORING No 6
BORING No 7
BATTERY
Lagoon
TRUE MERIDIAN
Var. 9.32° E
PLAN
of the
SOW AND PIGS FLATS.
Showing Borings of the Bottom
in the Western Channel,
1872.
That part of the Channel recommended to be deepened
by Dredging is shown by a Brown Tint.
BORING No 1 ⊙ 21 FT OF WATER Bored down through 2 feet of Sand and Mud to Rock
No 2 · 23 FT " " " 7 feet of Sand and Stiff Clay to Rock
No 3 · 23 FT " " " 4 feet Sand and Stiff Clay to Rock
No 4 · 20½ FT " " " 6½ feet of Sand and Stiff Clay
No 5 · 24 FT " " " 6½ feet of Sand and Stiff Clay
No 6 · 23 FT " " " 6½ feet of Sand and Stiff Clay
No 7 · 22 FT " " " 6 feet of coarse Sand and Stiff Clay
THE SOUNDINGS are expressed in feet and reduced to Low Water of an ordinary Spring Tide.
To accompany my letter of 12th July 1873.
Jno. J. Gowlland —
Lieut R.N.
Admiralty Surveyor.
SCALE 12 IN. TO 1 NAUTIC MILE.
CABLES 10 9 8 7 6 5 0 1 SEA MILE

(Sig. 628)

NOTE.—Portion hatched with red in continuation of Lt Gowlland's proposed Channel, indicates the difference in length between the channel shown on his Plan laid on the Table of the House and that shown on his recent Plan

Portion hatched with green on the west side of the East Channel indicates the reduction made by Lt Gowlland on the size of the Channel originally suggested by Mr Moriarty, and laid on the Table of the House.

TRACING from Lieut. Gowlland's last Plan, showing in what respect it differs from his original plan of the **WESTERN CHANNEL** and its erroneous representations of the **EASTERN CHANNEL** as said to be recommended by Mr Moriarty.



NOTE,—SOUNDINGS IN WEST CHANNEL COLORED RED ARE FROM CAPT STANLEY'S IN 1847.

PLAN of the SOW AND PIGS FLATS.

Showing Borings of the Bottom in the Western Channel.

1872.

That part of the Channel recommended to be deepened by Dredging is shown by a Brown Tint.

BORING No 1	⊙ 21 FT OF WATER	Bored down through 2 feet of Sand and Mud to Rock	
No 2	23 FT	" " "	7 feet of Sand and Stiff Clay to Rock
No 3	23 FT	" " "	4 feet Sand and Stiff Clay to Rock
No 4	20½ FT	" " "	6½ feet of Sand and Stiff Clay
No 5	24 FT	" " "	6½ feet of Sand and Stiff Clay
No 6	23 FT	" " "	6½ feet of Sand and Stiff Clay
No 7	22 FT	" " "	6 feet of coarse Sand and Stiff Clay

THE SOUNDINGS are expressed in feet and reduced to Low Water of an ordinary Spring Tide.

TRACING from Lieut. Gowlland's last Plan accompanying Report of 12th July, 73, showing where it differs from his original Plan, and illustrating the danger which a ship would run in entering the Harbour on the course he has laid down.

L. Moriarty

Decr 4th 73

SCALE 12 IN. TO 1 NAUTIC MILE.

CABLES 10 9 8 7 6 5 4 1 SEA MILE

(Sig. 823)

1873.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

REPORT

OF

PROCEEDINGS OF THE CONFERENCE

OF THE

PRINCIPAL OFFICERS OF THE MARINE DEPARTMENTS

OF THE

AUSTRALASIAN COLONIES.

CONVENED IN ACCORDANCE WITH A RESOLUTION PASSED AT THE INTERCOLONIAL CONFERENCE HELD IN SYDNEY, IN JANUARY AND FEBRUARY, 1873.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
29 *October*, 1873.

SYDNEY: THOMAS RICHARDS, GOVERNMENT PRINTER.

[1*s.* 3*d.*] * 99—A 1873.

REPORT of PROCEEDINGS of the CONFERENCE of the Principal Officers of the MARINE DEPARTMENTS of the Australasian Colonies, convened in accordance with a resolution passed at the Intercolonial Conference held in Sydney, in January and February, 1873.

MEMBERS OF THE CONFERENCE.

New South Wales: CAPTAIN HIXSON, President of the Marine Board.
Queensland: CAPTAIN HEATH, R.N., Chairman of the Marine Board and Port-master.
South Australia: CAPTAIN FERGUSON, President of the Marine Board.
Tasmania: C. M. MAXWELL, ESQ., Warden of the Hobart Town Marine Board.
Victoria: CAPTAIN PAYNE, R.N., Chief Harbour Master, and Chairman of Steam Navigation and Pilot Boards.
Western Australia: CAPTAIN FERGUSON, President of the Marine Board of South Australia.

The Conference having met at the Sydney Marine Board Office, Captain Hixson was unanimously elected Chairman, and Mr. W. J. Wilshire appointed Secretary.

Various documents relating to the Light-houses, Shipping, and Statistics of the Colonies represented, having been laid on the Table by the Members present, the Conference proceeded to the consideration of the questions referred to them, and decided to discuss them in the following order:—

1. State of the coast lights.
2. Management with regard to economy and efficiency.
3. Where new lights are required.
4. To decide upon the most equitable mode in which the highway lights of the various Colonies should be maintained.

1.—STATE OF THE COAST LIGHTS.

The Conference find that, without actually visiting the various lights on the Australian Coast, it would be impossible for them to express any decided opinion as to their condition; but they have reason to believe, from information furnished by the representatives of the Colonies, as well as by masters of vessels constantly passing the lights, and also generally from the absence of complaints as to their efficiency, that the lights answer the purposes for which they were erected, and bear favourable comparison with those of other parts of the world.

2.—MANAGEMENT WITH REGARD TO ECONOMY AND EFFICIENCY.

Tabular statements having been prepared in a prescribed form showing the cost of maintenance of all the Australian light-houses, and having been carefully considered, the Conference decided that, in consequence of the difference in rate of wages, the cost of maintenance, and the exigencies of the positions in which the light-houses are placed, it was impossible to arrive at any standard by which to compare the relative cost and efficiency of the lights of the different Colonies.

The

The tabular statements referred to, and appended hereto, will be found to contain information of great interest and value to the Governments of the various Colonies.

The Conference are also of opinion that the cost of maintaining the light-houses would be reduced, and the intensity of the smaller lights considerably increased, were mineral oil substituted generally for vegetable oil. The former is used at nearly all the minor lights of New South Wales, Victoria, South Australia, and Queensland; but as the use of mineral oil in the higher class of lights has been only recently introduced in England, they cannot recommend its general adoption for first and second class dioptric lights until its safety and advantages have been more fully tested.

3.—NEW LIGHTS REQUIRED.

After fully considering the requirements of the whole coast of Australia, from Swan River eastward to New South Wales, Queensland, and the Northern Territory, and after carefully discussing every case where it was thought a new light was necessary, the Conference resolved to recommend the erection of the following Light-houses:—

TABLE of New Lights recommended for the coast of Australasia, abstracted from the Minutes of the Proceedings of the Conference, held at Sydney, Sept.—Oct., 1873.

Name or Place.	Order.	Other particulars.
WESTERN AUSTRALIA.		
Cape Naturaliste	1	Fixed, not to exceed 400 feet elevation.
Cape Hamelin, near Cape Leeuwin.	1	Revolving, flashes of one minute interval; range, 25 miles.
SOUTH AUSTRALIA.		
Cape Spencer	1	Revolving.
Point Corny	3	Fixed and flashing.
Tipara Reef	...	Pile light, revolving, instead of light-ship.
Point Lowly	3	Revolving.
Penguin Island.....	1	Fixed red.
Northern Territory, Dundas and Clarence Straits.	...	Lights recommended.
VICTORIA.		
Cape Nelson	1	Fixed.
Split Point	1	Fixed red.
Cape Liptrap or Anser Group.	2	Revolving.
Cape Conran or Cape Everard.	1	Revolving.
TASMANIA.		
Eddystone Point	1	Fixed.
NEW SOUTH WALES.		
Green Cape	1	Revolving.
Montague Island	1	Fixed and flashing.
Bowen Island	...	Harbour light.
Barrenjoey	2	Fixed red.
Sugar-loaf Point	1	Dioptric revolving white, shaded green over the dangers.
South Solitary Island	1	Revolving white.
Point Danger	2	Fixed.
QUEENSLAND.		
North Reef, Capricorn Channel.	2	Fixed three minutes, flashing every fourth.
Booby Island	1	
Three Light-vessels ...	...	For lighting the inner passage to Torres Straits.
NOT WITHIN COLONIAL JURISDICTION.		
Bramble Cay, Great North-eastern Channel, Torres Straits.	...	Recommended.

The Conference also recommend that in the interest of the vast and increasing trade of these Colonies, the new lights above mentioned should be erected with all reasonable expedition.

With reference to the proposed lights for the inner route, and for Torres' Straits, Captain Heath's report to the Queensland Government, in connection therewith, is appended hereto.

On the question of a light on Bramble Cay, at the entrance to the Great north-east channel to Torres' Straits, being discussed, it was resolved to recommend that the Imperial Government be asked to assist in the erection and maintenance of this light, on conditions similar to those on which it was proposed to erect a light in the vicinity of the "Snares" and Auckland Islands, by a resolution passed at the Intercolonial Conference on 5th February last.

4.—SUPPORT OF THE LIGHTS.

The question of the maintenance of highway lights, by general contributions from all the Colonies deriving benefit from the same, having been discussed at great length, it was found to be surrounded with many difficulties, and the Conference were unable to devise any such scheme which, in the opinion of all the Members, would be fair and equitable to each of the Colonies, and at the same time not too complicated to carry into practice.

The Conference, however, after disposing of a resolution of Captain Payne's in reference to the general maintenance of highway lights, unanimously resolved,—

That the cost of erection and maintenance of lights on the main coast line should be defrayed by the Colony in whose territory they are situated, except where coast lights are maintained especially for the use of the vessels of another Colony: Provided always, that where any light is erected on or close to the line of demarcation between any two Colonies, that such light be maintained conjointly by such Colonies.

That the lights on the islands in Bass's, Banks', and Torres' Straits, and in channels away from the mainland, be paid for "rateably in proportion to the tonnage of the shipping entered inwards and cleared outwards in each Colony deriving benefit from the same."

The Conference also unanimously resolved to recommend that the following sytem of distribution should be adopted in carrying out the foregoing resolution, and that it should come into operation on the 1st January, 1874.

(A.)

Light-house.	Contributing Colony.	On Tonnage of all Vessels entered Inwards.	
		From	At
King's Island	Victoria	Europe, America (not including West Coast), India, Africa, South Australia, China, Mauritius	All ports of contributing Colony except Portland Bay.
	New South Wales	Half Europe, America (not including West Coast), India, Africa, South Australia, China, Mauritius	All ports of contributing Colony
	Queensland	Half Europe, America (not including West Coast), India, Africa, South Australia, Mauritius	Ditto.
	Tasmania	Europe, America (not including West Coast), India, Africa, South Australia, China, Mauritius	Launceston.
	South Australia	Victoria (East of Cape Otway), New South Wales, Queensland, Northern ports of Tasmania, New Zealand, South Sea Islands, West Coast of America	All ports of contributing Colony.
Kent's Group	Victoria	New Zealand, West Coast of America, Tasmania, New South Wales, Queensland, South Sea Islands	Ditto.
	New South Wales	Half Europe, America (not including West Coast), India, Mauritius, South Australia, China, Launceston, Africa, Victoria	Ditto.
	Queensland	Half Europe, America (not including West Coast), India, Mauritius, South Australia, Launceston, Africa, Victoria	Ditto.
	Tasmania	New South Wales, Queensland	Launceston.
	Tasmania	Victoria	Hobart Town.
	South Australia	New Zealand, South Sea Islands, West Coast of America, New South Wales, Queensland	All ports of contributing Colony.
Swan Island and Goose Island	Victoria	Hobart Town and Southern ports of Tasmania	Ditto.
	New South Wales	Nil	
	Queensland	Nil	
	Tasmania	Victoria	Hobart Town.
	Tasmania	New Zealand, West Coast of America, South Sea Islands	Launceston.
	South Australia	Middle Island, New Zealand	All ports of contributing Colony.
Lady Elliot's Island	Victoria	All ports of Queensland North of Sandy Cape	Ditto.
	New South Wales	Ditto	Ditto.
	Tasmania	Ditto	Ditto.
	South Australia	Ditto	Ditto.
	Queensland	Ditto	All Queensland ports South of Sandy Cape.

(B.)

Light-house.	Contributing Colony.	On Tonnage of all Vessels cleared outwards.	
		At	For
King's Island	Victoria	Port Phillip and Eastern ports	South Australia, Western Australia, Africa, Mauritius, half India, and China.
	New South Wales	All ports of contributing Colony	South Australia, Western Australia, Africa, Mauritius, and one-fourth tonnage to India and China.
	Queensland	Ditto	Western Australia and South Australia.
	Tasmania	Ditto	South Australia, Western Australia, Africa, Mauritius, and half-tonnage to India and China.
	South Australia	Ditto	Victoria (East of Cape Otway), New South Wales, Queensland, Launceston, New Zealand (Middle Island).
Kent's Group	Victoria	Ditto	Tasmania, two-thirds Europe, half West Coast of America.
	New South Wales	Ditto	Launceston, Victoria, South Australia, Western Australia
	Queensland	Ditto	Ditto Ditto.
	Tasmania	Hobart Town	Victoria.
		Launceston	Port Albert, New South Wales, Queensland, and half tonnage to India and China.
	South Australia	All ports of contributing Colony	New South Wales, Queensland, New Zealand, South Sea Islands, West Coast of America.
Swan Island and Goose Island.	Victoria	Ditto	Hobart Town, Southern Ports of Tasmania, one-third Europe, New Zealand, half West Coast of America.
	New South Wales	Nil	Nil.
	Queensland	Nil	Nil.
	Tasmania	Hobart Town	Victoria, South Australia, Western Australia, Africa, Mauritius, and one-quarter tonnage to India and China.
	Tasmania	Launceston	Europe, New Zealand, West Coast of America.
	South Australia	Nil	Nil.
Lady Elliot's Island	Victoria	All ports of contributing Colony	All ports of Queensland North of Sandy Cape.
	New South Wales	Ditto	Ditto Ditto.
	Tasmania	Ditto	Ditto Ditto.
	South Australia	Ditto	Ditto Ditto.
	Queensland	All ports of Queensland South of Sandy Cape.	Ditto Ditto.

It was likewise resolved to recommend that Gabo Island be maintained conjointly by Victoria and New South Wales.

Finally, it was resolved that the lights proposed to be erected on Cape Hamelin (near Cape Leeuwin), in Western Australia, and on Eddystone Point, Tasmania, should be considered to be "lights maintained especially for the use of vessels of another Colony." The question of the cost of their erection and maintenance to be left to the decision of the Governments interested.

FRANCIS HIXSON,
President of the Marine Board,
New South Wales.

G. P. HEATH,
Commander, R.N.,
Port-master, and Chairman of
the Marine Board, Queensland.

R. H. FERGUSON,
President of the Marine
Board of South Australia, and
representing Western Australia.

C. M. MAXWELL,
Warden of the Hobart Town
Marine Board.

CHARLES B. PAYNE,
Commander, R.N.,
Chief Harbour-master,
Victoria.

The Office of the Marine Board of New South Wales,
Sydney, 30 September, 1873.

MINUTES OF PROCEEDINGS of the CONFERENCE of the Principal Officers of the MARINE DEPARTMENTS of the several Colonies, this day convened at Sydney, upon the subject generally of the AUSTRALASIAN LIGHTS, as directed by the Resolution of the Intercolonial Conference of 12th February last.

THE undermentioned gentlemen were present, and represented the Colonies named, respectively :—

New South Wales :	CAPTAIN HIXSON, President of the Marine Board.
Queensland :	CAPTAIN HEATH, R.N., Chairman of the Marine Board and Port-master.
South Australia :	CAPTAIN FERGUSON, President of the Marine Board.
Tasmania :	C. M. MAXWELL, Esquire, Warden of the Hobart Town Marine Board.
Victoria :	CAPTAIN PAYNE, R.N., Chief Harbour-master, and Chairman of the Steam Navigation and Pilot Boards.
Western Australia :	CAPTAIN FERGUSON, President, Marine Board of South Australia.

It was proposed by Mr. Maxwell, seconded by Captain Payne, and carried, that Captain Hixson be elected to the Chair.

It was resolved that Mr. W. J. Wilshire, Secretary to the Marine Board of New South Wales, be appointed Secretary to this Conference.

The proceedings were initiated by the Chairman reading the resolution of the Intercolonial Conference in relation to this Convention.

Captain Ferguson laid on the Table an instrument showing that he is authorized to represent the interest of the Government of Western Australia ; also

1. Papers and Charts relating to the Lights of that Colony.
2. Tabulated statement of the Lights of South Australia.
3. Amount of Tonnage inwards and outwards, Port Adelaide, to and from Australasian Colonies.

Mr. Maxwell laid on the Table the following papers :—

1. Correspondence between the Hobart Town Marine Board and Colonial Secretary, 1865.
2. Correspondence between the Colonial Secretary of Tasmania and the Chief Secretaries of New South Wales and Victoria, 1865.
3. Further correspondence between the same, August, 1865.
4. Do. do. August, 1865, to November, 1866.
5. Report of Conference on Light-houses, Melbourne, 1856.
6. Do. do. do. 1864.
7. Cost of maintenance of Tasmanian Lights, 1870, 1871, and 1872.
8. Contribution towards maintenance of Light-houses paid by New South Wales, Victoria, and Tasmania, 1870, 1871, 1872.
9. Marine Board Act, Tasmania, 1857.
10. Tasmanian Statistics, 1871 and 1872.

Captain Payne laid on the Table the following Papers :—

1. Tabulated statement of the Lights of Victoria, showing the number of persons employed, &c., &c.
2. Return of the number and tonnage of Vessels, Melbourne, 1860 to 1871.
3. Return of number of Vessels entered at Melbourne, from July, 1870, to June, 1872.
4. Return of Tonnage, do.
5. Statement of Tonnage using Bass's and Banks' Straits, &c., from 1863 to 1872.
6. Statement of total Tonnage of each contributing Colony using Bass's and Banks' Straits Lights, and total amount paid by each contributing Colony, 1863 to 1872.

Captain Heath laid on the Table the following papers :—

1. Statistical Register, 1872, Queensland.
2. Tabulated statement of the Lights of that Colony.

The Chairman laid on the Table the following papers :—

1. Tabulated statement of the Lights of New South Wales.
2. Statistical Register for the year 1872.
3. Reports, presented to the Imperial Parliament, of the Commissioners appointed to inquire into the management of Lights, Buoys, and Beacons.
4. Various Reports, Charts, &c., bearing upon the subject under inquiry.

Some

Some discussion arose, on the first duty devolving upon the Conference, as to the mode of procedure to be adopted in conducting the business to be taken into consideration, and it was resolved that a tabulated statement of the Lights belonging to each Colony should be prepared by each delegate, in the following form:—

Name or Place.	Order.						Description.		Consumption of Oil.	Description of Oil.		No. of Men employed.	Wages.	Contingencies.	Total Cost.
	1	2	3	4	5	6	Cate.	Dioptc.		Min.	Veg.				

The Conference proceeded to the consideration of the question as to what new Lights are needed on the coast of Australasia, and it was agreed to commence with the coast of the Colony of Western Australia.

The correspondence attached to the charts handed in by Captain Ferguson was read, and after discussion it was resolved—

1st. That the proposed light on the Abrolhos is a matter for local consideration, as the erection of a light there does not affect general navigation.

2nd. That in view of the mail steamers calling at Freemantle, it is advisable that a light should be erected on Cape Naturaliste, if it be found impracticable to have it placed upon Naturaliste reef.

3rd. That a light is much needed on Cape Hamelin, in the vicinity of Cape Leeuwin, as shown by the chart forwarded by the Government of Western Australia.

On the question as to the character of the lights best adapted for Capes Naturaliste and Hamelin being discussed, Captain Heath moved—"That the light on Cape Hamelin be of the first order dioptric, revolving with flashes at intervals of one minute, and having a range of 25 miles; that the light on Cape Naturaliste be also of the first order dioptric, elevation not to exceed 400 feet, the light to be fixed every alternate minute, the interval to be occupied by a flash, preceded and followed by a short eclipse."

Mr. Maxwell seconded the motion *pro forma*.

Captain Payne moved an amendment,—"That the light on Cape Naturaliste be a fixed light, and not a fixed and flash light."

The amendment was carried on division, as follows:—

For Captain Payne.
Captain Ferguson, for South Australia.
Captain Ferguson, for Western Australia.
Captain Hixson.

Against Captain Heath.

FRANCIS HIXSON,
Chairman.

The Conference adjourned until 10·30 next day.

Marine Board Office, Sydney, 1 October, 1873.

Present:—

New South Wales: Captain Hixson, President of the Marine Board.
Queensland: Captain Heath, R.N., Chairman of the Marine Board and Port-master.
South Australia: Captain Ferguson, President of the Marine Board.
Tasmania: C. M. Maxwell, Esquire, Warden of the Hobart Town Marine Board.
Victoria: Captain Payne, R.N., Chief Harbour-master, and Chairman of the Steam Navigation and Pilot Boards.
Western Australia: Captain Ferguson, President of the Marine Board of South Australia.

The Conference met at 10·30 a.m.

The Minutes of the previous day's proceedings were read and confirmed.

The Conference resumed the consideration of the question as to what new lights are needed on the Coast of Australasia, and, on the motion of Captain Ferguson, it was resolved—after discussion of each proposal—

1st. That, taking into consideration the increasing trade to Spencer's Gulf, a first-class light is needed in the vicinity of Cape Spencer; the choice of site to rest with the authorities of the Colony of South Australia.

2nd. That a third-order fixed and flashing light should be placed on Point Corny, with the object of indicating the anchorage in Hardwick Bay and the position of Webb Rock.

3rd. That it would be to the advantage of the navigation of Spencer's Gulf if a pile-light were erected on Tipara Reef, in substitution of the light-ship moored there; and the Conference advises, therefore, that should no engineering difficulties exist, a pile-light be erected on that reef.

4th. That a third-order revolving light is necessary on Point Lowly, as a guide to vessels trading to Port Augusta, and to facilitate the navigation of Port Pirie.

5th. That a first-order fixed red light should be erected on Penguin Island, off the northern end of Rivoli Bay.

The Conference adjourned until 10·30 next day.

Marine Board Office, Sydney, 2 October, 1873.

Present:—

New South Wales:	Captain Hixson, President of the Marine Board.
Queensland:	Captain Heath, R.N., Chairman of the Marine Board and Port-master.
South Australia:	Captain Ferguson, President of the Marine Board.
Tasmania:	C. M. Maxwell, Esquire, Warden of the Hobart Town Marine Board.
Victoria:	Captain Payne, R.N., Chief Harbour-master, and Chairman of the Steam Navigation and Pilot Boards.
Western Australia:	Captain Ferguson, President of the Marine Board of South Australia.

The Conference met at 10·30 a.m.

The Minutes of proceedings of yesterday's date were read and confirmed.

The consideration of the question as to what new lights are needed on the Coast of Australasia was resumed, and, on the motion of Captain Payne, it was resolved—

1st. That a first-class fixed light is essential in the vicinity of Cape Bridgewater, but as Cape Nelson is the southernmost point of that portion of the coast, and within a few miles of Cape Bridgewater, the Conference would suggest that it be placed on Cape Nelson.

2nd. That a first-class fixed red light should be erected on Split Point, in order to facilitate the navigation between Cape Otway and Port Phillip Heads.

At this stage of the proceedings the mover desired to bring under the notice of the Conference a suggestion at present engaging attention at Melbourne, as to the site of Wilson's Promontory Light, and as to the expediency of removing it to a more eligible position, in order to benefit shipping on either side of the Promontory, and expressed a wish that the Conference should record an opinion on the subject.

After discussion, it was resolved,—That this Conference recommend that the light now in existence should remain intact.

Captain Payne then moved,—"That to afford greater facilities to all vessels navigating this important turning point of the coast, and to serve the purposes of those especially coming from the westward, a second-class revolving light should be erected either on Cape Liptrap or on one of the Islands of the Anser Group."

Mr. Maxwell seconded the motion. Discussion ensued.

Captain Ferguson moved as an amendment, that,—"After the word 'westward' in the original motion, the following words be substituted—'A light should be erected on each of the positions, namely, Cape Liptrap and one of the Islands of the Anser Group.'"

Captain Heath seconded the amendment, which was lost on the following division:—

For	Captain Heath.
	Captain Ferguson.
Against	Captain Hixson.
	Captain Payne.
	Mr. Maxwell.

The original motion was then put and carried, the names being the same.

FRANCIS HIXSON,
Chairman.

The Conference adjourned until 10·30 next day.

Marine Board Office, Sydney, 3 October, 1873.

Present:—

New South Wales: Captain Hixson, President of the Marine Board.

Queensland: Captain Heath, R.N., Chairman of the Marine Board and Port-master.

South Australia: Captain Ferguson, President of the Marine Board.

Tasmania: C. M. Maxwell, Esquire, Warden of the Hobart Town Marine Board.

Victoria: Captain Payne, R.N., Chief Harbour-master, and Chairman of the Steam Navigation and Pilot Boards.

Western Australia: Captain Ferguson, President of the Marine Board, South Australia.

The Minutes of the previous day's proceedings were read and confirmed.
Further consideration of the question of new lights required, resumed.

Captain Payne moved,—"That in order to take advantage of the recent accurate surveys pointing out the safe navigation along the 'Ninety-mile Beach,' and also of affording shelter to vessels navigating close to the shore against the heavy S.W. gales, a first-class revolving light be erected either at Cape Conran or Cape Everard."

The reason for selecting either of these Capes in preference to Rame Head, is with the view of marking the vicinity of the dangerous outlying reefs about that part of the coast.

The Conference then proceeded to consider what new lights are needed on the coast of Tasmania; and, on the motion of Mr. Maxwell, it was resolved,—"That a first-order light should be erected on Eddystone Point, to facilitate the navigation of the coast of Tasmania, and the traffic to and from New Zealand through Banks' Straits."

Captain Payne moved,—"That owing to the Swan Island light being in such close proximity to the Eddystone Point, it is advisable to have the proposed light, to be erected at Eddystone Point, of such a distinctive character that the probability of mistaking it for a revolving light will be reduced to a minimum, and that therefore Eddystone Point light should be a fixed light."

Mr. Maxwell seconded the motion.

Captain Heath moved as an amendment,—"That, in order to make the light sufficiently distinctive from that on Swan Island, and to avoid the liability of its being mistaken for a bush fire, and also with a view to obtaining a light of four times the power of a fixed light, the word 'light' be omitted, with a view to the insertion of the following words—'a flashing light, the duration of the fixed light being one minute.'"

This amendment was not seconded.

Captain Ferguson moved as an amendment,—"That, in order to distinguish between the light on Swan Island and the one now proposed for Eddystone Point, the character of the light be an alternate red and white revolving light, each phase to be of half a minute's duration."

Seconded by the Chairman *pro formâ*.

On this amendment being put, it was found that the Conference was divided as follows:—

For Captain Ferguson.
Captain Hixson.

Against Captain Payne.
Mr. Maxwell.

Captain Heath declined to vote.
The original motion was then put, and carried on the following division:—

For Captain Hixson.
Captain Payne.
Mr. Maxwell.

Captains Heath and Ferguson declined to vote.

The Conference then proceeded to consider what new lights are needed on the coast of New South Wales, and, on the motion of Captain Hixson, it was resolved,—

1st. That, having in view the extent of the traffic on this coast, and that Green Cape forms a considerable projection on the line of coast after rounding Cape Howe, a first-order revolving light should be erected on Green Cape.

2nd. That a first-order fixed and flashing light should be erected on Montague Island; the navigation in that locality being rendered dangerous through the existence of irregular currents, and the island lying in the direct track of vessels.

Captain Hixson then invited the attention of the Conference to the position of Cape St. George light, the site of which he represented as being faulty.

After discussion, it was resolved to recommend the extreme point of Cape St. George as preferable to the one on which the light is now erected. The removal of the light, as suggested, whilst warning vessels from running into the dangerous locality of Wreck Bay, would not diminish its present usefulness as a guide to vessels coming from the northward or going into Jervis Bay. It is further suggested that a harbour-light erected on the northern point of Bowen Island would facilitate access to Jervis Bay, as an important harbour of refuge in bad weather.

FRANCIS HIXSON,
Chairman.

Marine Board Office, Sydney, 6 October, 1873.

Present :—

New South Wales : Captain Hixson, President of the Marine Board.
Queensland : Captain Heath, R.N., Chairman of the Marine Board and Port-master.
South Australia : Captain Ferguson, President of the Marine Board.
Tasmania : C. M. Maxwell, Esquire, Warden of the Hobart Town Marine Board.
Victoria : Captain Payne, R.N., Chief Harbour-master, and Chairman of the Steam Navigation and Pilot Boards.
Western Australia : Captain Ferguson, President of the Marine Board of South Australia.

The Conference met at 10·30 a.m.

The Minutes of the previous day's proceedings were read and confirmed.

The Conference resumed the consideration of the question as to what new lights are needed on the Coast of New South Wales.

Having visited the Macquarie and Hornby Lights, the Conference came to the conclusion that the former is not sufficiently powerful for so important a position.

Captain Hixson mentioned that the light was exhibited as early as the year 1817 ; and although it has been classed a first-order light, the apparatus is not of equal power and quality with modern lights.

It was resolved to recommend that the power of this light should be increased.

On the motion of Captain Hixson, it was resolved,—

3rd. That a second-order fixed red light should be erected on Barrenjoey, to replace the temporary lights now exhibited.

The Conference recommend that the light should be of this character, in consequence of its proximity to the Macquarie revolving light to the southward, and to the Newcastle fixed white light to the northward, and at the same time fully to utilize Broken Bay as a port of refuge.

Captain Hixson then moved,—"That although it is a recognized principle that all lights should, if possible, be placed on the dangers which they are intended to indicate, yet in view of the proximity of the dangers to the mainland, and to the difficulty of erecting and maintaining a light on the Great Seal Rock—a revolving white light, shaded green over the dangers, would answer all the purposes of navigation, and that, therefore, a dioptric light of the first order should be erected on Sugar-loaf Point, near Seal Rocks."

Mr. Maxwell seconded the motion *pro forma*.

Captain Ferguson moved as an amendment,—"That this proposed light should be erected, if possible, on the Great Seal Rock, for the reason that, as a recognized principle, all lights should be on outlying dangers.

Captain Heath seconded the amendment.

On division there were—

For the amendment Captain Ferguson.
Captain Heath.
Against Captain Payne.
Captain Hixson.
Mr. Maxwell.

The original motion was then put and carried, the names being the same.

On the motion of Captain Hixson, it was then resolved to recommend,—

4th. That a revolving first-order white light should be erected on the South Solitary Island.

5th. That taking into consideration the large and increasing trade between New South Wales and Queensland, and the necessity of warning ships of the dangerous reefs lying off Cook's Island, the Conference is of opinion that a second-class fixed light should be erected in the neighbourhood of Point Danger.

The Conference then proceeded to consider what new lights are required on the coast of Queensland ; and, on the motion of Captain Heath, it was resolved,—"That for the use of vessels navigating the Capricorn Channel, it is desirable a light should be erected on North Reef, to be of the second order, fixed for three minutes, and flashing every fourth minute."

Captain Heath then read a copy of a report he had sent to the Queensland Government, recommending the placing of certain light-vessels for developing the inner route to Torres Straits and the erection of a first-class light on Booby Island.

This report, which Captain Heath explained in detail, with the charts, is appended to the proceedings.

Discussion ensued, and the Conference resolved to recommend that Captain Heath's suggestions for lighting the inner passage for the service of vessels taking that route should be adopted.

The Conference further resolved to record their opinion that, notwithstanding that Bramble Cay is beyond the jurisdiction of the Colonies now represented, it is nevertheless an important position in the navigation of the great north-eastern channel to Torres Straits, and they agree to recommend that the attention of their respective Governments should be invited to the matter, with the view of having a light erected there, and maintained upon terms and conditions similar to those on which it was proposed to erect a first-class ocean light in the vicinity of the dangerous group of islands known as "The Snares" and the "Auckland Islands," by a resolution passed at the Intercolonial Conference on the 5th February last.

On the motion of Captain Ferguson, it was resolved,—"That this Conference is of opinion that, in order to facilitate the navigation of Dundas and Clarence Straits leading to Port Darwin, lights should be erected on positions to be hereafter selected from data gathered from those persons who have navigated the straits in question. In the absence of such information it would be impossible for the Conference to express an opinion as to the best sites."

FRANCIS HIXSON,
Chairman.

Marine Board Office, Sydney, 7 October, 1873.

Present:—

New South Wales:	Captain Hixson, President of the Marine Board.
Queensland:	Captain Heath, R.N., Chairman of the Marine Board and Port-master.
South Australia:	Captain Ferguson, President of the Marine Board.
Tasmania:	C. M. Maxwell, Esquire, Warden of the Hobart Town Marine Board.
Victoria:	Captain Payne, R.N., Chief Harbour-master, and Chairman of the Steam Navigation and Pilot Boards.
Western Australia:	Captain Ferguson, President of the Marine Board of South Australia.

The Conference met at 10·30 a.m.

The Minutes of proceedings of yesterday's date were read and confirmed.

The Conference proceeded to consider what classification could be applied in the consideration of the question, "as to the state of the Coast Lights and their management, with regard to economy and efficiency"; and after long and careful deliberation it was resolved,—

1st. That, without personally inspecting them, this Conference cannot express any decided opinion as to "the state of the Coast Lights"; they have reason to believe, however, that the lights answer the purposes for which they were erected, and bear favourable comparison with those situated in other parts of the world.

2nd. That as "to their management, with regard to economy and efficiency," this Conference find that the rate of wages, cost of maintenance, and the exigencies of the positions in which they are placed, are so various as to render it impossible to apply any standard by which a trustworthy comparison between the lights of the different Colonies could be made.

3rd. That great economy would be effected if mineral oil could be substituted generally for vegetable oil. The former is used at several of the minor lights in the Colonies of New South Wales, South Australia, Queensland, and Victoria, and much attention has been devoted by the Conference to the question, substituting mineral for vegetable oil in the high class lights; but as the use of mineral oil in such lights has been but recently introduced in England, they cannot recommend its general adoption until its safety and advantages have been more fully tested.

4th. Whilst admitting that the existing lights are equal to the purposes for which they are specially intended, it is yet essential, in the interest of the vast and progressively increasing trade of these Colonies, that the new lights, now recommended by the Conference, should be erected with all reasonable expedition.

FRANCIS HIXSON,
Chairman.

Marine Board Office, Sydney, 8 October, 1873.

Present:—

New South Wales:	Captain Hixson, President of the Marine Board.
Queensland:	Captain Heath, R.N., Chairman of the Marine Board and Port-master.
South Australia:	Captain Ferguson, President of the Marine Board.
Tasmania:	C. M. Maxwell, Esquire, Warden of the Hobart Town Marine Board.
Victoria:	Captain Payne, R.N., Chief Harbour-master, and Chairman of the Steam Navigation and Pilot Boards.
Western Australia:	Captain Ferguson, President of the Marine Board of South Australia.

The Conference met at 10·30 a.m.

The Minutes of proceedings of yesterday's date were read and confirmed.

Captain Payne then moved,—

1. That in dealing with the question of general payment of lights, they shall be divided into two classes, namely:—

   1st. Highway or Ocean Lights, and
   2nd. Coast Lights.

   And that the definition of highway lights be as follows, namely:—
   Lights placed on headlands and islands for the benefit of ocean traffic generally.
   Coast lights,—those which give special benefits to local shipping.
   That highway lights be maintained by the contributing Colonies rateably in proportion to the tonnage of the shipping using them.
   That coast lights be maintained by local Governments.
2. That for the purpose of this Conference the following lights be considered highway lights:—King's Island, Gabo Island, Cape Borda, Kent's Group, Cape Schanck, Cape St. George, Swan and Goose Islands, Cape Northumberland, South Head Light, Cape Otway, Cape Jaffa, Cape Willoughby, and Queensland Highway Lights.
3. That the above lights be maintained by different Colonies rateably in proportion to the tonnage using them, in accordance with the following scale A and B, subject to further adjustment.

Table

TABLE A.

Light-house.	Contributing Colony.	On Tonnage of all Vessels entered Inwards.	
		From	At
King's Island	Victoria	Europe, China, Mauritius	All ports of contributing Colony, except Portland Bay.
	New South Wales	Europe, China, Mauritius	Ditto ditto.
	Tasmania	Europe, China, Mauritius	Launceston.
	South Australia	Victoria, New South Wales, Queensland, and Tasmania	All ports of contributing Colony.
Kent's Group	Victoria	New Zealand, West Coast of America, Tasmania	Ditto ditto.
	New South Wales	Europe, America (not including West Coast), India, Mauritius, South Australia, China, Launceston	Ditto ditto.
	Tasmania	New South Wales, Queensland	Launceston.
	Tasmania	Victoria	Hobart Town.
	South Australia	New Zealand, South Sea Islands, West Coast of America	All ports of contributing Colony.
Swan Island and Goose Island	Victoria	Hobart Town and Southern Ports of Tasmania	Ditto ditto.
	New South Wales	Nil.	
	Tasmania	Victoria	Hobart Town.
	Tasmania	New Zealand	Launceston.
	South Australia	Hobart Town	All ports of contributing Colony.
Cape Otway	Victoria	Europe, America (not including West Coast), India, China, Mauritius, Africa, South Australia	Ditto ditto.
	New South Wales	Europe, America (not including West Coast), India, China, Mauritius, Africa, South Australia	Ditto ditto.
	Tasmania	Europe, America (not including West Coast), India, China, Mauritius, Africa, South Australia	Launceston.
	South Australia	Victoria, New South Wales, Queensland, Tasmania, West Coast of America, New Zealand	All ports of contributing Colony.
Wilson's Promontory	Victoria	Queensland, Tasmania, New Zealand, West Coast of America, New South Wales	Ditto ditto.
	New South Wales	Victoria	Ditto ditto.
	Tasmania	Victoria	Hobart Town.
	South Australia	New South Wales, Queensland	All ports of contributing Colony.
Gabo Island	Victoria	New South Wales, Queensland, West Coast of America, South Sea Islands	Ditto ditto.
	New South Wales	Europe, America (not including West Coast), India, Mauritius, China, Africa, Tasmania, South Australia, Western Australia	Ditto ditto.
	Tasmania	New South Wales, Queensland, West Coast of America, South Sea Islands	Ditto ditto.
	South Australia	New South Wales, Queensland, West Coast of America, South Sea Islands	Ditto ditto.
Cape Schanck	Victoria	All ports	Ditto ditto.
	New South Wales	Port Phillip	Ditto ditto.
	Tasmania	Port Phillip	Ditto ditto.
	South Australia	Port Phillip	Ditto ditto.
M'Donnell Light, Cape Northumberland	Victoria	South Australia, Western Australia	Ditto ditto.
	New South Wales	South Australia, Western Australia	Ditto ditto.
	Tasmania	South Australia, Western Australia	Ditto ditto.
	South Australia	Victoria, New South Wales, Queensland, Tasmania, New Zealand, West Coast of America, South Sea Islands	Ditto ditto.
Cape Willoughby	Victoria	South Australia	Ditto ditto.
	New South Wales	South Australia	Ditto ditto.
	Tasmania	South Australia	Ditto ditto.
	South Australia	New South Wales, Victoria, Tasmania, New Zealand, Queensland, West Coast of America, South Sea Islands	Ditto ditto.
Cape Borda	Victoria	Spencer's Gulf	Ditto ditto.
	New South Wales	Spencer's Gulf	Ditto ditto.
	Tasmania	Spencer's Gulf	Ditto ditto.
	South Australia	Europe, India, China, America (not including West Coast), Africa, Mauritius, Western Australia	Ditto ditto.
Cape St. George	Victoria	New South Wales, Queensland, South Sea Islands	Ditto ditto.
	New South Wales	All ports except those in Queensland, New Zealand, West Coast of America, South Sea Islands	Ditto ditto.
	Tasmania	New South Wales, Queensland, South Sea Islands	Ditto ditto.
	South Australia	New South Wales, Queensland, South Sea Islands	Ditto ditto.
South Head Light, Sydney	Victoria	New South Wales, Queensland	Ditto ditto.
	New South Wales	All ports	Ditto ditto.
	Tasmania	New South Wales, Queensland	Ditto ditto.
	South Australia	New South Wales, Queensland	Ditto ditto.

TABLE B.

Light-houses.	Contributing Colony.	On Tonnage of all Vessels cleared Outwards. At	For
King's Island ...	Victoria	Port Phillip and eastern ports	South Australia, Western Australia, Africa, Mauritius, and half the tonnage to India and China.
	New South Wales	All ports of contributing Colony	South Australia, Western Australia, Africa, Mauritius, and one-fourth tonnage to India and China.
	Tasmania	Do.	South Australia, Western Australia, Africa, Mauritius, and half tonnage to India and China.
	South Australia...	Do.	Melbourne and eastern ports, New South Wales, Queensland, Launceston, New Zealand.
Kent's Group ...	Victoria	Do.	Tasmania, two-thirds Europe, half West Coast of America.
	New South Wales	Do.	Launceston.
	Tasmania	Hobart Town	Victoria.
		Launceston	Port Albert, New South Wales, Queensland, and half tonnage to India and China.
	South Australia...	All ports of contributing Colony	New South Wales, Queensland, New Zealand, South Sea Islands.
Swan Island and Goose Island	Victoria	Do.	Hobart Town, southern ports of Tasmania, one-third Europe, New Zealand, half West Coast of America.
	New South Wales	Nil	Nil.
	Tasmania	Hobart Town	Victoria, South Australia, Western Australia, Africa, Mauritius, and half tonnage to India and China.
	Tasmania	Launceston	Europe, New Zealand, West Coast of America.
	South Australia...	Nil	Nil.
Cape Otway ...	Victoria	All ports of contributing Colony	South Australia, Western Australia, Africa, Mauritius, and half tonnage to India and China.
	New South Wales	Do.	South Australia, Western Australia, Africa, Mauritius, and one-fourth tonnage to India and China.
	Tasmania	Do.	South Australia, Western Australia, Africa, Mauritius, and half tonnage to India and China.
	South Australia...	Do.	Port Phillip and eastern ports, New South Wales, Queensland, Launceston, New Zealand, South Sea Islands.
Wilson's Promontory	Victoria	Do.	New South Wales, Queensland, Europe, New Zealand, West Coast of America, Tasmania, and half tonnage to India and China.
	New South Wales	Do.	Victoria, South Australia, Western Australia, Africa, Mauritius, and one-fourth tonnage to India and China
	Tasmania	Hobart Town	Port Phillip and eastern ports.
	South Australia...	All ports of contributing Colony	Nil.
Gabo Island ...	Victoria	Do.	New South Wales, Queensland, South Sea Islands.
	New South Wales	Do.	Victoria, South Australia, Western Australia, Africa, Mauritius, Tasmania, and one-fourth tonnage to India and China.
	Tasmania	Do.	New South Wales, Queensland, South Sea Islands, and half tonnage to India and China.
	South Australia...	Do.	New South Wales, Queensland, and South Sea Islands.
Cape Schanck ...	Victoria	Do.	All ports.
	New South Wales	Do.	Port Phillip.
	Tasmania	Do.	Do.
	South Australia...	Do.	Do.
M'Donnell Light, Cape Northumberland	Victoria	Do.	South Australia, Western Australia, Africa, Mauritius, and half tonnage to India and China.
	New South Wales	Do.	South Australia, Western Australia, Africa, Mauritius, and one-fourth tonnage to India and China.
	Tasmania	Do.	South Australia, Western Australia, Africa, Mauritius, and half tonnage to India and China.
	South Australia...	Do.	Victoria, New South Wales, Queensland, New Zealand, West Coast of America, South Sea Islands.
Cape Willoughby	Victoria	Do.	South Australia.
	New South Wales	Do.	Do.
	Tasmania	Do.	Do.
	South Australia...	Do.	Victoria, New South Wales, Queensland, Tasmania, New Zealand, West Coast of America, South Sea Islands.
Cape Borda.....	Victoria	Do.	Spencer's Gulf.
	New South Wales	Do.	Do.
	Tasmania	Do.	Do.
	South Australia...	Do.	Europe, India, China, Africa, Mauritius, and Western Australia.
Cape St. George	Victoria	Do.	New South Wales, Queensland.
	New South Wales	Do.	Victoria, South Australia, Western Australia, Africa, Mauritius, Tasmania, and one-fourth tonnage to India and China.
	Tasmania	Do.	New South Wales, Queensland.
	South Australia...	Do.	Do. do.
South Head Light, Sydney	Victoria	Do.	Do. do.
	New South Wales	Do.	All ports.
	Tasmania	Do.	New South Wales, Queensland.
	South Australia...	Do.	Do. do.

Mr. Maxwell seconded the resolution.

The Conference was engaged during the remainder of this sitting in discussing the above resolution.

Marine Board Office, Sydney, 9 October, 1873.

Present :—

New South Wales :	Captain Hixson, President of the Marine Board.
Queensland :	Captain Heath, R.N., Chairman of the Marine Board and Port-master.
South Australia :	Captain Ferguson, President of the Marine Board.
Tasmania :	C. M. Maxwell, Esquire, Warden of the Hobart Town Marine Board.
Victoria :	Captain Payne, R.N., Chief Harbour-master, and Chairman of the Steam Navigation and Pilot Boards.
Western Australia :	Captain Ferguson, President of the Marine Board of South Australia.

The Conference met at 9 o'clock.

Discussion resumed on Captain Payne's motion, which, after long debate, was lost on division as follows :—

For	*Against*
Captain Payne.	Captain Ferguson.
Mr. Maxwell.	Captain Heath.
	Captain Hixson.

Captain Heath then moved,—

That the cost of erection and maintenance of lights on the main coast line should be defrayed by the Colony in whose territory they are situated, except where coast lights are maintained especially for the use of the vessels of another Colony, provided always, that where any light is erected on or close to the line of demarcation between any two Colonies, that such light be maintained conjointly by such Colonies.

That the lights on the islands in Bass's, Bank's, and Torres' Straits, and in channels away from the mainland, be paid for "rateably in proportion to the tonnage of the shipping entered inwards and cleared outwards in each Colony deriving benefit from the same."

This resolution was carried unanimously.

The Conference also unanimously resolved to recommend that the following system of distribution should be adopted in carrying out the foregoing resolution, and that it should come into operation on the 1st January, 1874.

(A.)

Light-house.	Contributing Colony.	On Tonnage of all Vessels entered Inwards.	
		From	At
King's Island	Victoria	Europe, America (not including West Coast), India, Africa, South Australia, China, Mauritius	All ports of contributing Colony except Portland Bay.
	New South Wales	Half Europe, America (not including West Coast), India, Africa, South Australia, China, Mauritius	All ports of contributing Colony.
	Queensland	Half Europe, America (not including West Coast), India, Africa, South Australia, Mauritius	Ditto.
	Tasmania	Europe, America (not including West Coast), India, Africa, South Australia, China, Mauritius	Launceston.
	South Australia	Victoria (East of Cape Otway), New South Wales, Queensland, Northern ports of Tasmania, New Zealand, South Sea Islands, West Coast of America	All ports of contributing Colony.
Kent's Group	Victoria	New Zealand, West Coast of America, Tasmania, New South Wales, Queensland, South Sea Islands	Ditto.
	New South Wales	Half Europe, America (not including West Coast), India, Mauritius, South Australia, China, Launceston, Africa, Victoria	Ditto.
	Queensland	Half Europe, America (not including West Coast), India, Mauritius, South Australia, Launceston, Africa, Victoria	Ditto.
	Tasmania	New South Wales, Queensland	Launceston.
	Tasmania	Victoria	Hobart Town.
	South Australia	New Zealand, South Sea Islands, West Coast of America, New South Wales, Queensland	All ports of contributing Colony.
Swan Island and Goose Island	Victoria	Hobart Town and Southern ports of Tasmania	Ditto.
	New South Wales	Nil.	
	Queensland	Nil.	
	Tasmania	Victoria	Hobart Town.
	Tasmania	New Zealand, West Coast of America, South Sea Islands	Launceston.
	South Australia	Middle Island, New Zealand	All ports of contributing Colony.
Lady Elliot's Island.	Victoria	All ports of Queensland North of Sandy Cape	Ditto.
	New South Wales	Ditto	Ditto.
	Tasmania	Ditto	Ditto.
	South Australia	Ditto	Ditto.
	Queensland	Ditto	All Queensland ports South of Sandy Cape.

(B.)

Light-house.	Contributing Colony.	On Tonnage of all Vessels cleared Outwards.	
		At	For
King's Island	Victoria	Port Phillip and Eastern ports	South Australia, Western Australia, Africa, Mauritius, half India, and China.
	New South Wales	All ports of contributing Colony	South Australia, Western Australia, Africa, Mauritius, and one-fourth tonnage to India and China.
	Queensland	Ditto	Western Australia and South Australia.
	Tasmania	Ditto	South Australia, Western Australia, Africa Mauritius, and half tonnage to India and China.
	South Australia	Ditto	Victoria (East of Cape Otway), New South Wales, Queensland, Launceston, New Zealand (Middle Island).
Kent's Group	Victoria	Ditto	Tasmania, two-thirds Europe, half West Coast of America.
	New South Wales	Ditto	Launceston, Victoria, South Australia, Western Australia.
	Queensland	Ditto	Ditto ditto.
	Tasmania	Hobart Town	Victoria.
		Launceston	Port Albert, New South Wales, Queensland, and half tonnage to India and China.
	South Australia	All ports of contributing Colony	New South Wales, Queensland, New Zealand, South Sea Islands, West Coast of America.
Swan Island and Goose Island	Victoria	Ditto	Hobart Town, Southern Ports of Tasmania, one-third Europe, New Zealand, half West Coast of America.
	New South Wales	Nil	Nil.
	Queensland	Nil	Nil.
	Tasmania	Hobart Town	Victoria, South Australia, Western Australia, Africa, Mauritius, and one quarter tonnage to India and China.
	Tasmania	Launceston	Europe, New Zealand, West Coast of America.
	South Australia	Nil	Nil.
Lady Elliot's Island	Victoria	All ports of contributing Colony	All ports of Queensland North of Sandy Cape.
	New South Wales	Ditto	Ditto ditto.
	Tasmania	Ditto	Ditto ditto.
	South Australia	Ditto	Ditto ditto.
	Queensland	All ports of Queensland South of Sandy Cape.	Ditto ditto.

Having disposed of the question of the proportion in which contributions should be paid by the various Colonies, it was resolved,—

That Gabo Island Light be maintained conjointly by Victoria and New South Wales, in proportion to the amount of tonnage entered inwards and cleared outwards from the one Colony to the other.

On the motion of Captain Heath,—

It was finally resolved that the lights recommended to be erected on Cape Hamelin (near Cape Leeuwin), in Western Australia, and on Eddystone Point, in Tasmania, should be considered to be lights "maintained especially for the use of vessels of another Colony." The question of their erection and maintenance to be left to the decision of the Governments interested.

FRANCIS HIXSON,
Chairman.

Marine Board Office, Sydney, 10 October, 1873.

Present:—

New South Wales:	Captain Hixson, President of the Marine Board.
Queensland:	Captain Heath, R.N., Chairman of the Marine Board and Port-master.
South Australia:	Captain Ferguson, President of the Marine Board.
Tasmania:	C. M. Maxwell, Esquire, Warden of the Hobart Town Marine Board.
Victoria:	Captain Payne, R.N., Chief Harbour-master, and Chairman of the Steam Navigation and Pilot Boards.
Western Australia:	Captain Ferguson, President of the Marine Board of South Australia.

The Conference met at 10·30 a.m.

The Minutes of proceedings of yesterday's date were read and confirmed.

The Conference went through the whole of the Minutes of the proceedings, which were amended and passed.

The Sub-Committee, who agreed to draw up the report of the proceedings of the Conference, submitted the same, which having been read over and amended, was approved, and signed by the Members of the Conference.

Captain Payne proposed and Captain Heath seconded the following resolution:—

That the thanks of the Conference be given to Captain Hixson, for the services he has rendered in the important position he has occupied as Chairman of the Conference.—*Carried.*

Captain Ferguson proposed and Mr. Maxwell seconded the following resolution:—

That the Chairman convey the thanks of the Conference to Mr. Wilshire, for the services rendered by him as Secretary.—*Carried.*

FRANCIS HIXSON,
Chairman.

APPENDICES.

TABULATED STATEMENT of the LIGHTS belonging to each Colony.

VICTORIAN LIGHTS.

Name or Place.	Order. 1	2	3	4	5	6	Description. Catc.	Diopte.	Consumption of Oil.	Description of Oil. Mineral.	Veg.	No. of Men.	Wages. £ s. d.	Contingencies. £ s. d.	Total Cost. £ s. d.
									gallons						
*Wilson's Promontory	1						Fixed		1,600		Colza	3	442 17 0	660 0 0	1,102 17 0
Cape Otway	1						Revol.		1,400		,,	3	482 17 0	615 0 0	1,097 17 0
*Gabo Island	1							Fixed	700		,,	3	510 5 0	457 10 0	967 15 0
Cape Schanck	1	Fixed & flash						&flash'd	700		,,	3	510 5 0	300 0 0	810 5 0
Queenscliff (High)		1						Fixed	600		,,	2	327 15 0	225 0 0	552 15 0
,, (Low)			1					,,	164		,,	2	255 10 0	116 0 0	371 10 0
Point Lonsdale					1		Fixed		70		,,	†1	109 10 0	50 0 0	159 10 0
Swan Spit				1				Fixed	80		,,	2	255 10 0	63 0 0	318 10 0
South Channel (East)				1				,,	80	Min.		2	282 17 6	63 0 0	345 17 6
,, (West)				1				,,	80	,,		2	255 10 0	63 0 0	318 10 0
Warnambool (High)				1				,,	80		Colza	2	282 17 6	78 0 0	360 17 6
,, (Low)					1			,,	70		,,				
Port Fairy				1				Revol.	80		,,	2	282 17 6	63 0 0	345 17 6
Portland				1				Fixed	80		,,	2	282 17 6	63 0 0	345 17 6
Port Albert				1				Revol.	80		,,	2	282 17 6	63 0 0	345 17 6
West Channel	1 Light-ship						Fixed		900		,,	4	689 3 6	220 0 0	909 3 6
Geelong	1	,,					,,		500		,,	3	428 16 6	132 10 0	561 6 6
Gellibrand's Point	1	,,					Revol.		400		,,	3	428 16 6	110 0 0	538 16 6
	7	1	1	7	2				7,664			41			
Beacon and Jetty Lights unclassified (ten), averaging £25 each per annum															250 0 0
															£ 9,703 3 0

* Total cost of Wilson's Promontory Light-house, of £1,102, is paid rateably, thus:—

Victoria	£640
New South Wales	430
Tasmania	32
Total	£1,102

* Total cost of Gabo Island Light-house, of £967, is paid rateably, thus:—

Victoria	£430
New South Wales	500
Tasmania	37
Total	£967

Cost of Victorian Lights	£8,704
Contribution to Bass's Straits Lights	2,109
Total cost to Victoria	£10,813

During year 1872, cost of the lights marked *, viz.—

Wilson's Promontory, Gabo Island } Victoria, 2,

Swan and Goose Island, Kent's Group, King's Island } Tasmania, 4,

amounted to £5,555 11s. 8d., which was defrayed by New South Wales, Victoria, and Tasmania—

	£ s. d.
Tasmania contributing	454 17 11
New South Wales contributing	1,775 1 5
Victoria contributing	3,325 12 4
	£5,555 11 8

Amount of tonnage using these lights, 2,002,144 tons.

† Signal-man at Point Lonsdale assists at light, but is employed as signal-man.

NEW SOUTH WALES LIGHTS.

Name or Place.	Order. 1	2	3	4	5	6	Description. Catc.	Diopte.	Consumption of Oil.	Description of Oil. Min.	Veg.	No. of Men employed.	Wages. £ s. d.	Contingencies. £ s. d.	Total Cost. £ s. d.
									gallons						
Nelson Bay			1				Fixed		200	1		1	96 0 0	60 10 0	156 10 0
Port Stephens		1					Rev.		499		1	3	372 0 0	192 16 0	564 16 0
Newcastle (Leading Lights). 2 pairs.							Fixed		100	1 pr. & gas 1 pr.			48 0 0	75 17 6	123 17 6
Nobby's			1					Fixed	260		1	3	442 0 0	142 0 0	584 0 0
Broken Bay (2)	temp. lights								185	1		2	240 0 0	81 13 9	321 13 9
Hornby Light		1					Fixed		364		1	3	372 0 0	162 19 0	534 19 0
Macquarie Light		1					Rev.		435		1	3	372 0 0	152 18 0	524 18 0
"Bramble" Light-ship									285		1	5	564 0 0	147 0 0	711 0 0
Fort Denison	red harbour light						Fixed		100		1	1	96 0 0	55 0 0	151 0 0
Wollongong				1 red				Fixed	95		1	3	*367 0 0	84 0 0	451 0 0
Cape St. George		1					Rev.		439		1	3	372 0 0	177 18 0	549 18 0
Ulladulla				1 red				Fixed	127		1	1	144 0 0	60 8 0	204 8 0
Eden			1	red			Fixed		322		1	4	*538 0 0	129 11 0	667 11 0
									3,411			32	4,023 0 0	1,522 11 3	5,545 11 3

New South Wales Lights	£5,545 11 3
Position Lights	150 0 0
Contribution to neighbouring Colonies	1,750 0 0
Total expenditure by New South Wales	£7,445 11 3

* The light-house staff at these places also perform the duties appertaining to the pilot stations; half only of their wages should therefore be chargeable to lights.

In addition to the above, there are seven position lights at different pilot stations on the coast, at a total cost of £150.

Apart from her own lights, New South Wales contributes on an average £1,750 towards the maintenance of the lights in Bass's Straits and in the neighbouring Colony of Victoria.

QUEENSLAND LIGHTS.

Name or Place.	Order. 1	2	3	4	5	6	Description. Catc.	Diopte.	Consumption of Oil.	Description of Oil. Mineral	Veg.	No. of Men empld.	Wages. £ s. d.	Contingencies. £ s. d.	Total Cost. £ s. d.
									gallons						
[c e] Cape Moreton	1						R.	...	900	...	Veg.	4	576 0 0	360 0 0	936 0 0
Sandy Cape	1						...	R.	950	...	,,	4	500 0 0	374 0 0	874 0 0
Bustard Head		1					...	F.&Fl.	600	...	,,	3	392 0 0	280 0 0	672 0 0
[a] Cape Capricorn			1				...	R.	190	Min.	...	2	246 0 0	90 0 0	336 0 0
[a] Cape Bowling-green			1				...	,,	190	,,	...	4	500 0 0	125 0 0	625 0 0
[b] Cowan Cowan Point				1			...	F. Conds.	110	,,	...	1	108 0 0	38 0 0	146 0 0
[b] Comboyuro Point				1			...	,,	110	,,	...	[d]...	.....	38 0 0	38 0 0
[c] Woody Island				2			...	,,	220	,,	...	2	246 0 0	90 0 0	336 0 0
Lady Elliot's Island				1			...	R.	110	,,	...	2	175 0 0	48 0 0	223 0 0
Yellow Patch, Moreton Island					1		...	F.	95	,,	...	[d]...	.....	30 0 0	30 0 0
[b] Cleveland Point					1		...	,,	95	,,	...	1	25 0 0	30 0 0	55 0 0
[b] Burnett River Head					1		...	,,	95	,,	...	[d]...	.....	35 0 0	35 0 0
Gatcombe Head					1		...	,,	95	,,	...	1	120 0 0	45 0 0	165 0 0
Port Denison					1		...	F. & Cond.	95	,,	...	[d]...	5 0 0	40 0 0	45 0 0
Oyster Rock, Gatcombe Head	Holophote & apparent light					1	...	F.	75	,,	...	[d]...	.....	32 0 0	32 0 0
Lightships—															
[f] Brisbane Bar							...	,,	180	,,	...	3	342 0 0	136 0 0	478 0 0
Keppel Bay	...	Three				...	...	,,	180	,,	...	3	312 0 0	136 0 0	448 0 0
[f] Fitz Roy River							...	,,	180	,,	...	2	216 0 0	86 0 0	302 0 0
Unclassified Lights	...	Seventeen					F.	,,	650	,,	...	[d]...	12 0 0	180 0 0	192 0 0
,, ,,	...	Three				...	...	F.							
	2	1	2	5	5	1			5,120			32	3,775 0 0	2,193 0 0	5,968 0 0

[a] Lights in course of construction. [b] Lights in course of alteration. [c] Lamps being changed for burning mineral oil.
[d] These lights are attended to by men employed on and paid for other duties. [e] Also telegraph and signal stations. [f] Tidal signals are made from these light-ships by day and night.

TASMANIAN LIGHTS.

Name or Place.	Order. 1	2	3	4	5	6	Description. Catc.	Diopte.	Consumption of Oil.	Description of Oil. Min.	Veg.	No. of Men employed.	Wages and rations. £ s. d.	Contingencies. £ s. d.	Total Cost. £ s. d.
TASMANIA.									gallons						
Iron Pot, River Derwent			1				F.	...	368	...	Veg.	3	265 10 0	117 10 0	383 0 0
South Bruni		1					R.	...	467	...	,,	4	326 9 0	181 9 11	507 18 11
Low Head, River Tamar		1					R.	...	375	...	,,	3	295 6 8	141 11 4	436 18 0
Swan Island, Banks' Straits	1						...	R.	518	...	,,	4	324 1 1	297 11 6	621 12 7
Goose Island, Banks' Straits	1						...	F.	578	...	,,	4	324 13 6	382 2 6	706 16 0
Kent's Group, Bass's Straits	1						R.	...	865	...	,,	4	337 5 1	398 14 11	736 0 0
King's Island, Bass's Straits	1						...	F.	723	...	,,	5	468 0 0	387 5 4	855 5 4
	4	2	1				4	3	3,894	...	...	27	2341 5 4	1906 5 6	4,247 10 10

MEMO.—The above statement is an average of the cost of the Tasmanian Light-houses for the three years 1870, 1871, and 1872. The cost of repairs to buildings is not included.

Sydney, 1 October, 1873.

SOUTH AUSTRALIAN LIGHTS.

Name or Place.	Order. 1	2	3	4	5	6	Description. Catc.	Diopte.	Consumption of Oil.	Description of Oil. Mineral	Veg.	No. of Men employed.	Wages. £ s. d.	Contingencies. £ s. d.	Total Cost. £ s. d.
									gallons		Teil seed.				
Cape Jaffa	1						R. Hol.	...	900	...	Veg.	4 (1 boy)	550 0 0	320 0 0	870 0 0
Cape Borda	1						Rev.	...	480	...	,,	3	400 0 0	250 0 0	650 0 0
Cape Willoughby	1						,,	...	480	...	,,	2 (1 boy)	360 0 0	220 0 0	580 0 0
Cape Northumberland	1						,,	...	480	...	,,	2	310 0 0	220 0 0	530 0 0
Troubridge Island		1					,,	...	480	...	,,	3	400 0 0	200 0 0	600 0 0
Tipara Light-vessel		1					F.,,	...	480	...	,,	2 (1 boy)	350 0 0	250 0 0	600 0 0
Port Adelaide Light-house	*			1			F.C.Diop.	...	160	Min.	...	2	280 0 0	120 0 0	400 0 0
Cape Jervis			1				F.	...	320	,,	...	1 (1 boy)	230 0 0	100 0 0	330 0 0
				†					COAST LIGHTS.						
Semaphore					1		Fix.Cat.	...	108	Min.	...	...	50 0 0	50 0 0	100 0 0
Glenelg		About‡			1		,,	...	108	,,	...	...	50 0 0	50 0 0	100 0 0
Port Wakefield			,,		1		,,	...	40	,,	...	...	4 0 0	20 0 0	24 0 0
									4,036			19m4b	2984 0 0	1800 0 0	4784 0 0

* A first-class revolving holophotal light ordered for this light-house.
† Keepers allowed fuel and oil for cottages.
‡ A fourth order fixed catadioptric apparatus to be substituted for the present catoptric light.

The amount of light dues collected for twelve months ending 30th June, 1873, was £5,729 2s.—this being an exceptionable year. Former years always showed a deficit, which was defrayed from the general revenue.

No.

No. 1.

RETURN showing the Number and Tonnage of Vessels arrived at the Port of Melbourne during the Years 1860–1871 respectively, and the first Six Months of 1872.

Year.	From United Kingdom.		From British Possessions.		From United States.		From Foreign States.		Total.	
	No.	Tonnage.	No.	Tonnage.	No.	Tonnage.	No.	Tonnage.	No.	Tonnage.
1860	193	200,756	1,189	250,603	55	38,054	80	38,726	1,517	528,139
1861	159	164,540	1,235	281,277	45	31,190	72	29,794	1,511	506,801
1862	145	152,647	1,214	307,916	34	22,413	96	39,856	1,489	522,832
1863	180	182,365	1,198	314,781	38	29,038	102	48,434	1,518	574,618
1864	150	163,124	1,289	337,895	42	26,278	91	39,019	1,572	566,316
1865	128	146,629	1,288	344,011	35	22,975	106	43,549	1,557	557,164
1866	127	146,045	1,377	367,241	72*	45,032	123	52,120	1,699	610,438
1867	128	142,442	1,259	341,094	39	25,515	83	41,270	1,509	553,321
1868	133	137,074	1,366	393,451	37	22,760	99	43,187	1,635	596,472
1869	155	165,305	1,489	418,422	35	25,852	99	45,231	1,778	654,810
1870	134	153,853	1,365	388,167	30	19,203	107	46,120	1,636	607,343
1871	114	134,989	1,396	408,044	30	20,978	79	33,880	1,619	597,891
1872 (Jan.–June)	52	62,696	672	201,254	13	10,482	35	14,860	772	289,292

* In 1866 there were 47 vessels (23,553 tons) entered inwards from San Francisco, many of which were laden with grain, flour, &c.; cargoes valued at £323,028.

No. 2.

RETURN showing the Number and Tonnage of Vessels arrived at the Port of Melbourne, from 1st July 1870 to 30th June 1872.

Year.	From United Kingdom.		From British Possessions.		From United States.		From Foreign States.		Coastwise.				Total.	
	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.		No.		Tons.	No.	Tons.
From 1st July 1870 to 30th June 1871	115	136,499	1,416	399,718	29	18,965	92	38,656	Steamers ...	228	620	43,148	2,272	661,387
									Sailing-vessels	392		24,401		
												67,549		
From 1st July 1871 to 30th June 1872	111	133,475	1,361	406,127	29	21,707	81	35,341	Steamers ...	216	530	45,485	2,112	659,841
									Sailing-vessels	314		17,706		
												63,191		
Total	226	269,974	2,777	805,845	58	40,672	173	73,997			1,150		4,384	1,321,228
												130,740		

BASS'S STRAITS LIGHTS.

TOTAL Tonnage of each Colony using the Lights, and Total Amount paid in each year, from 1863 to 1872.

	Tonnage.			Total.	Maintenance.				
	Victoria.	New South Wales.	Tasmania.		Victoria.	New South Wales.	Tasmania.	Total.	
					£ s. d.	£ s. d.	£ s. d.	£ s. d.	
1863	1,821,600	944,944	152,214	2,918,758	3,131 7 2	1,364 16 0½	319 9 6½	4,815 12 9	1863
1864	1,748,039	748,971	303,229	2,800,239	3,478 16 1	1,270 17 7	720 12 10	5,471 6 6	1864
1865	1,894,703	1,317,013	254,551	3,466,273	2,959 14 5	1,629 19 6	586 10 6	5,176 4 5	1865
1866	2,127,652	1,562,564	164,578	3,854,794	3,814 16 0	1,940 14 3	541 19 10	6,297 10 1	1866
1867	1,995,597	1,305,443	151,973	3,453,013	3,330 3 7	1,630 3 6	441 4 3	5,401 11 4	1867
1868	1,956,512	1,315,220	190,063	3,461,795	3,190 8 1	1,407 8 2	593 10 9	5,191 7 0	1868
1869	2,230,500	1,562,226	185,248	3,977,974	3,907 1 7	1,742 12 2	639 5 10	6,378 19 7	1869
1870	2,021,560	1,459,363	214,835	3,695,758	3,133 18 0	1,571 12 11	534 12 0	5,240 2 11	1870
1871–½	1,009,532	736,272	100,082	1,845,886	1,612 11 4	710 1 6	290 15 9	2,613 8 7	1871–½
1871–½	1,037,314	740,183	109,803	1,887,300	1,273 6 3	671 10 11	202 3 2	2,147 0 4	1871–½
1872–½	1,052,094	829,609	69,259	1,950,962	2,125 11 10	1,076 5 0	283 0 4	3,484 17 2	1872–½
1872–½	1,077,655	840,209	84,280	2,002,144	1,200 0 6	698 16 5	171 17 7	2,070 14 6	1872–½

1871—Cost per ton = 1·22 farthings.
1872— " = 1·09 "

WESTERN

WESTERN AUSTRALIA.

COAST LIGHT-HOUSES, ABROLHOS AND CAPE LEEUWIN.

In looking into the matter, I find that my predecessor, Captain Roe, R.N., has clearly dealt with the question of lighting the Abrolhos Islands and the Geelvink Channel, between that group and Champion Bay, in a letter, dated 23rd July, 1858, to the Honorable the Colonial Secretary. I enclose an extract. The opinion expressed therein I carefully endorse, merely remarking that the Champion Bay Light is now in course of erection on the same site as indicated.

I find also the Leeuwin and Cape Naturaliste Lights have been proposed also by Captain Roe, in a report dated 9th April, 1858. Extract herewith. I have marked up a chart with the positions and range of the light-houses existing, or in course of erection, in red, and those proposed in blue.

MALCOLM FRASER,
Surveyor General.

12 July, 1873.

Extract from a letter, dated 23rd July, 1858, from Captain Roe, R.N., late Surveyor General, to the Honorable the Colonial Secretary.

"To elucidate my remarks, I have shown on the accompanying two charts the positions in which I consider light-houses might be most advantageously placed for meeting present requirements, and by which the Houtman Rocks, and the whole of the channel, 10 leagues wide, between them and the main, might be effectually lighted.

"Although abundance of limestone and of good lime are procurable on the spot for the construction of light-houses at the Abrolhos and at Champion Bay, I fear the former would be found too porous and soft for buildings of this nature, which require the very best materials. Iron shafts, in portable sections constructed in England, would be far preferable, if lined with the same material, to obviate the heat in 28½° south latitude, and such could be readily and securely erected by the aid of the skilled labour in the Colony.

"I should recommend the height of each tower to be 50 feet above its base; that at Champion Bay to be erected on the northern pitch of a projecting hill, about 50 feet in height, immediately over the tower of Geraldton. The tower for East Wallabi Island to be on Flag Hill, which has an elevation of 50 feet above the sea; and that for the Pelsart Group to be on Hammock Island, 13 feet above sea-level, or preferably on any island of greater elevation which may be found amongst those lying off the north end of Pelsart Island."

Extract from a report, dated 9th April, 1858, by Captain Roe, R.N., late Surveyor General.

"And for the convenience and safety of the postal steamers and shipping generally, navigating these seas, a good light-house on Cape Naturaliste and another off Cape Leeuwin would prove most valuable. 17 or 18 miles to the north of the former headland lies the Naturaliste Reef, a large patch of rocks nearly awash; and Cape Leeuwin is fronted by rocks above and below water to the distance of 6 to 8 miles. The currents near both are very uncertain, and during the winter season heavy gales from seaward are of frequent occurrence, attended with very thick weather. Several ships have at different times been wrecked on the reefs adjoining Cape Leeuwin, which might probably have been saved by the existence of a light-house in the neighbourhood.

"The cost of building and maintaining light-houses at Capes Naturaliste and Leeuwin could not fairly be charged altogether to Western Australia; their chief value being to shipping voyaging to and from the Colonies to the eastward."

Amount of tonnage arriving at, and departing from, Port Adelaide, to and from Australasian ports, for twelve months ending 30th June, 1873.

		tons
From Victoria,	inwards	72,600
New South Wales,	„	44,400
Queensland,	„	700
Tasmania,	„	5,700
New Zealand,	„	2,800
Total inwards		126,200
To Victoria,	outwards	42,000
New South Wales,	„	37,400
Queensland,	„	9,000
Tasmania,	„	2,000
South Sea Islands,	„	2,000
New Zealand,	„	1,800
Total outwards		94,200

Port

Port Office, 18 June, 1873.

Sir,

As the mail steamers will probably in a few months be running through Torres Straits, I have the honor to address you with reference to lighting the inner route, so that in ordinary weather the vessels might continue their course day and night without delay.

You are doubtless aware that this question has given rise to the expression of various opinions as to the proper means to be adopted to insure safe and expeditious navigation through the Straits from the ports on the eastern coast of Australia. The original and broader question of the respective merits of the outer and inner routes is set at rest, as far as a mail route is concerned, by the necessity for steamers calling at the northern ports of this Colony, and communicating at the earliest opportunity by Electric Telegraph.

In using the inner route it has been suggested that the steamers should pass out through the Barrier Reef, near Cape Melville, which forms a good mark for the purpose, and thus keeping by night in open water for about 150 miles, avoiding the most intricate part of the inner route, and entering again by the Raine Islet passage, and *vice versâ*. This course is about 25 miles longer than that through the inner passage, and, were the latter not lighted, it would offer in fine weather some advantages, but in bad weather it exchanges the advantage of the smooth water, and the anchorage to be found inside the reefs, for the heavy sea and exposure to the current and tides near the outer edge of the Barrier, while, though with a well-appointed steamer, probably the dangers are reduced to a minimum, yet it must be borne in mind that a large proportion of the wrecks and casualties in the neighbourhood of Torres Straits have taken place in trying to make Raine Islet entrance, or in getting from that island to the channel of the inner passage at Sir Charles Hardy's Islands and Cockburn Reefs; the marks being low and badly defined, and the ground too frequently studded with coral patches for safe navigation. If the steamer arrived off Raine Islet at daylight, then she would not reach Somerset by some 40 miles before dark, so that a great portion of that night would be lost; and similarly, on coming southwards, she would have to leave Somerset in the middle of the night, to clear Raine Islet before dark the following evening. The adoption of this route would also necessitate the establishment of two powerful lights—one on Raine Islet and one on Cape Melville, which would be expensive to establish, and the former difficult to communicate with.

It has also been proposed by Captain Van Rees, of the Dutch corvette "D'Jambi," that the inner route should be divided into day and night portions, and that the latter only should be lit up. His proposal was forwarded to the Board of Trade for their consideration, and Admiral Sullivan reported against it, as necessitating an equal speed for all vessels, but recommended instead that the most important positions for leading through difficult channels should be marked by third-order revolving lights, and that at any future time intermediate lights could be placed where necessary, as trade increased.

It appears to me, however, that these important positions are the very places where light-houses cannot be advantageously established. Where the islands and prominent points of the mainland form the beacons by which to navigate the channel, the objects which are the real dangers are the reefs, which are either awash or sunken, and which cannot be used, except at a very heavy outlay, as sites for light-houses, which if erected would be unsuited as dwellings for the light-keepers, who must be left several months at a time without being relieved or communicated with.

I would therefore suggest that, now a regular speed has to be maintained by the mail steamers, the proposal of Captain Van Rees be adopted so far as the division of the route into day and night portions is concerned, and I would take as the starting point the part of the passage which appears to require the greatest caution in navigating, namely, from about 5 miles westward of Flinder's Group to Lloyd Bay in 12° 45′ S. latitude, thus passing *e*, *d*, and *f* reefs in Princess Charlotte's Bay, the Heath, Chilcott, and Dugdale sunken rocks, the shoal water off Cape Direction, *y* reef, and other dangers, by daylight. From thence northwards, by night, Restoration Island gives a good bold mark. The first danger to be avoided would be Middle Reef; and off its northern end, in 12° 30′ S. latitude, I would place a light-vessel, which would make this sunken danger a point of safety. From that as a point of departure the Piper Islands could be picked up; and the passage between Young Islet and *m* reef—both of which by night are as sunken dangers—I would also point out by a second light-vessel so placed to the north-west of *m* reef, in about 12° 5′ S. latitude, as to give a line of bearing through the centre of the passage, and for clearing the north-west extremity of *m* reef. A vessel would then steer to round the Home Islands, and from thence past Bird Islets, and towards a third light-vessel moored to the northwest of *v* reef, in 11° 36′ S. Cairncross Island would be the next island ahead, and by the time it was reached it would be daylight; a four hours' run from thence would take the vessel to Somerset.

If Somerset were a coaling-station, by leaving not less than five hours before sunset the vessel would be clear of Torres Straits before dark; if merely a place of call, a delay of three hours would still give her time to run clear of the Prince of Wales' Channel by daylight.

I would recommend the erection of a first-order revolving light on Booby Island, for the use of vessels entering the Straits from the westward, so that by night, in thick weather, they might pick up the light and retain their position, so as to make the entrance of the Prince of Wales' Channel at daylight.

From the westward of the Flinders' Group, southwards, vessels could, at dusk, round the Flinders' Group, and, with caution, pick up the Pipon Islands on a west-half-north bearing; thence pass Barrow Point and the Howick Group; pass southwards of the supposed position of Megæra Rock, and pick up, if desired, and pass northwards of *n* Island; make Lizard Island, and from thence proceed to Cape Flattery, in 15° south latitude, when the day run would commence, thus allowing *c* and *d* reefs off Monk-house Point and *a* reef near the Hope Islands to be passed, and Cape Grafton to be approached within 18 miles by daylight. Fitzroy Island and the Frankland Islands would be passed by night, and the passage be clear to Port Hinchinbrook, or past the Palm Islands. The only other danger southwards is Cape Bowling Green, where the building for the light-house is in course of erection, and the light will be exhibited probably before the end of the year.

The advantages which for this route I think light-ships possess over lights on shore are as follows, viz.:—

That they mark the fairway of the channel, when lights on shore could not be made available.
They make the most dangerous part of the channel the most safe.
They give the men greater protection from the attacks of the natives.

They

They are easily communicated with by vessels passing.
They can be shifted to any position as may be found most desirable.
Should the mail route be discontinued at any time, they can be removed and be made available for lights in other parts of the Colony, or sold for use as sailing-vessels.

At the same time, the lights exhibited from them would be sufficiently powerful for the purposes for which they are required.

The three vessels proposed should be above 100 tons measurement, and could be fitted out and placed in position for about £3,000 each; while the light on Booby Island, which would be in some respects of lesser importance, as being of use only to vessels bound through the Straits from the westward, would cost about £9,000, and could be attended to by the Government cutter at Somerset.

The annual cost for	Would be about.	Total.
	£	£
Light at Booby Island	1,000	1,000
Each light-ship, allowing crew of four men	800	2,400
		£3,400

There are several reefs upon which it would be advisable to erect beacons, especially:—
a Reef, Hope Island.
e Reef, off Endeavour Bay.
d and *f* Reefs, Princess Charlotte's Bay.
Reef northward of No. VII, Claremont, should the construction of one on the Chilcott Rocks be impracticable.
Reef abreast Cape Direction.
z Reef off Newcastle Bay.
Ipili Reef.
Buoy off the spit of Wednesday Island.

The beacons I would propose to build of blocks of coral or stone, where they could be conveniently obtained, and elsewhere of three hollow iron piles, carrying a wooden cage for a beacon; the piles being braced together and let into the coral rock, or screwed into the broken coral; care being taken not to place them upon the sand patches on the reefs, which have been found to shift with the monsoons.

It must not of course be supposed, from the foregoing suggestions, that strangers could with the aid of the proposed lights navigate the inner route without anchoring at night, but that they could do so after making two or three voyages and getting a good general knowledge of the appearance of the islands and head-lands. As, however, it would at least take from nine to twelve months—provided vessels were built expressly for the service—before they could be got ready, the masters of the mail steamers would have ample time to gain the necessary experience.

I have, &c.,
G. P. HEATH,
Commander, R.N.,
Portmaster.

The Honorable
The Colonial Treasurer.

Sydney: Thomas Richards, Government Printer.—1873.

1873.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

WRECK OF THE "OSCAR."

(REPORTS OF PILOTS RESPECTING THEIR ABSENCE FROM THE PILOT STATION.)

Ordered by the Legislative Assembly to be printed, 13 *November*, 1873.

[*Laid on the Table in reference to Question No.* 4, *in Votes and Proceedings of* 11*th November*, 1873, *No.* 37.]

A.

24/9/73. TELEGRAMS.

From Pilot Cork to President Marine Board.

I know nothing about the "Oscar." On 12th instant I was attending upon the ship "Zenobia" up to 8 p.m.

From Pilot Jack to same.

I cannot say, being absent from the station. I that morning received a telegram to be in town as early as possible on important business. My turn for inward ships was the seventh arriving. I boarded the "Glengairn" from the light-vessel on the 10th night.

From Pilot Christison to same.

I know nothing of the "Oscar." On the 11th September I brought in the barque "L.Y.V." from Melbourne, and on the 12th I was summoned to attend on the Marine Board, and did not reach Watson's Bay until the evening.

From Pilot Coutts to same.

Being a witness upon the "Airey Force" case, and not having my own boat in Sydney, I intended to go to Watson's Bay by the 4 o'clock boat, but it was detained until 6 o'clock by something unknown to me, therefore I could not get down until about 7 p.m.

No. 1.

SENIOR PILOT CORK to THE PRESIDENT OF THE MARINE BOARD.

Watson's Bay,
30 September, 1873.

SIR,

I have the honor to inform you, on the 11th September I was engaged taking in the barque "L.Y.V." from Melbourne. After anchoring the barque I called alongside of the "Zenobia" and the "Kingsbridge," both being loaded, and inquired when they would be ready for sea. The captain of each ship requested me to attend on them on the 12th. I did so, and waited on board the "Kingsbridge," and the chief officer informed me the captain had gone on shore to get some of his crew from the Water Police, but his intentions were going out that day in the evening. My boat being badly stove, and repaired with canvas, I went with her to Mr. Barnett to get her properly repaired; in the meantime, finding the ships did not go that evening, I informed the captain I would not come again without a telegram. When I left the pilot station in the morning I was not aware that Pilot Coutts was off the station, as he was on the lookout in the morning for outside; Pilot Jack and Pilot May being also on the station.

I have, &c.,
ROBERT CORK,
Senior Pilot.

No. 2.

No. 2.

PILOT JACK to THE PRESIDENT OF THE MARINE BOARD.

South Head,
1 October, 1873.

SIR,

I herewith beg to acknowledge the receipt of yours of the 29th ultimo, calling upon me to show cause why my license should not be suspended.

On the day in question I was absent from the station, through the receipt of a telegram calling me to town on important business, not having any idea for what I was wanted, as the word "important" carries weight with it. I append telegram for your perusal. It is now three years since I received my license, during which time we have been working with the system of turns—a system which was carried on long before I became a pilot, and the same system still remains.

Coutts,
Christison,
May,
Cork,
Coutts,
Christison,
Jack.

Now, in this instance the seventh inward ship would have been my turn, I having boarded the "Glengairn" from the light-vessel, which put me a ship ahead of the other pilots, which left the turns as per margin, but, taking into consideration that Messrs. Christison and Coutts were in town on the "Airey Force" case, I should have followed Mr. Cork until their return; so that if you take cognizance of our system of working you will perceive that Mr. Cork should have boarded before me.

I also beg to call your attention to the fact that the "Oscar" was not in sight until about 4·30 p.m.

My absence from the station was entirely caused through the interference of Mr. Cork in the matter of the "Eastern Light," he being on board that vessel with a view of getting me into trouble, and you will see that altogether Cork has drawn me into this unpleasant affair, as I had no intention of leaving the station that day but for the telegram received, which was the cause of my learning the unmanly proceedings of Mr. Cork. I cannot but acknowledge my absence, but that absence was caused by my endeavouring to save my character and reputation in town, whilst at the same time I was meeting with the displeasure of the Marine Board, so that my honor and livelihood were at stake on all sides.

I now most respectfully ask the Marine Board to take the merits of the case into consideration; and if they recognize our system of working, they, I trust, will admit that I have shown a just and reasonable cause why my license should not be suspended.

A. W. JACK.

Sydney: Thomas Richards, Government Printer.—1873.

[3d.]

1873.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

LOSS OF THE "OSCAR."

(CASE OF PILOT MAY.)

Ordered by the Legislative Assembly to be printed, 11 *December*, 1873.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 24th October, 1873:—

"That there be laid upon the Table of this House, copies of the Report of, "and the Evidence taken by, the Marine Board respecting the loss of the "'Oscar.'"

(Mr. Cunneen.)

LIST OF WITNESSES.

	PAGE.
Christoffersen, C.	6, 10
Downes, W.	9
Early, J.	6, 8
Kiolseth, L. S.	5, 7
May, W.	10
Silos, J.	9

LOSS OF THE "OSCAR."

REPORT.

After holding a very careful inquiry into the charge against Mr. Pilot May, and giving full consideration to the evidence, the Marine Board arrived at the following conclusions:—

1. That he failed in the performance of his duty, in endeavouring to wear the ship after she missed stays.
2. That he permitted his boat and boat's crew to leave the ship without making an effort to recall them.
3. That if, as alleged in the defence, the crew of the "Oscar" was inefficient and the ship's gear defective, it was clearly the duty of the pilot not to have attempted to beat the ship through the Heads, but to have stood to sea, or to have worked the ship at a safer distance from the shore.
4. That generally, Mr. Pilot May has displayed a want of seamanship and knowledge of his duty in handling the vessel when he found himself in difficulty, although it is admitted that the weather was favourable at the time for working the ship; and the Board therefore regrets being compelled to revoke Mr. May's license as a Sea Pilot of Port Jackson.

FRANCIS HIXSON,
President,

25 September, 1873.

LOSS OF THE "OSCAR."

MINUTES OF PROCEEDINGS.

Marine Board, 18th September, 1873.

PRESENT:—

Captain Hixson, President.

Captain Fairclough,
Captain Broomfield,
Mr. G. R. Dibbs, } Wardens.

Barque "Oscar."

THE Board met to hold an inquiry into the loss of this vessel. The master, mate, and coast-pilot were examined on oath, in the presence of Pilot May. The Court was cleared, and on deliberation, the Board found that Captain Kiolseth was exonerated from blame, but charged Mr. May, the pilot of the vessel when she was wrecked, with neglect of duty, and, pending further inquiry, suspended him.

FRANCIS HIXSON,
President.

Marine Board, 23rd September, 1873.

PRESENT:—

Captain Hixson, President.

Captain Broomfield,
Captain Fairclough,
Mr. G. R. Dibbs, } Wardens.

Barque "Oscar."

THE inquiry into the conduct of Pilot May, in connection with the loss of this vessel, was commenced. The evidence of the master and coast pilot was taken, and that of two of the pilot's crew. Mr. May was then sworn in his defence.

It transpired in his statement that he was the only pilot on duty when the "Oscar" arrived. The Board decided to adjourn the hearing until 3·30 p.m. to-morrow, and in the meantime the pilots at Watson's Bay are to be requested to account for themselves on the day of the wreck.

FRANCIS HIXSON,
President.

Mr. Want, instructed by Messrs. Merriman and Driver, appeared for Mr. May.

Marine Board, 24th September, 1873.

PRESENT:—

Captain Hixson, President.

Mr. G. R. Dibbs,
Captain Fairclough,
Captain Broomfield, } Wardens.

Barque "Oscar."

THE Board proceeded with the inquiry into the loss of this vessel. Pilot May's evidence was concluded, and that of the mate of the "Oscar" taken. The Court was cleared, and after deliberation the Board resolved as follows:—

After holding a very careful inquiry into the charge against Mr. Pilot May, and giving full consideration to the evidence, the Marine Board arrived at the following conclusions:—

1. That he failed in the performance of his duty, in endeavouring to wear the ship after she missed stays.
2. That he permitted his boat and boat's crew to leave the ship without making an effort to recall them.
3. That if, as alleged in the defence, the crew of the "Oscar" was inefficient and the ship's gear defective, it was clearly the duty of the pilot not to have attempted to beat the ship through the Heads, but to have stood to sea, or to have worked the ship at a safer distance from the shore.
4. That generally, Mr. Pilot May has displayed a want of seamanship and knowledge of his duty in handling the vessel when he found himself in difficulty, although it is admitted that the weather was favourable at the time for working the ship; and the Board therefore regrets being compelled to revoke Mr. May's license as a Sea Pilot of Port Jackson.

FRANCIS HIXSON,
President,
25 September, 1873.

LOSS OF THE "OSCAR."

MINUTES OF EVIDENCE.

18 *SEPTEMBER*, 1873.

Members Present:—

CAPTAIN HIXSON, PRESIDENT.

CAPTAIN FAIRCLOUGH, | CAPTAIN BROOMFIELD,
MR. G. R. DIBBS.

By the President:—*L. S. Kiolseth*, sworn, states:—I am a master mariner; I was the master of the "Oscar" when she was lost; she was a barque of 306 tons, registered Kolding, Denmark; she is partly insured; I had a pilot on board (Mr. May); I got him inside the North Head, and I gave all the command of the ship to him when he boarded me; he came in whaleboat; I think there were four men in it—could not say for certain; the boat left after the pilot got on board; I don't know how she left; we had a line already for her; about 5·30 in the afternoon he boarded us; the pilot worked the ship; he put her about, so far as I remember, ten or eleven times before the last time; I did not interfere with the working of the ship—I left it to the pilot—I only tried to see his orders properly carried out; the vessel was not far off shore, and missed stays; the wind was very puffy, and took her aback just as she was on the point of staying—I mean by that that the way of the ship was taken from her; I mark on the chart where the pilot boarded me; she was heading to the south when the pilot boarded, and I was on the starboard tack; by the pilot's orders the foreyards were braced back and filled; on considering, I find I was on the port tack when the pilot boarded me; I mark as near as I can say where the ship struck; the wind was very strong right out of the entrance when working in; as a stranger, I don't consider I should give any opinion whether it was prudent of the pilot to try and work in; when I say the vessel was taken aback, the sails were only shaking—they never caught aback; the pilot attempted to wear the ship round before the wind—hauled the spanker up to put the vessel before the wind; the ship paid off willingly, but the wind was only a point abaft the beam before she struck; just as she struck I fancy the pilot saw the impossibility of wearing her, for he ordered the anchor to be let go; if I had been on the coast of China, that I knew, I should not have thought it a prudent thing to have attempted to wear the ship at the time the pilot did; exactly as she missed stays I advised the pilot to put the helm down, let go the anchor, and wait for a steamer, or else sacrifice the anchor, and get her on the other tack, but he said to me—"There is no anchorage there; she will do it—she will do it—let the vessel go round"; both anchors were clear, and ready to let go in deep water or low water; the vessel struck as soon as we brought the wind abaft the beam; the anchor struck the bottom at the same time as the vessel struck the rocks, as near as I can say; we had the pumps sounded when she struck; she had made 2 ft. 4 in. when the sounding-rod went down; about this time the pilot shortened sail—this was about 8 o'clock; after shortening sail the pilot ordered the boat out; I went to look to the boat then myself, the only boat, as the other was broken in the gale, expecting the ship was sinking—she was bumping very heavy; after seeing the boat out I came back to the pump,—sounded, and found 3 ft. 6 in. water in an interval of five minutes time; in the meantime the ship washed off the rocks; there was a second anchor let go, and the officers went to see after some oars, but they could not get them, as the water was above the between deck beams; I think the first chain parted, as I saw it was quite slack and the vessel was drifting out to sea; the second anchor checked her; the wind was the same right out, blowing stiff in puffs; the ship seemed to me foundering very fast, drifting out; the pilot asked me then to give him a boat to go into Sydney to bring out a steamer; I of course refused, as I had about twenty-two lives to be responsible for; my officers were all the time pressing me to leave the vessel; after a consultation, and speaking to the coasting pilot, I took their advice and did, as I saw no means to save the ship with a strong wind blowing out of the entrance, and having only one boat; after leaving the pilot, kept on pulling for the Light-house, and after pulling a very long time we found we were only losing ground; one oar broke, so we had only two oars and the bottom planks; I advised the pilot to make for the weather land, but the coast pilot knew of a sandy beach round the point, so I took his advice and went to it and landed there—it is called "Manly Beach," Cabbage-tree Bay; we all jumped into the surf and pulled the boat up, and took out my wife and children; we got to a house and roused the people and stayed during the night; I left at once my children, and went with the coast pilot to see after a steamer; Mr. May had left without saying anything to me; but there was nobody to be found on board, or to give information; I went intending to charter the steamer to go out to see if anything further could be done; I was on board the steamer, but could not make anybody hear; but I am not sure I was actually on board; the coast pilot was; the steamer was alongside the wharf and I was close to her, but could not say exactly whether I went on board.

By Captain Broomfield:—It was at 4 p.m. that I hoisted a signal for the pilot; the Sydney Light bore S.S.W. 12 miles; I had a flag for a steamer then flying, and all the time was working in; I think I made two tacks before the pilot came on board; the vessel stayed remarkably well; when he boarded me I had clewed the maintopgallant sails up; the vessel was under topsail courses, jib, and spanker; I don't think the pilot took any sail off after he came on board; the vessel did not miss stays before it was dark; I could not judge how far I was off when the vessel was taken aback; the lamp was altered and blue-lights were burned after the vessel struck, but we were too confused to do much.

By

By Captain Fairclough :—The ship was well manned; I have been in narrow waters often under the same canvas; I was in ballast; the ship was well ballasted and properly trimmed.

By Mr. Dibbs :—The pilot first gave the order to put out the boat, as far as I remember; I gave an order to see everything ready for the boat, after I saw the first sounding from the pump; the crew was very obedient; I had no fault to find with the crew; I think, but can scarcely form an opinion, that the pilot boat was made fast; the ship was eleven years old, recoppered and reclassed lately; I have no complaints to make; I cannot judge of the conduct of the pilot, being a stranger in the port; she is partly insured.

By Captain Fairclough :—The wind was strong, N.N.E., when I first signalled for a pilot, but change, strong and puffy, when we came to the entrance.

By Mr. May :—I could not give the bearings when you boarded me; I have marked where you boarded me on the chart, and that is as near as I can say; I have said you tacked ten or eleven times; I am not quite sure on what tack you boarded me; I don't remember your first order; I think you filled the fore-yards; you called my attention to the mainsail being torn; I don't know that I told you how that happened; I said some explanation about my mate not being ready with the ladder, and your remark was—"Damn the bloody vessel and all"; I don't remember any remark about the ropes for the boat; you sent the crew to furl the mainsail when we were standing to the southward, but the crew was called down before it was only half furled, as the vessel was going to tack; the mainsail not being furled, the bunt dropped; I called them down at your order; the main-brace was jammed only for a moment on the south reef side—the last safe tack; the jib tack carried away in a strong puff of wind, and I went with the officer and put on a new tack-lashing, and had it ready a few moments afterwards for you; I reported the jib ready to you, and you did not require it then, and you did not order it to be put up; the ship was taken aback before we attempted to stay last time, otherwise the ship would have come round; I can form no idea of the distance we were off the land then, but I considered myself close into it; after she lost her headway, she payed right off as the vessel was standing across, and when well over to the north side a puff of wind took her and shook the sails; the sails filled again then, and you put her helm down; after the sails were shivering they filled again for a little time on the same tack, and then when the helm was put down she stopped; when she stopped she payed right off; you brailed the spanker up then and squared the mainyard, and later on hauled the foresail up; you let go the anchor before you hauled the yards aback; after the anchor was let go she was bumping on the rocks; I think the chain parted, as I found it slack when I went to look after; I let go the second anchor on my own order, to prevent the vessel going to sea; that was when I found her sinking; you did not ask me for the sounding-rod after the vessel struck; you told me to get the boat out; you asked me if I had anything to make signals with; I ordered the bright light to be burned and a blue light; you asked for a lantern; I ordered it to be brought; when we got the boat out, there was 3 feet 6 inches in then; you did not ask me repeatedly to stand by the ship, that I know of; you did not say that "if I was you I would not leave the ship"; you was not the last man out of the ship; the ship washed off after we left in the boat; there was no sails hove aback, that I know of, before we got into the boat; I did not see you after I got to the hotel.

L. S. KIOLSETH.

Sworn before me, at Sydney, the 18th September, 1873,—
FRANCIS HIXSON, J.P.

By the President :—Christian Christoffersen, sworn, states, through an interpreter, M. Tangé:—I was mate of the "Oscar" when she was wrecked; I saw the pilot come on board; I can't tell how many men were in the boat—I believe three or four; we made two or three tacks before the pilot came on board; we made seven or eight tacks after he came on board and before she struck; we got on shore through being too close; we came too near the land, and the wind was not able to fill the sails; the captain told the pilot before he came so near he'd better let go the anchor; the pilot said there was time enough yet; the ship did stay well as she was working into the port; the sails were all in perfect order when she missed stays; I got orders first to clear the anchor just a moment before she struck; I was attending more to the anchors than to what the ship was doing; the pilot ordered me to get the boat ready, not the captain.

By Mr. May :—Your rope from the boat was not thrown aboard, but a rope-end was thrown to you from the vessel.

C. CHRISTOFFERSEN.

Sworn before me, at Sydney, 18 September, A.D. 1873,—
FRANCIS HIXSON, J.P.

By the President :—Joseph Early, sworn, states:—I am a master in the coasting trade; I was coast pilot to the "Oscar"; I boarded her about 5 miles the other side of Bird Island; I brought her towards Sydney; the Sydney pilot came on board to relieve me; he boarded us between the Heads; I mark where the pilot boarded us, to the S.W. of the North Head, inside; we came down about 9 knots; we were about half an hour off the Heads before the pilot came; he boarded us while we were in stays off the North Head on the second tack; there was a good breeze to work her into the harbour—rather too much; the pilot worked her in with the assistance of the captain; I think there was something the matter with the jib just before we got on shore; I am not sure, but I think the damage was repaired before the helm was put down to stay her; she got on shore through missing stays; we tried to put her round, and a puff came and put her on shore; she lost way, but would not come round; when she paid off again to the wind, we tried to wear her to get her right round; when the pilot saw there was not sufficient wind, he tried to wear her and get her right round; I could not say how far we were off the land; I was at the wheel—that is, when she missed stays; if I had been in charge of the vessel, and thought there was not room to wear her, I would have let go the anchor; I believe in this instance I would have tried to bring her head to wind and drop the anchor; as far as I could see, the crew worked well; the wind was westerly, and half

a gale of wind, not much swell on; I believe the line of the pilot's boat was let go, and not payed out; I heard the pilot say that somebody had let go the painter; he said—"Never mind, we'll pick her up next tack"; I did not see what the boat did—I never saw her again till next morning; I don't know who gave the orders to leave the vessel; the captain asked me about the boat going for a steamer, and I said—"If she goes we'd better all go"; I think we done as far as ever we could; after trying to get into the Heads we made for Manly; I went with the captain to the "Breadalbane" steamer; I went on board and sang out at both ends, but no one heard me—I could not find anybody; we gave up the idea then of going out to look for the vessel; just before we got round the North Head we could see a light outside, which I believe to be the vessel drifting to sea; I believe the vessel sank because of the water she had in her; the pilot picked up some of the things belonging to her; our last sounding was 3 ft. 6 in.; I took them myself; when we left the vessel I consider she was in a dangerous position; it was about an hour from the time she struck to when we deserted her; from the time of my last sounding her to the time of leaving her was about half an hour; I heard it said that the water was over the ballast; the vessel steered well.

By Captain Broomfield:—We had a flag for a pilot 10 miles before we came into the Heads; I took the helm when the pilot came aboard; when the vessel was partially taken aback, the pilot's orders were "Keep her full"; I put the helm up then; from the time the pilot gave me the order to "Keep her full" until the order "Hard a lee" was given was three or four minutes; the next order was to put the helm "hard up"; he let go the spanker sheet and hauled the foresail up; after the foresail was hauled up it was two minutes before she struck.

Cross-examined by Mr. May:—The anchor was let go before the vessel struck; the second anchor was not let go until after the vessel struck; I heard you asking for the sounding-rod; I heard you ask for a lantern; I did not see one; the crew were Malays; the orders were interpreted through the captain; the vessel was very light; you talked to the crew in a foreign language; they seemed to understand you; I did not see the pumps used.

JOSEPH EARLY.

Sworn before me, at Sydney, the 18th September, 1873,—

FRANCIS HIXSON, J.P.

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23 *SEPTEMBER*, 1873.

Members Present:—

CAPTAIN HIXSON, PRESIDENT.

CAPTAIN BROOMFIELD, | CAPTAIN FAIRCLOUGH,
MR. G. R. DIBBS.

By the President:—L. S. Kiolseth, sworn, states:—I was master of the "Oscar" when she was wrecked at the Heads; my vessel was boarded about between the Heads by the pilot; I put her about twice before the pilot came on board; she made several tacks under the pilot's charge—a great many; the pilot made no complaint, when he came on board, about the working of the ship; the tack of my jib carried away shortly before I got on shore; it was repaired again immediately; I told the pilot it was ready when he required it; he did not say he wanted it; the wind headed the vessel shortly before she got ashore; the sails shook—the vessel's way was partly stopped; the helm was put up again; she filled again and gathered way through the water; I could not tell whether she gathered head-way; the pilot tried to stay her after that; she missed stays; I advised him to let go the anchor; he said—"No, this is no anchorage, there is plenty room to wear her"; the helm was put up to wear ship; after this the spanker was brailed up, afterwards we shivered the main-yard; the jib was not hoisted; the after-yards were squared a little; he foresail was clewed up, I think, altogether; I heard the order given to clew up the foresail; the wind was, I think, more or less abeam at this time; the foretopmast stay-sail was on the ship the whole time, as far as I remember; the topsails were on at all this time; the mainsail was furled; the wind was very strong in puffs; the weather was clear; I could see the land well; there was no swell to speak of; the pilot made no complaint about the working of the ship; he once grumbled at the main-brace fouling.

By Mr. Dibbs:—The pilot boat left the ship after the pilot got on board; I received the pilot at the gangway; I did not observe the painter handed up; I did not observe the boat towing astern; I lost the run of her; if the boat had been cast off from the ship, we could have picked her up on the next tack; I was annoyed that the chief officer was not ready with the ladder, and went to excuse him; the pilot was out of temper on account of it, and said,—"Damn the bloody ship and all."

Cross-examined by Mr. Want:—I have had some experience at sea, thirteen years captain; I don't think the pilot lost my ship willfully; he may have done his duty, but as captain of my ship I would not attempt to wear my ship with so little room; I think there is 15 or 20 fathoms water about where my ship struck; my ship drew 9 feet 4 inches; if the water was as deep right up to the shore as it was out a little I do not think there was room to wear the ship; the anchor was not let go immediately she missed stays; after the ship missed stays the pilot did not give orders to haul the weather-braces to make the foresails go back; the foresails did not come aback until she struck on the rock; I let the second anchor go after she struck, when I saw her filling with water; the first anchor touched just as the vessel struck; I saw the chain after slack; I did not see it part, and don't know when it did part; the chain snapped after the vessel got afloat again; she was not afloat when I dropped the second anchor, and I dropped it as I saw the ship was going to sea; the first anchor dropping and the striking occurred at the same time; I suppose the chain was broken, because it was quite slack; I believe it was parted; I saw it broken, as I supposed, some time after the vessel struck; I did not see the pilot and my coast pilot hauling on the fore-braces themselves, and they did not; I did not see them do everything to prevent the vessel forging ahead; I don't think they could have done it; my mate is Mr. Christoffersen; he has been first mate about two months, before that second mate some months, and he shipped as second mate in China; he signed articles as second mate; there was not a regular row between me and my first mate when the pilot got on board; we spoke Danish, but there was no row; I did not tell May, the pilot, that there had been a row between us; I don't remember telling the pilot that since the first mate

died

died I had had a great deal of trouble with my officers; I did not point out that the mainsail was torn, but I know it was torn on the starboard leech; I supposed he ordered that sail to be furled because there was too much wind; he told me to furl the sail because it was useless; the jib was not going down when the pilot went on board; I don't know that I told the pilot the vessel would stay as well without as with the jib; she would I know; when I was staying the vessel myself I took the jib down; we were off south reef, I think, when the jib-tack gave way; the vessel had then filled well on the port tack; when the jib carried away the pilot asked me what had happened and I told him; I told him it was only the jib-tack gave way, and it was all ready; I believe, I supposed, the jib had split; I went forward and came aft and told the pilot it was ready; I think the ship was about midway between the Heads then; they were holding in when I saw it; the mate ordered the jib to be taken down; the mate ordered the jib to be taken down, to save it being broken; my chief officer speaks Malay and Chinese enough to give orders; I give orders when I am in charge, but I do not when the mate is in charge; I did not interpret the pilot's orders—he gave them himself in Malay; the pilot asked me to stay alongside of him when he came on board; I don't know for what purpose; I took Mr. Early on board off Bird Island; I will swear that my vessel was not on her beam-ends off Bird Island; I told them I wished to get inside to touch my ship up, as she was sold on approval; I did not tell the pilot I could not set the gaff-topsail, maintopgallant-sail, and topmast-staysail, because they were not fit; I did tell him about the gaff-topsail; there was too much wind; I did not tell the pilot it was my officers' fault that the tacks were not let go; Pilot May mentioned about the boat just after the ship struck—this was shortly after; the first anchor was not let go when the vessel missed stays, but when or just about as she struck.

By Captain Fairclough:—The pilot did not at any time make any complaint about my crew or the working of the vessel; he said she worked nicely.

By Mr. Want:—Everything was done by the pilot in the discharge of his duty, except that he tried to wear the ship when she was too close to the land.

L. S. KIOLSETH.

Sworn before me, at Sydney, the 23rd September, A.D. 1873,—

FRANCIS HIXSON, J.P.

By the President:—Joseph Early, sworn, states:—I was coast-pilot of the "Oscar"; I boarded her near Bird Island; she was brought down off Sydney Heads under my charge; the crew worked properly as far as you could expect for Malays; I made two tacks with the vessel before the pilot boarded her; I went to the wheel when the pilot took charge; I did not steer the whole time, but most of it, until she struck; the captain called me to supper, and I was away from the wheel then; the vessel did not miss stays when I worked her; the wind headed her and shook the sails just before she got on shore; I got the order to keep her full; before this, there was something the matter with the jib; it was, as far as my belief goes, repaired before the wind headed her; when the wind headed her, and the sails flapped, she was getting in more towards the Quarantine Station; I could not judge; the ship was then just about the inner North Head; she was more than a cable, I should say three cables, off the land when she missed stays; if the pilot had ordered me to put the helm down instead of up, I don't think the vessel would have gone round; the tack before that, almost the same thing occurred; she got very nigh aback, and the pilot said, "Keep her full," and afterwards, "See if she'll come"; she did not come. From the time the pilot gave the order to keep her full, until the helm was put hard a lee, it was two or three minutes; she was running about five knots then; the helm was put hard a lee, and she would not stay; when she missed stays I put the helm up; the spanker-sheet was let go, hauled the foresail up, squared the foreyard—the foresail was clewed up before the foreyard was squared; the braces might have been let go at the same time; the next thing was the anchor was let go; I could not be certain how the vessel was heading when the anchor was let go; the vessel had about six knots on her when the anchor was let go; the vessel touched soon after the anchor was let go—about a minute after; the anchor caught her and she struck at the same time; she did not yieldt o her anchor until she struck.

By Captain Broomfield:—The wind was on the beam when we hauled upon the forebraces; we hauled on the forebraces so that the ship would wear; it was not possible to lay the foreyard aback unless it was braced sharp up; she was riding head to wind when the second anchor was let go, striking; I don't know if the foretopmast stay-sail was set.

By Captain Fairclough:—The pilot did make some remark about the mainsail and the jib being carried away, but he did not complain of the men. I made two tacks before the pilot, and she worked well then.

Mr. Want:—I boarded just outside Bird Island; there was nothing wrong with the ship; she was not on her beam-ends; I have been a master-mariner, and know something about working a ship; I think the pilot did his duty as far as his judgment went; he gave proper orders; the crew were as well as you can expect from Malays, but you do not expect a very good crew with them; when I gave orders they had to be interpreted, and this took some time; I did not hear the pilot say the mainsail would have to be furled, because it was split, but I knew it was split; directly after it was furled it came down by the run; I do say the pilot had some difficulty in staying the ship before this; we were on the port tack when the jib carried away; the captain went forward to see what was the matter, immediately it happened; we were close to the south reef when the jib carried away—about 300 yards off; I don't know if the tack lashing carried away; I believe the captain told the pilot that the jib would be ready in a minute; when the sails were shaking there was good way on the vessel; she was going two or three knots; I think the pilot was right in trying to put the ship about; after this there was not room to wear the ship, *i.e.*, after she missed stays; the ship hung in the wind, and fell off immediately; perhaps she went back again; it was a dark night; there was no fault in the handling of the ship that she did not go about: I did not help the pilot to square the foreyard; I was steering, and believe the yards were swung, but I do not know what for; the chain snapped; I believe the vessel was going about six knots when the anchor was let go; this was almost immediately after she missed stays; about a minute after the anchor was let go the ship struck; I believe it was let go as soon as it could be; the pilot was perfectly sober; I saw him take a cup of tea on deck; he would not go below at the captain's invitation.

By

By Captain Fairclough :—The weather was quite calm when I boarded; I did not work the ship; the captain did it for me.

By Mr. Want :—If the jib had been hoisted, the ship would have come round more.

JOSEPH EARLY.

Sworn before me, at Sydney, the 23rd September, A.D. 1873,—
FRANCIS HIXSON, J.P.

By the President :—Joseph Siloa, sworn, states :—I am coxswain of Pilot May's boat; I put our own line aboard the "Oscar"; we were made fast with our line; one of the men took the line—a Chinaman; he took the rope aft of the fore-rigging; I had no orders from the pilot to leave the ship; we were cast adrift from the ship; we were annoyed about it; we had to pull in against a strong wind; I brought the boat ashore; I had no orders to do that.

By Captain Broomfield :—I could not pick the ship up—she went away to the S.E.; it was half-past 5, and soon came dark.

By Captain Fairclough :—We had four men in the boat; they are all here; it was a whaleboat.

By Mr. Dibbs :—We had been tacking a ship in that day before; the vessel had a flag for a tug, I mean the "Oscar."

his
JOSEPH + SILOA.
mark.

Witness—
W. J. WILSHIRE.

Sworn before me, at Sydney, 23rd September, A.D. 1873,—
FRANCIS HIXSON, J.P.

By the President :—William Downes, sworn, states :—I am one of Pilot May's crew, and was in the boat when he went to the "Oscar"; I believe our own rope went on board; we carry a rope for that purpose; the vessel went away after the line was taken on board; we tried to tow clear of the vessel, and we found it was cast off; we had no orders from the pilot to leave; one of the men said—"We are cast adrift"; the "Oscar" had a flag for a tug when we went on board; we pulled in of our own accord.

By Captain Broomfield :—I believe some one in our boat called out to let go our line; I may have sung out myself; it was blowing hard, and we had hard work to keep off the barque; we could have caught the "Oscar" again on the next tack if we had pleased; we thought we would not be required, and that is why we did not try to catch the barque.

his
WILLIAM + DOWNES.
mark.

Witness—
W. J. WILSHIRE.

Sworn before me, at Sydney, 23rd September, A.D. 1873,—
FRANCIS HIXSON, J.P.

William May, sworn, states :—I brought the "Duke of Sutherland" in and returned to Watson's Bay; there was a signal for a pilot and none on the station to go out; I did not land, but went out to the "Oscar"; when off the reef I saw the "Goolwa" coming in with the "Woodlark," and at the same time the "Oscar" was flying a flag for the tug; when I saw her first after rounding the south reef she was standing to the southward, his whole topsails, foresail, foretopmast-staysail, jib, and mizen, all set; the mainsail was hauled up, hanging to the brail; after I got half-way between the reef and the vessel the vessel went in stays standing to the northward, hauling his jib partly down when he went into stays, ship being very light; I don't know whether he saw me at first, but soon after he put her into stays; she was in stays when I went on board, the head yards had not been hauled round, her head was to the southward; I got on board, my rope being hove at the time; I mark where I got on board; after I got on board the captain seemed to be rather annoyed about a rope that ought to have been prepared for us; after this I told him it did not matter—I had my own rope; I was annoyed, and I did make use of some impatient remarks, but not the language attributed to me by the captain; after I was on board a little, the captain and chief officer had an altercation with the master in Danish; I could see from the attitudes that they were growling; the master said he had very much bother with his officers—that he had no chief officer on board, that the chief officer had died; after I got on the quarter-deck house I ordered the foreyard to be filled and we stood to the southward for about half an hour; the master came alongside of me on the poop and called attention to the mainsail being split, for which he blamed his officers for not letting go the main bowline when in stays; when I looked round I saw my boat riding astern—too far astern to hail; I gave no orders for her to be cast adrift, and did not know she was adrift until too far off to hail; I said "Botheration, the've let go my boat"; I said "We'll pick her up on the next tack"; I asked the master his reason for hauling his jib down, as I saw him do it on two occasions; he said "Sometimes she works better that way"; I kept it up purposely to try to see how she would stay with the jib up; I had plenty room there; I found she answered very well with it and did not haul it down; made several tacks; I made four tacks then off the south reef bearing S. and by W.; when in stays and swinging the main yard, something got into the block and we had to clear it; during that time the ship was paid off with head yards aback; shivered the head yards and eased off the head sheets to bring her up again to the wind; during that time I braced the main yard up, trimming all plain sail; I found something was the matter forward, and asked the captain what was the matter; he told me the jib was split; I asked him to go forward to see; he came aft and said the jib tack was gone and run to the mast head; I told him we could not do without the jib, and to get something done to it; we were then about half-way over; the jib not being ready in time when we got over; the captain had no word up to this time that the jib was ready again; I heard the jib was ready just as I was going to put the helm down; it was too late to use it on that tack; the ship's sails lifted and stopped her head-way; we had enough way to go about; if I had the jib ready I think

think she would have gone about; I would have had the same confidence on that tack as on any other if the jib had been set; when I found that she had missed stays I ordered the helm to be put up, the spanker to be brailed up, foresail hauled up, lowered the upper topsails down, ordered the weather braces to be hauled in, and let go the anchor; all this at the same time; the chain run out 20 or 30 fathoms when the chain snapped, and this happened before she struck the rock; the second anchor was let go just as she was striking; the first anchor checked her and brought her head round a little, and set the sails aback; under the circumstances the jib would only have forged her more ahead; the ship would have been all right, I think, if the chain had not parted; I did all I could to prevent her forging ahead so that the chain would hold; the night was dark; the ship was between two and three hundred yards from the shore when I tried to put her about, and I always make it a practice of keeping sufficient room to leeward in case of missing stays; I never gave my men orders to leave a vessel in the boat; finding the confusion there was on board I could not get anything further done.

By Mr. Dibbs:—There were no other vessels outside wanting a pilot that I knew of—I don't think any went to sea; two of the pilots were at the office that day; Mr. Coates told me he was subpœnaed by Captain Christison, and that he would be away from the bay, and would I take his ship; the "Duke of Sutherland" was Coates' ship, and the "Oscar" was Cork's; I went to the "Oscar" because there were no other pilots in the bay; I don't know where Cork was; I believe Jack was telegraphed for by his landlady; I am certain when I returned to Watson's Bay I was the only pilot there; my daughter told me so, and the signal to proceed was up.

WILLIAM MAY.

Sworn before me, at Sydney, 24th September, A.D. 1873,—

FRANCIS HIXSON, J.P.

By Mr. Want:—William May, resworn, states:—I made use of no expressions about there being no anchorage—the anchor was actually let go at the time of the alleged conversation; this was after I got on board the vessel outside; he asked if he could anchor there, and I said "No, it is not prudent to anchor here"; this was outside the Heads, when I first boarded him; I heard the captain say I spoke Malay; I know very few words of Malay; all the orders were interpreted by the captain; respecting my not using the jib, I wish to explain that if the wind had been before the beam I should have hoisted it.

By Captain Broomfield:—When I put the helm up it would not have been prudent to have hoisted the jib, as it would have forged the vessel ahead.

WILLIAM MAY.

Sworn before me, at Sydney, the 24th September, 1873,—

FRANCIS HIXSON, J.P.

Christian Christoffersen, sworn, states:—I was mate of the "Oscar" when she was wrecked; I did hear the master of the "Oscar" ask the pilot to let go the anchor; the pilot did not let go the anchor when the captain wanted him; but instead, the pilot said "Fill the mainyard and keep her off"; it was six or seven minutes from the time the captain asked the pilot to let go the anchor until he did let go the anchor; I let the anchor go by the pilot's orders; this was just before she touched; there was about a minute from the time the anchor was let go until the ship struck; the mainyard was square and the foreyard braced sharp full and bye.

By Mr Dibbs:—The anchor did not have any effect in stopping the vessel; the second anchor was let go after she got adrift again about five minutes; the captain gave the order for this to be done.

By Captain Fairclough:—The chain was tight when I tried it; I don't know when it parted; there was 20 fathoms before the windlass and 45 fathoms went out altogether on the first anchor; she was adrift when the second anchor was let go.

By Mr. Want:—I was forward all the time by the anchor; I was there before she missed stays; I was forward when the vessel missed stays; I was there the whole time; I think the captain and pilot was aft and sometimes amidships; I have not read or heard anything of the evidence given yesterday; the captain has not said anything to me about it; it was four or five minutes from the time she missed stays until she struck; the vessel was going 2 or 3 knots at this time; when she missed stays the vessel was about the ship's length off the shore then—not more; the jib was ready for hoisting very soon after the tack lashing carried away—a minute or two; this was a tack or two before the vessel missed stays.

By the President:—There was no disturbance between me and the captain about the ladder when the pilot came on board; I gave no impertinent answers to the captain—not since I have been on board.

By Mr. Want:—The captain spoke to the second mate about the rope for the pilot; he did not find fault with me about the ladder for the boat.

C. CHRISTOFFERSEN.

Sworn before me, at Sydney, 24th September, A.D. 1873,—

FRANCIS HIXSON, J.P.

Sydney: Thomas Richards, Government Printer.—1873.

[9d.]

1873–4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

RICHMOND RIVER BAR.

(PETITION OF RESIDENTS OF RICHMOND RIVER, RELATIVE TO.)

Ordered by the Legislative Assembly to be printed, 15 *January*, 1874.

To the Honorable the Members of the Legislative Assembly of New South Wales, in Parliament assembled.

The humble Petition of the undersigned Residents in the District of Richmond River, ship-owners, masters of vessels, and others engaged in trading to the Port of Ballina,—

HUMBLY SHOWETH:—

That the Port of Ballina, at the entrance of Richmond River, is the sole shipping port available for a population of 5,811 souls.

That during the year 1872, 206 vessels, viz., 45 foreign and 161 coasters, representing 21,335 tons, entered the Richmond; and during the same period 203 vessels, viz., 33 foreign and 170 coasters, representing 23,060 tons, left the river.

That during the first six months of the year 1873, 83 vessels, viz., 24 foreign and 59 coasters, representing 8,233 tons, entered, and 85 vessels, viz., 18 foreign and 67 coasters, representing 8,675 tons, left, the Richmond.

That from the 1st July, 1873, to 18th November, 103 vessels, viz., 22 foreign and 81 coasters, entered, and 96 vessels, viz., 19 foreign and 77 coasters, left, the Richmond.

That during the first four months of the present year, in consequence of the state of the Bar, 39 vessels were detained for periods of from 9 to 17 weeks, causing great loss to all concerned; and that such detentions, at the same season, are almost periodical occurrences.

That in the district of the Richmond 24,471 acres of land have been sold at auction, and in right of improvements made; and 101,042 acres have been conditionally purchased by 1,421 free selectors.

That acccording to the last returns, the district contained 5,811 inhabitants, 1,937 electors, 4,900 horses, 106,000 head of neat cattle, 1,900 pigs, and 55,000 acres under cultivation; and that it is the chief timber producing district in New South Wales.

That of cattle alone upwards of £50,000 are annually sold to leave the district, independently of those consumed in it; and the exports of produce by sea during the year 1872 were valued according to Customs returns at upwards of £80,000.

That the entrance to Richmond River is over a dangerous shifting bar, on which and otherwise in consequence of which during seventeen years thirty-two vessels have been totally lost, and a large number of others have been seriously damaged; and that in consequence of the frequent detention of vessels ready to leave the port, through the same cause, the charges for freight and insurance have risen to such enormous rates as to materially affect the prosperity of all engaged in agriculture, the timber trade, and commerce in general.

That in consequence of the difficulties to be encountered at the bar, wealthy individuals as well as companies have been deterred from the purchase of land for sugar plantations, although particularly suitable for such a purpose, as well as from the erection of sugar and saw mills.

That there is still in the district a vast amount of land of the richest quality remaining unsold, of which, however, many settlers are afraid to avail themselves, in consequence of the serious drawback to which your Petitioners have referred.

That your Petitioners have good reason to believe that the Richmond Bar is capable of great improvement, and, taking into consideration the large return the district has yielded in support of the general welfare of the Colony, consider your Honorable House would be doing an act of justice too long deferred by directing such steps to be taken as might lead to a removal or amelioration of the obstruction to prosperity under which they are at present suffering.

That your Petitioners therefore pray your Honorable House will take the premises into your favourable consideration, and cause such steps to be taken that the entrance to Richmond River shall be thoroughly examined by some competent engineer acquainted with the nature of bar harbours, with a view to the construction of such work, or the effecting such improvement at the entrance of the river, as may remove or greatly ameliorate those obstructions in consequence of the existence of which such serious and frequent losses of valuable property have occurred, which during a number of years it has been the misfortune of your Petitioners to have endured.

And your Petitioners, as in duty bound, will ever pray.

[*Here follow* 160 *Signatures.*]

1873–4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

SUBORDINATE ROADS UNDER TRUSTEES.

(SHOWING PROPOSED DISTRIBUTION OF VOTE ON ESTIMATES.)

Ordered by the Legislative Assembly to be printed, 10 *March*, 1874.

CLASSIFICATION AND PROPOSED DISTRIBUTION FOR 1874.

No.	Class.			Length in Miles.		Proposed Expenditure.
	1872.	1873.	1874.		**Northern Roads.**	£
1	3	3	3	5	Road from Middle Harbour to Pittwater Road	75
2	3	3	3	16	„ Manly Cove to Pittwater	240
3	...	...	5	16	„ Newcastle to Lake Macquarie Heads	112
4	4	4	4	9	„ Newcastle Municipality to Wallsend	90
5	5	5	5	13	„ Wallsend to Maitland and Gosford Road at Cooranbong	91
6	...	5	5	5	„ Cooranbong Wharf to Dora Creek...	35
7	5	5	3	17	„ Stockton to Raymond Terrace	255
8	5	5	5	5	„ Stockton and Raymond Terrace Road to Saltash ...	35
9	4	2	2	31	„ Raymond Terrace to Stroud	775
10	5	3	3	73	„ Stroud, *viâ* Gloucester, to Tinonee	1,095
11	5	5	5	17	„ Tinonee and Gloucester Road to Clarkin's Crossing, Wollomba River...	119
12	5	2	2	7	„ Tinonee to Cundle	175
13	5	2	2	5	„ Cundle to Jones' Island	125
14	...	...	3	5	„ Ghinni Ghinni Creek, through Jones' Island, to Lansdowne River	75
15	5	5	5	12	„ Tinonee to Bohnock...	84
16	6	6	6	6	„ Tinonee to Wingham Ferry	30
17	4	4	4	7	„ Through Oxley Island	70
18	5	5	5	2	„ Tinonee and Bohnock Road to south channel of the Manning River (Redbank Road)	14
19	6	6	4	8	„ Tinonee and Cundle Road to Wingham	80
20	5	5	5	11	„ Wingham to Wherrol Flat, Dingo Creek	77
21	...	...	6	7	„ Burril Creek to Wingham and Black Flat Road ...	35
22	5	4	4	16	„ Wingham, on the left bank of the Manning River, to Black Flat	160
23	5	5	5	11	„ Wingham and Wherrol Flat Road, up eastern branch of Dingo Creek, *viâ* Marlee Flat, to Bobin Flat	77
24	...	...	4	4	„ Morton's Creek to Papenborough Creek, on north bank of Hastings River	40
25	5	5	5	16	„ Rolland's Plains to Upper Plains	112
26	5	5	5	4	„ Rolland's Plains to Ballingara Wharf	28
				328	Carried forward ... £	4,104

No.	Class.			Length in Miles.		Proposed Expenditure.
	1872.	1873.	1874.		**Northern Roads—continued.**	£
				328	Brought forward	4,104
27	5	5	5	3	Road from Raymond Terrace and Stroud Road to Raymond Terrace and Seaham Road (Miscal's Road) ...	21
28	5	5	5	6	„ Raymond Terrace and Stroud Road to Raymond Terrace and Clarence Town Road (Caswell's Road)	42
29	5	5	5	4	„ Raymond Terrace and Stroud Road, *viâ* the Duck-hole Swamp, towards the Parading Ground ...	28
30	4	4	4	19	„ Raymond Terrace, by east side of Williams River, to Clarence Town	190
31	3	3	3	8	„ Raymond Terrace to Hinton	120
32	3	3	3	4	„ Raymond Terrace and Hinton Road to Seaham ...	60
33	3	3	2	6	„ Raymond Terrace, towards Maitland, to its junction with the Morpeth Road	150
34	3	3	3	5	„ Junction of Morpeth Road with Raymond Terrace and Maitland Road to East Maitland	75
35	3	3	3	4	„ Raymond Terrace and Maitland Road to Morpeth Municipality	60
36	...	...	2	2	„ Raymond Terrace and Maitland Road to River Hunter	50
37	5	5	5	6	„ Raymond Terrace to Hexham	42
38	5	5	5	5	„ Alnwick to Hexham	35
39	5	5	5	8	„ Hexham to Fullerton Cove	56
40	2	2	2	4	„ East Maitland Municipality to Oak Vale	100
41	3	2	2	14	„ Oak Vale to the Broken-back Gap	350
42	2	3	3	5	„ East Maitland, *viâ* Largs, to Dunmore Bridge ...	75
43	2	2	2	22	„ Dunmore Bridge to Paterson and Gresford ...	550
44	3	3	3	16	„ Dunmore Bridge to Seaham and Clarence Town ...	240
45	4	4	4	13	„ Paterson and Gresford Road to Clarence Town and Dungog Road	130
46	2	2	2	6	„ Clarence Town, towards Dungog, to south boundary of J. D. Walker's 1,280 acres	150
47	2	2	2	8	„ South boundary of J. D. Walker's 1,280 acres to Dungog	200
48	4	4	3	17	„ Gresford to Eccleston	255
49	4	4	3	12	„ Gresford to Lowstock	180
50	3	3	3	9	„ Largs, *viâ* Tocal, to Paterson	135
51	3	3	3	6	„ West Maitland to Dunmore	90
52	...	...	4	3	„ Union Inn, Rutherford, to Crossing of the Hunter at Melville	30
53	4	4	4	3	„ The north boundary of West Maitland Municipality, up the right bank of Hunter's River	30
54	2	2	2	4	„ Morpeth Municipality, *viâ* Hinton Punt, to Dunmore and Seaham Road	100
55	4	4	4	4	„ Dunmore and Seaham Road, *viâ* Butterwick, to Dunn's Creek	40
56	2	2	2	3	„ West Maitland, *viâ* Louth Park, to East Maitland and Brisbane Water Road	75
57	5	5	5	15	„ West Maitland to Mulbring Creek	105
58	...	...	4	10	„ Mulbring to Ellalong (Quarrybylong Road) ...	100
59	3	3	3	17	„ The Maitland and Paterson Road within L. Harris's 1,114 acres to Luskintyre	255
60	5	5	5	10	„ Lochinvar, *viâ* Windermere, to Pritchett's 2,000 acres, and loop-line to same place, *viâ* Kaloudah	70
61	...	...	4	5	„ Branxton, *viâ* Dalwood Ford, to Irishtown ...	50
62	5	5	5	7	„ Deep Creek to Allandale Railway Station ...	49
63	3	2	2	5	„ Morpeth Municipality to Four-mile Creek ...	125
64	4	4	3	2	„ Morpeth Municipality to Largs	30
65	5	5	5	4	„ Morpeth and Largs Road, through Phœnix Park and Abbotsford, to M'Clymont's Swamp ...	28
66	5	5	3	4	„ Morpeth Punt, through Phœnix Park, to Largs ...	60
67	5	5	5	9	„ Clarence Town to Half-way House on Raymond Terrace and Stroud Road	63
68	5	5	5	8	„ Clarence Town, *viâ* Glen William, to Clarence Town and Dungog Road, at south boundary of J. D. Walker's 1,280 acres	56
69	3	3	3	8	„ Dungog to Chichester River	120
70	5	5	5	15	„ Dungog and Chichester Road to Underbank ...	105
71	5	5	5	6	„ Dungog and Gloucester Road to Fosterton ...	42
72	5	5	5	13	„ Dungog and Monkerai Road to Stroud	91
				695	Carried forward ... £	9,112

No.	Class.			Length in Miles.		Proposed Expenditure.
	1872.	1873.	1874.		**Northern Roads—continued.**	£
				695	Brought forward	9,112
73	5	5	5	14	Road from Upper Myall to Bullahdelah	98
74	5	5	5	14	„ Dungog, *viâ* Monkerai, to Stroud and Gloucester Road at Langworthy's	98
75	3	3	3	23	„ The Broken-back Gap, *viâ* Wyee, to Wyong Creek	345
76	3	3	2	13	„ Wyong Creek to Gosford	325
77	...	...	3	11	„ Main Northern Road near Laguna, Wollombi, to Upper Wattagan Creek...	165
78	5	5	4	8	„ Gosford to Kincumber	80
79	...	3	3	8	„ Erina Creek, near East Gosford, to Long's Grant	120
80	5	5	4	10	„ Wyong Creek to Bumble Hill	100
81	5	5	4	10	„ Bumble Hill to the Blood-tree	100
82	5	5	4	6	„ The Blood-tree to Mangrove Creek, at Pemberton's Hill	60
83	5	5	5	21	„ Bullock Wharf to upper part of Mangrove Creek...	147
84	5	5	5	4	„ Town of Ellalong to Main Road from Maitland to Wollombi	28
85	5	5	5	11	„ Wollombi Road to Congewai	77
86	5	5	5	29	„ Wollombi to Warkworth	203
87	5	5	5	60	„ Wollombi and Warkworth Road to Colo River (Bulga Road)	420
88	5	5	5	44	„ Wollombi to Wiseman's Ferry	308
89	5	5	5	15	„ St. Alban's, up the M'Donald River, to Melon Creek, and up that Creek	105
90	4	4	4	3	„ Wiseman's Ferry Road into Parish of North Colah	30
91	3	3	2	20	„ Main Northern Road, near West Maitland, *viâ* Cessnock, to the Dividing Range	500
92	3	3	2	13	„ The Dividing Range to Wollombi	325
93	2	2	2	1	„ Tomago Crossing-place to Railway Station at Hexham	25
94	4	4	4	9	„ Main Northern Road, near Anvil Creek, to Glendon Brook	90
95	4	4	4	4	„ Anvil Creek and Glendon Brook Road to Stanhope	40
96	5	5	5	14	„ Main Northern Road, near Black Creek, to Cessnock, on Wollombi Road	98
97	5	5	5	11	„ Main Northern Road, near Black Creek, *viâ* Glendon, to Main Northern Road, near Singleton...	77
98	3	3	3	16	„ Main Northern Road, near Munnimba Brook, *viâ* Warkworth to Jerry's Plains Road	240
99	...	...	5	20	„ Singleton to Cooper's Flat...	140
100	...	...	5	5	„ Cooper's Flat Road to Karakoora Creek	35
101	...	5	5	20	„ Singleton to Goorangoola	140
102	...	...	5	10	„ Camberwell to Goorangoola Road...	70
103	...	...	5	15	„ Goorangoola Road to Carrow Brook	105
104	3	3	4	4	„ Singleton, *viâ* Abbey Green, towards Bulga Road..	40
105	5	5	5	11	„ Wittingham Reserve to Broke, Wollombi Brook ...	77
106	5	5	5	5	„ Singleton and Jerry's Plains Road to Warkworth..	35
107	2	2	2	15	„ Muswellbrook to Merton	375
108	5	5	5	39	„ Scone to Merriwa	273
109	5	5	5	34	„ Scone to Denison Diggings, at Moonan	238
110	5	5	5	8	„ Box-tree Flat to Blandford	56
111	...	...	5	5	„ Murrurundi up Page's River	35
112	...	...	5	50	„ Tamworth to Gunnedah	350
113	...	...	5	30	„ Coonabarabran to Baradine...	210
114	5	5	4	69	„ Armidale Municipality to Inverell	690
115	...	...	5	45	„ Inverell to Warialda...	315
116	...	5	5	18	„ Inverell to the M'Intyre River	126
117	4	4	4	4	„ Main North Road, at Uralla, to the Rocky River...	40
118	...	...	5	18	„ Missibotti, *viâ* Bowra, to Nambuccra Heads ...	126
119	5	5	5	25	„ Frederickton to Macleay River Heads	175
120	...	...	5	18	„ Frederickton, *viâ* Klybucca, to Macleay River Heads	126
121	5	4	4	10	„ West Kempsey to Darkwater Creek	100
122	...	...	5	4	„ Kempsey to Frederickton	28
123	...	3	3	11	„ Fernmount to Never Never	165
124	4	4	4	18	„ Grafton to Smith's Flat	180
125	...	...	6	9	„ Wardell to Tuckombil (Richmond River)	45
				1,607	Total miles.	£ 17,611

No.	Class.			Length in Miles.		Proposed Expenditure.
	1872.	1873.	1874.		**Western Roads.**	£
126	...	2	2	3	Road from Main Western Road to Canterbury	75
127	4	2	2	2	„ Main Western Road to Railway Station at Haslem's Creek	50
128	3	3	3	6	„ Main Western Road, near Parramatta, to Main Southern Road (Dog-trap Road)	90
129	...	...	3	2	„ Dog-trap Road to Fairfield Railway Station ...	30
130	5	4	4	3	„ Irish Town to Haslem's Creek Railway Station ...	30
131	3	1	1	2	„ Main Western Road, at Burwood, to Main Southern Road	100
132	4	4	4	5	„ Main Southern Road, near Burwood, over Cook's River, into Parish of St. George	50
133	5	5	3	2	„ Main Western Road to Government Wharf at Longbottom	30
134	4	4	4	2	„ Kenyon's Bridge, towards Cabramatta, to boundary of Liverpool Municipality	20
135	5	5	3	2	„ Longbottom to Breakfast Point	30
136	2	2	2	13	„ North Willoughby Municipality to Pennant Hills	325
137	2	2	2	3	„ Parramatta to Ryde	75
138	2	2	2	1	„ Pennant Hills, at Duggan's Corner, to Parramatta and Ryde Road	25
139	2	2	2	1	„ Parramatta and Ryde Road to Pennant Hills Wharf	25
140	3	3	3	7	„ the Western Boundary of Ryde Municipality, at Duggan's Corner, *viâ* Pennant Hills, to Castle Hill, to the Road from Baulkham Hills to G. Acre's 1,500 acres at Dural	105
141	...	...	2	1	„ Castle Hill to the Old Parramatta Road	25
142	3	3	3	3	„ Main Western Road towards Parramatta River (Concord Road)	45
143	2	2	2	4	„ Parramatta to Pennant Hills	100
144	5	5	5	8	„ Main Western Road, near St. Mary's, to Orphan School Road	56
145	5	5	3	8	„ Do. do. to Blacktown Road	120
146	5	5	5	10	„ Penrith Municipality at Faux's Corner, to Richmond	70
147	4	4	4	15	„ Do. do. to Bringelly Cross Roads	150
148	4	4	4	6	„ Bringelly Cross Roads to the Road from the Main Southern Road, to Cobbitty	60
149	4	4	4	11	„ Parramatta and Windsor Road, at Baulkham Hills, to south boundary of G. Acre's 1,500 acres at Dural	110
150	5	5	6	15	„ South boundary of G. Acre's 1,500 acres at Dural, to its junction with Pitt Town and Wiseman's Ferry Road (Great North Road)	75
151	4	4	4	19	„ Parramatta to Windsor	190
152	2	2	2	5	„ Windsor Road to Pitt Town Punt	125
153	2	2	2	1	„ Windsor Road to Mulgrave Railway Station ...	25
154	...	2	3	3	„ Windsor Road to Riverstone Railway Station ...	45
155	...	...	2	3	„ Blacktown Road to Riverstone Railway Station ...	75
156	4	4	2	4	„ Parramatta and Windsor Road, through Pitt Town Bottoms	100
157	5	5	5	4	„ Broken-back Bridge to Pennant Hills	28
158	4	4	4	20	„ Pitt Town to Wiseman's Ferry	200
159	5	5	5	5	„ Pitt Town Punt to Churchill's Wharf	35
160	4	4	3	5	„ Windsor, *viâ* Wilberforce, to Pitt Town Punt and Churchill's Wharf Road	75
161	5	5	4	5	„ Enfield to Freeman's Reach	50
162	5	5	3	4	„ Freeman's Reach to Windsor Punt	60
163	5	5	5	6	„ Wilberforce and Churchill's Wharf Road, *viâ* Page's Punt, to Pitt Town and Wiseman's Ferry Road	42
164	5	5	5	2	„ Churchill's Wharf and Page's Punt Road to Sackville Reach	14
165	5	5	5	8	„ Churchill's Wharf to mouth of Colo River ...	56
166	5	5	5	5	„ Windsor to Richmond	35
167	3	3	2	3	„ Windsor to Cornwallis	75
168	4	4	2	3	„ Richmond to Richmond Bottoms	75
169	3	3	3	2	„ Windsor to Blacktown Road	30
170	5	5	5	4	„ Blacktown Road, *viâ* Dight's Hill, towards Richmond Bridge	28
171	3	3	2	2	„ Richmond to New Bridge	50
				248	Carried forward ... £	3,284

No.	Class.			Length in Miles.	Western Roads—continued.	Proposed Expenditure.
	1872.	1873.	1874.			£
				248	Brought forward	3,284
172	4	4	4	9	Road from Main Western Road, near Parramatta, through Domain, and by Old Windsor Road, to Windsor Road	90
173	3	3	3	19	„ Main Western Road, near Prospect, to Richmond (Blacktown Road)	285
174	5	5	5	6	„ Blacktown Road to Windsor Road...	42
175	3	3	3	10	„ Penrith Municipality, *viâ* Castlereagh, to Richmond	150
176	4	4	4	10	„ Richmond Bridge to top of the Big Hill (Kurrajong)	100
177	5	5	5	9	„ Enfield and Wood's Falls Road, opposite Belmont, *viâ* Box Hill, to Bell's Line, North Kurrajong..	63
178	5	5	5	40	„ The Big Hill (Kurrajong) to Mudgee Road, near Bowenfells (Bell's Line)	280
179	5	5	4	4	„ Yarra Mundi Road, *viâ* Wood's Falls, to Road from Richmond Bridge to Kurrajong	40
180	5	5	5	4	„ Penrith Municipality to Greendale	28
181	5	5	5	2	„ Penrith and Greendale Road, at Mulgoa Church, to the Penrith and Bringelly Road	14
182	4	4	4	10	„ Main Western Road, at Little Hartley, to Ganbenang Swamp	100
183	6	6	6	30	„ Main Western Road, at Magpie Hollow, near Bowenfells, *viâ* the Sod Walls and Mutton's Falls, to O'Connell Plains (Lockyer's Line) ...	150
184	4	4	4	5	„ Hartley to Blaxland's Swamp	50
185	...	...	2	4	„ Bowenfells to Blaxland's Swamp	100
186	5	5	5	7	„ Blaxland's Swamp to Antonio's Creek (part of Old Bathurst Road)	49
187	4	4	4	30	„ Hartley, *viâ* Glenroy and Bindo Flats, to Fish River Creek Bridge, near Oberon	300
188	...	...	5	17	„ Ginkin to the Fish River Creek and Hartley Road	119
189	6	6	6	10	„ Mudgee Road, near Middle River, to Main Western Road at Meadow Flat	50
190	...	...	5	7	„ Lithsdale, Mudgee Road, to Wolgan Valley ...	49
191	4	4	4	18	„ Mudgee Road to Rylstone	180
192	5	5	5	22	„ Cudgegong Municipality to Rylstone	154
193	5	2	2	14	„ Cudgegong Municipality to Hargraves	350
194	5	5	5	20	„ Cudgegong Municipality, near Grattai, *viâ* Windeyer and Upper Pyramul, to the Sally's Flat and Tabrabucca Road, at Suttor's 640 acres ...	140
195	4	2	2	28	„ Kelso, *viâ* the Limekilns, to Peel and Sofala Road..	700
196	5	3	3	15	„ Limekilns Road to Palmer's Oakey Road and Upper Turon	225
197	5	5	5	9	„ Kelso and Sofala Road, at Cheshire Creek, to Upper Turon	63
198	5	4	4	12	„ Sofala to Palmer's Oakey Creek	120
199	5	5	5	18	„ Sally's Flat to Hargraves	126
200	5	5	5	7	„ Lower Turon and Tambaroora Road, near Sally's Flat, to Grattai and Tabrabucca Road, at G. Suttor's 640 acres	49
201	5	3	3	4	„ Bathurst Road, at Kirkconnell, to Mitchell's Creek Quartz Reefs	60
202	6	5	5	12	„ Mitchell's Creek Quartz Reefs, towards Palmer's Oakey	84
203	5	5	5	22	„ Kelloshiel, *viâ* White's Crossing, to Little Forest...	154
204	5	5	5	12	„ Bathurst and Ophir Road, near Stewart's, at Moulder's 333 acres, *viâ* Emu Swamp, to Orange and Ophir Road	84
205	...	...	4	3	„ Bathurst and Rockley Road, to Camping Reserve, on the Vale Creek Road	30
206	5	5	5	20	„ Rockley to the Isabella River	140
207	5	5	5	18	„ Bathurst and Cowra Road, *viâ* Grubbenbong Creek, to the Abercrombie River	126
208	...	...	2	4	„ Great Western Road at Dr. Favelle's, to Junction with Guyong and Icely Road, at Byng ...	100
209	5	5	5	12	„ Orange to Icely, *viâ* Byng	84
210	5	5	5	6	„ Guyong, *viâ* Byng, to Tom's, on the Orange and Icely Road	42
211	...	...	4	12	„ Orange to Canoblas	120
212	...	...	4	16	„ Orange to Cadia	160
213	...	...	5	9	„ Lucknow to Junction with Vittoria and Carcoar Road at Cochrane's	63
				794	Carried forward ... £	8,697

No.	Class.			Length in Miles.		Proposed Expenditure
					Western Roads—continued.	
	1872.	1873.	1874.			£
				794	Brought forward	8,697
214	...	...	6	10	Road from Great Western Road at School-house, Guyong, to Orange and Carcoar Road at M'Kenna's ...	50
215	5	5	5	44	„ Cowra to Young	308
216	...	...	5	16	„ Cowra to Hovell's Creek	112
217	4	4	4	13	„ Bathurst and Caloola Road to Tea-pot Swamp ...	130
218	...	...	4	13	„ Carcoar, *viâ* Village of Shaw to Teapot Swamp ...	130
219	4	4	4	30	„ Bathurst, by Gorman's Hill and Lagoon, to Campbell's River	300
220	5	5	5	11	„ Mutton's Falls to Fish River Creek Bridge, near Oberon	77
221	5	5	4	8	„ O'Connell's Plains, *viâ* Alick's Swamp, to Wiseman's Creek	80
222	...	5	2	9	„ Peel to Duramana	225
223	5	5	5	20	„ Oberon to Swatchfield	140
224	6	6	6	50	„ Orange to Nanima	250
225	5	5	5	16	„ Stony Creek to Burrendong	112
226	5	5	3	27	„ Stony Creek to Wellington...	405
227	...	...	3	45	„ Dubbo to Cobborah	675
				1,106	Total miles.	11,691
					Southern Roads.	
228	2	2	2	7	Part of Road from Sydney to South Head (Upper South Head Road)	175
229	2	2	2	5	Lower South Head Road...	125
230	2	2	2	1	Road from Upper to Lower South Head Road (Point Piper Road)	25
231	2	2	2	1	„ Upper to Lower South Head Road (Glenmore Road)	25
232	2	2	2	1	„ Lower South Head Road to Darling Point ...	25
233	4	4	4	4	„ Sydney to Coogee (Randwick Road)	40
234	4	4	4	3	„ Randwick Road to Upper South Head Road at Waverley...	30
235	2	2	2	4	„ Sydney to Botany Bay (Mudbank Road)	100
236	4	4	4	2	„ Mudbank Road to Botany Bay (Gardner's Road)	20
237	4	4	4	2	„ Mudbank Road, at Williamson's, *viâ* Franksville, to Cook's River Road	20
238	2	2	2	3	„ Mudbank Road to Banks' Meadow (Bunnerong Road)	75
239	4	4	4	2	„ Banks' Meadow, *viâ* Lord's and Handcock's, to the Bunnerong Road, near the Tannery	20
240	4	4	4	3	„ Undercliff Bridge to George's River Road ...	30
241	3	3	3	2	„ Newtown Road, near the Church, to the Botany Road	30
242	2	2	2	6	„ Cook's River Dam to Rocky Point (Rocky Point Road)	150
243	2	2	2	8	„ Rocky Point Road, near Dam, to George's River (Forest Road)	200
244	...	4	4	4	„ Illawarra Road to Bond's Road (Broad-arrow and Stony Creek Road)	40
245	3	2	2	2	„ Smithfield to Fairfield Railway Station	50
246	4	4	2	2	„ Main Southern Road to Punchbowl Creek ...	50
247	4	4	3	4	„ Punchbowl Creek to Saltpan Creek	60
248	3	3	3	10	„ Canterbury, *viâ* Saltpan Creek, to George's River	150
249	4	4	4	10	„ Liverpool Municipality to Penrith and Bringelly Road (Part of Orphan School Road)	100
250	...	4	4	8	„ Liverpool, *viâ* Holdsworthy, to Illawarra Road ...	80
251	...	...	5	2	„ Liverpool Municipality to Fairfield Railway Station	14
252	6	6	6	10	„ Main Southern Road to Campbelltown	50
253	5	5	4	6	„ Campbelltown to Menangle	60
254	...	...	3	2	„ Campbelltown Railway Station to Raby	30
255	4	4	2	4	„ Menangle to Main South Road, at foot of Razorback	100
256	5	5	5	12	„ Menangle to Picton	34
257	4	4	4	4	„ Main Southern Road at Camden to Road from Menangle to Main Southern Road	40
258	4	4	4	10	„ Main Southern Road, at Carne's Hill, towards Bringelly...	100
				144	Carried forward ... £	2,098

No.	Class.			Length in Miles.	Southern Roads—continued.	Proposed Expenditure.
	1872.	1873.	1874.			£
				144	Brought forward	2,098
259	5	5	5	3	Road from Main Southern Road to Campbelltown Road, near Denham Court	21
260	5	5	3	7	,, Main Southern Road to Cobbitty	105
261	3	3	3	2	,, Main Southern Road at Narellan, through Orielton, to Liverpool and Cobbitty Road	30
262	...	6	6	4	,, Great Southern Road, near Raby, to the Campbelltown Road	20
263	5	5	5	8	,, Cobbitty to Matavai, Westwood, and Vermont ...	56
264	5	5	5	7	,, Main South Road near Camden, to Mulgoa Forest and Vanderville	49
265	5	5	5	3	,, Main South Road at Cawdor to Westbrook Bridge	21
266	5	5	5	10	,, the Camden and Vanderville Road at Lefever's Corner *viâ* the new Bridge across Mount Hunter Creek, to Mulgoa Forest	70
267	3	3	3	10	,, Campbelltown to Appin	150
268	4	4	4	7	,, Wollongong and Kiama Road, to Mount Keira, towards Appin	70
269	4	4	4	4	,, Broughton's Pass to Wilton	40
270	3	3	3	12	,, Broughton's Creek to Kangaroo Ground	180
271	2	2	2	5	,, Appin and Mount Keira Road, *viâ* Douglass Park Railway Station, to Menangle Road	125
272	4	4	4	4	,, Appin to Broughton's Pass	40
273	...	...	5	4	,, Appin to Brooke's Point	28
274	2	2	2	5	,, North boundary of North Illawarra Municipality, *viâ* Bulli and Westmacot's Pass towards Appin, to the top of the Mountain	125
275	3	3	3	15	,, Top of the Mountain, near Westmacot's Pass, to Appin	225
276	4	4	4	18	,, Top of the Mountain, near Westmacot's Pass, to Bottle Forest	180
277	...	...	2	15	,, Bottle Forest, *viâ* George's River Punt and Koggerah, to the Rocky Point Road	375
278	...	5	5	6	,, The Bulli and Westmacott's Pass Road to the Coal Cliff	42
279	6	6	5	51	,, Bomaderry Ferry, *viâ* Nowra and Tomerong, to Ulladulla	357
280	...	...	5	7	,, Main South Coast Road to Jervis Bay	49
281	4	4	4	17	,, Bateman's Bay to Mullenderrie Cross Roads ...	170
282	...	...	5	13	,, Milton and Bateman's Bay Road, *viâ* Woodburn, to Brooman's Ford	91
283	4	4	4	5	,, Nowra to boundary of Numba Municipality ...	50
284	6	5	5	75	,, Nowra, *viâ* Sassafras Range, Narriga, and Marlow, to Braidwood	525
285	5	5	5	9	,, Nowra Municipality to Burriar	63
286	...	3	3	2	,, Eastern boundary of Nowra Municipality through Terrara to Greenwell Point Road	30
287	5	5	5	8	,, Illaroo, *viâ* Brown's Mountain, to Bomaderry Ferry	56
					The Old South Road :—	
288	4	4	3	9	,, A. From Little Forest to the crossing of the Kangaloon and Bowral Road	135
289	5	5	4	5	,, B. From the crossing of the Kangaloon and Bowral Road to Moss Vale	50
290	...	...	3	8	,, C. From Moss Vale to Cross Roads	120
291	5	5	5	10	,, D. From the Cross Roads towards Taralga ...	70
292	5	5	5	7	,, E. From Well's Creek to Paddy's River	49
293	...	3	3	3	Road from Blenkinsop's, on Throsby Park and Robertson Road, to First Creek, on the Cedar Mountain Road...	45
294	...	...	5	5	,, Main Southern Road near Berrima to Bowral ...	35
295	3	3	3	4	,, Berrima to Railway Station at Sutton Forest ...	60
296	5	5	5	10	,, Berrima, *viâ* Soapy Flat, to Wanganderi	70
297	3	3	3	2	,, The Old Southern Road, at Mittagong, near Burke's, to the Main Southern Road, near the Old Fitz Roy Inn	30
298	4	4	4	7	,, Top of Alcorn's Hill to Roberton Park	70
299	5	3	3	12	,, The Kangaloon and Bowral Road, at Roberton Park, to the western boundary of Central Illawarra Municipality, near Mount Murray	180
300	4	4	4	3	,, Throsby Park and Kiama Road, at M'Cullum's, to the Mittagong and Illawarra Road, at Simpson's 200 acres	30
				565	Carried forward ... £	6,385

No.	Class.			Length in Miles.	Southern Roads—continued.	Proposed Expenditure.
	1872.	1873.	1874.			£
				565	Brought forward	6,385
301	...	...	1	1	Road from Kangaroo Ground Road at Byrne's 167 acres, through C. Throsby's 640 acres to Collyer's 640 acres	50
302	...	...	5	5	„ Throsby Park and Robertson Road, at north-west corner of Cotton Company's Reserve, near Robertson, to Lake's and Wakeford's farms ...	35
303	...	...	5	22	„ Windellima to Goulburn Municipality	154
304	4	4	4	36	„ Goulburn Municipality, *viâ* Taralga, to Richlands...	360
305	5	5	5	13	„ Goulburn Municipality to Upper Tarlo	91
306	4	4	4	17	„ Goulburn Municipality to Bungonia	170
307	5	5	5	15	„ Goulburn Municipality, *viâ* Mummell, to Pomeroy	105
308	...	...	5	14	„ Greenwich Park to Towrang	98
309	...	...	5	13	„ Laggan to Binda	91
310	5	5	5	36	„ Wheeo to Burrowa	252
311	4	4	2	27	„ Burrowa to Young	675
312	5	5	5	66	„ Young, *viâ* Tyagong, Seven-mile, Grenfell, and Boga Bogalong, to Forbes	462
313	...	...	5	58	„ Young to Bland	406
314	4	4	4	15	„ Collector towards Goulburn	150
315	5	5	5	9	„ Collector to Mutbilly	63
316	5	5	5	15	„ Ginindera to Gundaroo	105
317	3	3	2	2	„ Collector, *viâ* Collector Lane, to West side of Big Hill	50
318	3	3	3	14	„ West side of Big Hill to Gundaroo, *viâ* marked tree line	210
319	4	4	4	15	„ West side of Big Hill to Gunning	150
320	...	5	5	16	„ Collector to Gundaroo, *viâ* Lake George	112
321	5	5	5	34	„ Queanbeyan to Morumbateman	238
322	...	5	5	27	„ Braidwood to Molonglo (Cole's Line)	189
323	...	...	4	10	„ Foxlow to Molonglo...	100
324	...	5	5	16	„ Yass to Woolgarlo	112
325	5	3	3	20	„ Currawang towards Goulburn	300
326	...	...	3	2	„ Currawang Copper Mine to the Bangalore Road ...	30
327	5	5	5	17	„ Bungendore, *viâ* Molonglo, to the Queanbeyan and Bungendore Road	119
328	5	5	5	16	„ Queanbeyan to Lanyon Ford	112
329	...	...	6	30	„ Cooma to Jindabyne...	150
330	...	...	5	40	„ Bobundarah to Seymour	280
331	...	5	5	50	„ Cooma to Kiandra	350
332	5	5	5	16	„ Cobargo to Bermaguee	112
333	2	2	2	12	„ Eden to Panbula	300
334	5	5	5	16	„ Eden to Sturt	112
335	2	5	5	10	„ Araluen and Moruya Road, *viâ* Kiora, to Moruya...	70
336	5	5	3	4	„ Moruya to the Heads	60
337	3	3	3	16	„ Moruya to Bodalla	240
338	...	...	5	8	„ Wogonga to Eurobodalla	56
339	...	...	5	8	„ Eurobodalla to Nerrigundah	56
340	4	4	4	9	„ Braidwood to Sergeant's Point (Little River) ...	90
341	4	4	6	8	„ Sergeant's Point (Little River) to Clyde Road ...	40
342	6	6	5	30	„ Main Southern Road, at Little Billabong, to Tumberumba	210
343	...	...	3	13	„ Main Southern Road, at Germanton, to Albury and Wagga Road, at Cookendina	198
				1,386	Total miles.	£ 13,698

SUMMARY OF PROPOSED DISTRIBUTION :—

			£
Northern Roads ...	...1,607 miles		17,611
Western Roads ...	...1,106 „		11,691
Southern Roads ...	...1,386 „		13,698
	4,099	TOTAL	£43,000

NOTE.—The amount per mile proposed to be expended on each class of Roads is as under :—

1st Class	£50 per mile.
2nd Class	25 „
3rd Class	15 „
4th Class	10 „
5th Class	7 „
6th Class	5 „

[6d.]

Sydney: Thomas Richards, Government Printer.—1874.

1873–4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

SUBORDINATE ROADS.

(UNDER OFFICERS OF ROADS DEPARTMENT.)

Ordered by the Legislative Assembly to be printed, 10 *March*, 1874.

CLASSIFICATION AND PROPOSED DISTRIBUTION FOR 1874.

No.	Class.			Length in Miles.		Proposed Expenditure.
	1872.	1873.	1874.		**Northern Roads.**	£
1	4	2	2	2	Road from Manly Cove to Balgowlah	50
2	5	5	5	12	,, Wiseman's Ferry, *viâ* Shepherd's Gully, to St. Albans	84
3	5	5	5	10	,, St. Alban's, through Wallambine Common ...	70
4	...	4	4	13	,, Waratah to Maitland	130
5	3	3	3	99	,, Singleton, *viâ* Denman and Merriwa, to Cassilis ...	1,485
6	5	5	4	28	,, Main Northern Road to Nundle, Hanging Rock, and Peel River Gold Fields	280
7	6	6	6	50	,, Main North Road, *viâ* Currabubula, to Tamworth	250
8	4	4	4	130	,, Willow-tree to Narrabri	1,300
9	...	...	6	130	,, Narrabri to Walgett	650
10	4	3	3	25	,, Tamworth to Manila	375
11	6-5	6-5	5	95	,, Manila, *viâ* Baraba and Bingera, to Warialda ...	665
12	3	1	1	60	,, Armidale to Glen Innes	3,000
13	2	1	1	40	,, Glen Innes to Inverell	2,000
14	5	3	2	85	,, Main Northern Road at Bendemeer, *viâ* Bundarra, to Inverell	2,125
15	3	3	3	135	,, Armidale to Grafton	2,025
16	5	5	5	38	,, Armidale to Walcha	266
17	4	4	4	120	,, Walcha to Port Macquarie	1,200
18	3	3	3	60	,, Kempsey to Armidale and Grafton Road	900
19	2	2	2	35	,, Port Macquarie to Kempsey	875
20	5	5	5	6	,, Port Macquarie to Tacking Point	42
21	4	4	4	56	,, Cundle to Port Macquarie	560
22	5	5	4	60	,, Kempsey to Bellinger River	600
23	2	1	1	112	,, Lawrence to Tenterfield	5,600
24	5	2	2	54	,, Glen Innes to Tenterfield	1,350
25	5	2	2	45	,, Tenterfield to Maryland	1,125
26	...	...	3	50	,, Grafton to Solferino...	750
27	4	4	4	65	,, Grafton to Casino	650
28	4-3	2	2	47	,, Casino to Ballina	1,175
29	...	2	2	54	,, Richmond River to the Tweed	1,350
				1,716	Total miles. £	30,932
					Western Roads.	
30	5	5	5	13	Road from Bell's Line to Colo River (Comleroy Road) ...	91
31	2	2	1	11	,, Bathurst to O'Connell's Plains	550
32	5	5	3	11	,, Bathurst and O'Connell's Plains Road, *viâ* Dirty Swamp, to the Road from Mutton's Falls to O'Connell's Plains	165
33	4	3	2	16	,, O'Connell's Plains, *viâ* Eight-mile Swamp and Oberon, to Fish River Creek	400
34	2	1	1	50	,, Bathurst, *viâ* Kelloshiel and Monkey Hill, to Tambaroora and Hill End	2,500
35	...	...	...	36	,, Hill End *viâ* Bragg's and Chambers' Creek to Main Western Road	1,522
36	3	3	3	20	,, Sally's Flat, *viâ* Upper Pyramul, to Tabrabucca ...	300
37	...	1	1	25	,, Hill End, *viâ* Tambaroora, to Hargraves	1,250
38	4	4	3	34	,, Bathurst to Ophir	500
				217	Carried forward ... £	7,278

No.	Class.			Length in Miles.		Proposed Expenditure.
	1872.	1873.	1874.		**Western Roads—continued.**	
				217	Brought forward	£ 7,278
39	2	2	1	29	Road from Bathurst to Sofala, *viâ* Peel and Wyagdon ...	1,450
40	4	4	4	4	„ Peel to Junction of Kelso and Sofala Road ...	40
41	4	4	6	15	„ Sofala to Mudgee Road	75
42	2	1	1	12	„ Sofala, *viâ* Circus Point and Cockatoo Hill, to Tambaroora Road, at Monkey Hill	600
43	5	5	5	16	„ Rockley to Caloola and Tuena Roads	112
44	4	1	1	16	„ Bathurst and Caloola Road to Rockley	800
45	5	5	2	10	„ Bathurst and Caloola Road to Limekilns and Cow Flat	250
46	2	2	1	38	„ Bathurst to Caloola and Trunkey Gold Field ...	1,900
47	5	3	3	15	„ One Eye to Tuena	225
48	4	4	4	13	„ Tea-pot Swamp, *viâ* Mallow Grove and Regan's Falls, to Carcoar...	130
49	5	3	3	25	„ Orange to Carcoar	375
50	5	5	3	30	„ Carcoar to Canowindra	450
51	5	5	5	16	„ Orange to Ophir	112
52	3	3	2	38	„ Orange to Stony Creek	950
53	4	3	2	75	„ Orange, by Boree, to Forbes	1,875
54	...	...	2	43	„ Orange and Forbes Road, at Boree, *viâ* Bumberry, to Bushman's	1,075
55	5	5	4	40	„ Molong to Obley	400
56	6	6	6	22	„ Molong to Stony Creek	110
57	3	2	1	35	„ Cowra to Grenfell	1,750
58	4	5	4	70	„ Cudgegong Municipality to Dubbo	700
59	...	...	1	16	„ Cudgegong Municipality to Gulgong	800
60	5	5	5	40	„ Cudgegong Municipality to Cassilis	280
				835	Total miles. £	21,737
					Southern Roads.	
61	5	5	3	3	Road from Main Southern Road, near Irishtown, to George's River Old Road	45
62	1	1	1	5	„ Campbelltown to Narellan	250
63	3	3	3	3	„ Fitz Roy Iron Mines to Bowral	45
64	3	3	2	6	„ Bowral to Roberton Park	150
65	5-4	4	4	4	„ Village of Robertson, *viâ* Kangaloon, to top of Alcorn's Hill	40
66	5	3	3	5	„ The Mittagong and Illawarra Road, near Wallaby Creek, *viâ* the Macquarie Pass, to the Central Illawarra Municipality	75
67	2	2	1	21	„ Old South Road, at Throsby Park, *viâ* Robertson and Vidler's, to Kiama Municipality	1,050
68	5	5	1	26	„ Throsby Park, *viâ* Kangaroo Valley and Cambewarra, to Broughton Creek Municipality ...	1,300
69	4	4	4	11	„ Picton, *viâ* the Oaks, to Burragorang Road, near Vanderville	110
70	5	5	5	10	„ Vanderville to Burragorang Mountain.	70
71	3	3	3	2	„ Burragorang Mountain Road	30
72	...	...	4	8	„ The Fig-tree, at foot of Burragorang Mountain, up East bank of the Wollondilly River	80
73	...	...	4	12	„ Burragorang Mountain Road, near Martin's 850 acres, *viâ* Thompson's Ford, to near Marsh's, on Cox River	120
74	5	5	5	25	„ Marulan, *viâ* Bungonia and Jacqua, towards Nerrimunga	175
75	3	1	1	10	„ Goulburn Municipality to Mount Wayo	500
76	3	2	2	52	„ Mount Wayo, *viâ* Pejar Creek, Crookwell, and Binda, to Tuena	1,300
77	...	2	2	40	„ Mount Wayo, *viâ* Laggan, to Peelwood	1,000
78	...	4	4	20	„ Peelwood, *viâ* Tuena, to the Abercrombie River ...	200
79	2	2	1	39	„ Goulburn Municipality, *viâ* Gullen, to Wheeo ...	1,950
80	...	...	4	15	„ Gullen, *viâ* Crookwell, to Laggan	150
81	4	6	6	50	„ Gunning to Burrowa...	250
82	6	3	3	30	„ Main Southern Road, at Sharpening Stone Creek, to Boorowa	450
83	4	4	4	7	„ Main Southern Road near Yass, to Mundoonen ...	70
				404	Carried forward ... £	9,410

No.	Class.			Length in Miles.	Southern Roads—continued.	Proposed Expenditure.
	1872.	1873.	1874.			£
				404	Brought forward	9,410
84	...	3	3	53	Road from Goulburn and Braidwood Road, near Doughboy Hill, *viâ* Bungendore and Gundaroo, to junction with Main South Road, three miles east of Yass	795
85	3	2	2	35	„ Braidwood to Nelligen—Clyde Road	875
86	...	...	3	40	„ Milton to Bateman's Bay	600
87	2	2	2	16	„ Braidwood, *viâ* Dirty Butter Creek, to Araluen ...	400
88	2	2	2	36	„ Araluen to Moruya	900
89	3	3	2	10	„ Braidwood to Elrington	250
90	...	...	5	8	„ Braidwood to Reidsdale	56
91	5	5	3	8	„ Elrington to Araluen	120
92	3	3	2	12	„ Monga to Major's Creek, "Elrington"	300
93	4	3	2	4	„ Monga and Major's Creek Road, at Reidsdale, to Bell's River	100
94	...	...	5	20	„ Braidwood to Oronneir	140
95	...	...	3	40	„ Queanbeyan, *viâ* Gundaroo, to Gunning	600
96	5	5	4	57	„ Cooma to Bombala	570
97	...	...	2	6	„ Cathcart to Native Dog	150
98	2	2	2	43	„ Cathcart, *viâ* Tantawangalo, to Merimbula ...	1,075
99	2	2	2	53	„ Bombala, *viâ* Wyndham and Panbula, to Merimbula	1,325
100	2	2	2	6	„ Panbula to Wolumla...	150
101	...	...	4	13	„ Wolumla Junction to Cross Roads...	130
102	5	5	4	25	„ Bombala to Delegate	250
103	5	5	4	12	„ Merimbula to Jellatt Jellatt	120
104	...	...	4	6	„ Briandairy to Bega	60
105	4	4	2	10	„ Bega, *viâ* Jellatt Jellatt, to Tathra...	250
106	3	2	1	12	„ Bega to Wolumla	600
107	5	5	3	56	„ Bega to Bodalla	840
108	5	5	5	90	„ Wagga Wagga to Young, *viâ* Cootamundry ...	630
109	4	3	3	12	„ Wallanbeen to Murrumburrah	180
110	2	2	2	59	„ Bowning to Young, *viâ* Binalong and Murrumburrah	1,475
111	2	2	2	20	„ Gundagai to Tumut	500
112	...	...	5	10	„ Gundagai to Tarrabandra	70
113	5	5	5	11	„ Tumut to Brungle	77
114	2	2	2	14	„ Tumut to Adelong	350
115	5	5	4	48	„ Gundagai to Wagga Wagga, "North side of River"	480
116	...	...	3	7	„ Upper Tumberumba to Tumberumba	105
117	2	2	1	11	„ Town of Adelong to Middle Adelong	550
118	2	2	1	13	„ Main Southern Road to Adelong	650
119	4	4	4	7	„ Downing's Inn, at Gilmore Creek, to Reily's Crossing, at Adelong Creek	70
120	2	2	2	25	„ Main Southern Road, at Tarcutta, to Wagga Wagga	625
121	5	5	5	60	„ Wagga Wagga to Narandera	420
122	6	6	6	180	„ Wagga Wagga to Deniliquin	900
123	3	3	2	35	„ Albury Municipality to Corowa	875
124	5	5	5	94	„ Corowa to Deniliquin	658
125	4	3	2	85	„ Albury Municipality to Wagga Wagga	2,125
126	6	6	6	100	„ Twelve-mile Creek to Wallaragang	500
127	5	5	5	50	„ Deniliquin to Moama	350
128	...	...	6	15	„ Moama to Perricoota	75
129	6	5	4	80	„ Albury Municipality to Urana	800
130	...	4	4	80	„ Municipality of Hay to Municipality of Deniliquin	800
				2,091	Total miles.	£ 33,331

NOTE.—The amount per mile proposed to be expended on each class of Roads is as follows:—1st class, £50; 2nd class, £25; 3rd class, £15; 4th class, £10; 5th class, £7; 6th class, £5.

				£
Northern Roads	...	1,716 miles	... ...	30,932
Western Roads...	...	835 „	... ...	21,737
Southern Roads	...	2,091 „	... ...	33,331
		4,642	TOTAL ...	£ 86,000

Sydney: Thomas Richards, Government Printer.—1874.

[3d.]

1873.

NEW SOUTH WALES.

ROAD TRUST ACCOUNTS.

(FOR THE HALF-YEAR ENDED 31 DECEMBER, 1872.)

Presented to Parliament, in accordance with the provisions of the several Acts.

SCHEDULE.

NO.		PAGE.
1.	South Head Road ... ... 11 Vict., No. 49, clause 6	2
2.	Maitland... ... ... 17 „ 16, „ 23	2
3.	Campbelltown ... ... 13 „ 41, „ 19	3
4.	Richmond ... ... 18 „ 16	3
5.	Windsor ... ... 18 „ 16	4
6.	Parramatta ... ... 13 „ 41, „ 19	4

ROAD TRUST ACCOUNTS.

No. 1.

COMMISSIONERS OF THE SOUTH HEAD ROAD TRUST.

THE Commissioners of the South Head Road Trust—Account of Receipts and Disbursements, Half-year ending 31st December, 1872.

Dr. **Cr.**

RECEIPTS.				DISBURSEMENTS.			
1872.		£ s. d.		1872.		£ s. d.	£ s. d.
Dec. 31.	To rent of Tolls	1,584 3 4		Dec. 31	By balance from last half-year		5,839 14 10
	„ balance	5,612 12 7			„ Secretary and Surveyor's salary ..		50 0 0
					„ Miscellaneous Expenditure—		
					Bank interest	201 16 7	
					Tools	10 15 7	
					Repairs to water-cart ..	5 3 0	
					Buggy hire, &c.	0 12 6	
					"Herald," advertising ..	1 10 5	
					R. Bone, printing wages-sheet	2 10 0	
					Rent of land for material	2 10 0	
					Kenyon — engrossing documents	0 14 0	
					Raynes, Treeve, & Co., commission on sale of Tolls	51 5 0	
							275 17 1
					„ Expenditure on undermentioned Roads:—		
					Old South Head Road—		
					Blue metal	250 0 0	
					Wages, ballast, gravel, &c.	114 9 11	
					Paddington Council—contribution towards kerbing	10 0 0	
							374 9 11
					New South Head Road—		
					Blue metal	100 0 0	
					Wages, ballast, gravel, &c.	231 8 3	
							331 8 3
					Glenmore Road—		
					Wages, ballast, gravel, &c.		39 4 0
					Darling Point Road—		
					Wages, ballast, gravel, &c.		80 19 9
					Point Piper Road—		
					Wages, ballast, gravel, &c.		25 2 1
	E. & O. E.	£	7,196 15 11			£	7,196 15 11

For the Commissioners,—

T. W. SMART, Hon. Treasurer.
GERARD PHILLIPS, Secretary.

No. 2.

MAITLAND DISTRICT COUNCIL.

BALANCE SHEET for the Half-year ending 31st December, 1872.

Dr. **Cr.**

1872.		£ s. d.		1872.		£ s. d.
June 30	To balance in Bank	76 5 1		Dec. 31	By repairs, &c., to Hinton Punt .. .	49 5 6
Dec. 31	Rent of Hinton Ferry	114 0 0			„ Largs „	3 7 0
	„ Largs „	16 17 6			Loan to East Maitland and Oakvale Road ..	13 0 0
	Repayment of Loan, "East Maitland to Oakvale"	13 0 0			Secretary—Salary 25 0 0	
					Preparing Address to the late Warden 7 7 0	
					Grant to Hinton Road .. 5 0 0	
					Maitland Mercury—Advertising 3 5 0	
					Address to the Governor .. 1 1 0	
					Edwin Tipper—6 order books 0 18 0	
					Stamps 0 5 6	
					Small items 0 2 0	42 18 6
		£	220 2 7		Balance in Bank	111 11 7
Dec. 31	To Balance	£	111 11 7			£ 220 2 7

THOMAS HUGHES, Secretary.
JOHN BOWDEN, Warden.

We have examined the Books and Vouchers of the Council, and found them correct,—

THOMAS BLISSETT, } Auditors.
KEYREN CRENNAN, }

No. 3.

No. 3.

CAMPBELLTOWN ROAD TRUST.

THE Commissioners of the Campbelltown Road Trust, in Account Current, for the Half-year ending 31st December, 1872.

Dr. **Cr.**

Date.	Particulars of sums received.	Amount.	Date.	Particulars of sums expended.	Amount.
1872.		£ s. d.	1872.		£ s. d.
July 1	To balance from June 30th	17 1 7	Aug. 5	By sum paid to Richd. North, as per voucher	0 10 0
	„ Six months' rent of the Denham Court Toll-gate	35 0 0	„ 15	„ „ Messrs. Craft and Bruton, as per voucher	2 7 6
			Oct. 1	„ „ for stamps, 2s.; paper and envelopes, 2s. 6d	0 4 6
			„ 21	„ „ to Robert Brooksbank, as per voucher	0 4 0
			Dec. 19	„ „ James Lovell, as per voucher	1 2 6
			„ 31	„ „ for postage and duty stamps	0 2 6
			„ 31	„ „ to Secretary, 6 months' salary	15 0 0
				„ balance	32 10 7
	£	52 1 7		£	52 1 7

We certify to the correctness of the above Account,—

Campbelltown, 15 January, 1873.

THOS. CHIPPINDALL,
THOMAS BYRNE,
} Commissioners.

No. 4.

RICHMOND ROAD TRUST.

RECEIPTS and Expenditure of the Commissioners of the Richmond Road Trust, for the Half-year ended 31st December, 1872.

Dr. **Cr.**

1872.		£ s. d.	1872.		V.	£ s. d.
July 1	To balance from last account..	57 12 10	Sept. 30	By paid Henry Pye, repairs to Blacktown Road ..	1	1 0 0
„ 3	„ Rent of Blacktown Road tolls for June	15 5 0	„ „	Thos. Buckton, repairs to road, Richmond to bridge, on account ..	2	20 0 0
Sept. 4	„ „ July and August ..	30 10 0	„ „	B. Isaacs, printing ..	3	0 12 0
Oct. 2	„ „ September	15 5 0	„ „	J. J. Jones, advertising	4	0 16 4
Dec. 6	„ „ October and November	30 10 0	„ „	Secretary, quarter's salary, &c.	5	7 18 0
			Nov. 6	„ „ T. Buckton, repairs Richmond to bridge, on account	6	22 0 0
			Dec. 4	„ „ same „	7	11 10 0
			„ 31	„ „ Geo. Guest, commission on sale of tolls ..	8	1 16 6
			„ „	Geo. Davies, advertising	9	0 16 0
			„ „	Thos. Buckton, repairs, Richmond to bridge, balance	10	55 0 0
			„ „	Secretary, quarter's salary, &c.	11	7 19 6
				Balance on hand		19 14 6
	£	149 2 10		£		149 2 10

EDWD. POWELL, Chairman,
JOSEPH ONUS,
JOHN DUCKER,
W. T. PRICE,
} Commissioners.

No. 5.

No. 5.

WINDSOR ROAD TRUST.

RECEIPTS and Expenditure of the Commissioners of the Windsor Road Trust, for the Half-year ended 31st December, 1872.

Dr. **Cr.**

1872.		£	s.	d.	1872.		V.	£	s.	d.
July 1	To balance on hand	47	6	5	Sept. 30	To paid J. F. Jones, advertising ..	1	1	4	6
	„ Rent of Fitzroy Bridge tolls for June..	18	6	8		„ Secretary, quarter's salary, &c.	2	6	10	0
Aug. 16	„ „ „ „ July	18	6	8	Dec. 31	„ J. T. Smith, auctioneer's commission	3	2	6	0
Sept. 16	„ „ „ „ August	18	6	8		„ J. J. Neilson, advertising ..	4	1	6	0
Oct. 17	„ „ „ „ Sept.	18	6	8		„ B. Isaacs, printing	5	0	5	0
Nov. 16	„ „ „ „ Oct.	18	6	8		„ G. Davies, advertising.. ..	6	0	10	0
Dec. 16	„ „ „ „ Nov.	18	6	8		„ Secretary, quarter's salary, &c.	7	6	10	0
						Balance on hand		138	14	11
	£	157	6	5		£		157	6	5

RICH. RIDGE,
THOMAS PRIMROSE,
JOHN M. M'QUADE,
} Commissioners.

No. 6.

PARRAMATTA ROAD TRUST.

ABSTRACT of the Receipts and Expenditure of the Parramatta Road Trust, for the Half-year ended 31st December, 1872.

Dr. **Cr.**

RECEIVED.	£	s.	d.	EXPENDED.	£	s.	d.	£	s.	d.
Six months' rental of Toll-gate at Broken Back Bridge	166	0	0	Salaries—						
Chief Commissioner of Main Roads, for the repair of the Dog-trap Road, for the year 1872	60	0	0	Clerk and Treasurer	18	15	0			
Rental of old Toll-house	5	0	0	Overseer	20	5	0			
Bank interest	25	0	0					39	0	0
				Miscellaneous—						
				Wages for labour	52	6	8			
				Advertising	1	17	0			
				Repairs to roads, dams, and bridges	29	7	1			
				Repairs to tools	2	11	2			
				Commission to auctioneer	1	1	0			
				Law expenses	7	7	0			
								94	9	11
Total receipts	256	0	0	Total expenditure				133	9	11
Balance 30th June, 1872	530	4	4	Balance 31st December, 1872				652	14	5
£	786	4	4	£				786	4	4

We certify the above to be correct,—

JAMES BYRNES,
ANDREW PAYTEN,
NEIL STEWART,
} Commissioners.

Sydney: Thomas Richards, Government Printer.—1873.

[3d.]

1873–4.

NEW SOUTH WALES.

ROAD TRUST ACCOUNTS.

(FOR THE HALF-YEAR ENDED 30TH JUNE, 1873.)

Presented to Parliament in accordance with the provisions of the several Acts.

SCHEDULE.

NO.						PAGE.
1.	South Head Roads	11 Vict.	No. 49,	clause 6		2
2.	Maitland Road	17 „	16, „	23		2
3.	Parramatta Road	13 „	41, „	19		3
4.	Campbelltown Road	13 „	41, „	19		3
5.	Windsor Road	18 „	16, „			4
6.	Richmond Road	18 „	16, „			4

ROAD TRUST ACCOUNTS.

No. 1.

SOUTH HEAD ROADS.

THE Commissioners of the South Head Roads Account of Receipts and Disbursements, for the half-year ending 30th June, 1873.

Dr. Cr.

RECEIPTS.					DISBURSEMENTS.				
1873.		£	s.	d.	1873.		£	s.	d.
30 June	To Rent of Tolls	1,820	16	8	30 June	By Balance from last half-year	5,612	12	7
	„ Balance	5,292	8	0		„ Secretary and Surveyor's salary	50	0	0
						„ Miscellaneous expenditure— £ s. d.			
						Bank interest 186 5 9			
						Tools, &c. 10 3 5			
						Repairs, &c., to water-carts 8 7 6			
						Rent of land for material... 2 10 0			
						H. Patrick, refund of law costs 6 10 0			
							213	16	8
						„ Expenditure on undermentioned Roads—			
						Old South Head Road—			
						Blue metal 507 16 4			
						Wages, ballast, gravel, &c. 168 4 9			
						Goodlet & Smith, for drain pipes 10 17 0			
						Goodin, purchase of toll offices..... 20 0 0			
							706	18	1
						New South Head Road—			
						Blue metal 71 4 3			
						Wages, ballast, gravel, &c... 341 6 4			
							412	10	7
						Glenmore Road—			
						Wages, ballast, &c.	7	15	0
						Darling Point Road—			
						Wages, ballast, &c.	4	15	1
						Point Piper Road—			
						Wages, ballast, &c.	31	2	6
						Watson's Bay Road—			
						Wages, ballast, &c.	73	14	2
	£	7,113	4	8		£	7,113	4	8

For the Commissioners, South Head Roads Trust,—
W. WALLY, Hon. Treasurer.
GERARD PHILLIPS, Secretary.

No. 2.

MAITLAND DISTRICT COUNCIL.

RECEIPTS and EXPENDITURE of the Maitland District Council, from 1st January to 30th June, 1873.

Dr. Cr.

		£	s.	d.			£	s.	d.
1 Jan.	To Balance	111	11	7	30 June	By Repairs to Hinton Ferry	12	19	7
May	„ Refund of Loan, Morpeth to Four-mile Creek	4	18	0		„ „ Largs Ferry	12	17	0
	„ Oakvale to Broken Back Gap.....	9	2	0		„ Loan, Morpeth to Four-mile Creek	4	18	0
	„ Raymond Terrace to East Maitland	4	12	4		„ „ Oakvale to Broken Back Gap.....	9	2	0
30 June	„ Rent of Hinton Ferry.....	54	5	0		„ „ Raymond Terrace to East Maitland	4	12	4
	„ Rent of Largs Ferry	17	12	6		„ Salary, Secretary	31	5	0
	Part payment by M. O'Callaghan, on acct. of raising Hinton Punt	20	0	0		„ Incidental expenses, as under :—			
						Mr. John Graney, rent of office, 1872..... 10 0 0			
						Maitland Mercury, advertising 4 15 6			
						Poll-clerks at Election 2 2 0			
						Govt. Printer and Mr. John Lee, Electoral Rolls 0 10 9			
						Stamps and Stationery..... 2 5 11			
						Measuring Tapes 1 7 0			
						Letter-box for office 0 10 0			
						Small items 0 11 0			
							22	2	2
						Balance	124	5	4
	£	222	1	5		£	222	1	5

July 1—To Balance.....£124 5s. 4d.

Examined and found correct,—
WILLIAM KEATING.
SAMUEL W. DAWSON.

JOHN BAWDEN, Warden.
THOS. HUGHES, Secretary.

July 15th, 1873.

No. 3.

No. 3.

PARRAMATTA ROAD TRUST.

ABSTRACT of the Receipts and Expenditure of the Parramatta Road Trust, for the half-year ending 30th June, 1873.

Dr. Cr.

RECEIVED.	£ s. d.	EXPENDED.	£ s. d.	£ s. d.
Six months' rental of Toll-gate at Brokenback Bridge	190 10 0	SALARIES—		
Chief Commissioner of Main Roads for the repair of the Dog-trap Road for 1873	60 0 0	Clerk and Treasurer	18 15 0	
Rental of old Toll-house	6 0 0	Overseer	40 10 0	
				59 5 0
		MISCELLANEOUS—		
		Wages for labour	192 5 0	
		Purchase tools, stores, &c.	5 14 7	
		Repairs to tools	4 0 0	
		Repairs to roads, dams, and bridges	6 16 0	
				208 15 7
	256 10 0			268 0 7
Balance, 31st December, 1872	652 14 5	Balance, 30th June, 1873		641 3 10
	909 4 5			909 4 5

We certify the above to be correct,—

JAMES BYRNES,
ANDREW PAYTEN,
NEIL STEWART,
} Commissioners.

No. 4.

CAMPBELLTOWN ROAD TRUST.

THE Commissioners of the Campbelltown Road Trust, in Account Current, for the half-year ending 30th June, 1873.

Dr. Cr.

DATE.	PARTICULARS OF SUMS RECEIVED.	AMOUNT.	DATE.	PARTICULARS OF SUMS EXPENDED.	AMOUNT.
1873.		£ s. d.	1873.		£ s. d.
June 30	To Balance, from December, 1872	32 10 7	Jan. 20	By sum paid John Barrett, as per voucher	6 16 0
	„ Six months' rent of Denham Court Toll-gate	17 10 0	Mar. 12	„ „ for labour, do.	6 12 0
			„ 31	„ „ Stamps, 3s.; paper, &c., 2s. 6d.	0 5 6
			„ 31	„ „ Advertising, as per voucher	0 8 0
			„ 31	„ „ Sundries	0 2 6
			June 30	„ „ Secretary, six months' salary	15 0 0
			„ 30	„ „ Stamps, 2s. 6d.; paper, 1s. 6d.	0 4 0
				Balance	20 12 7
	£	50 0 7		£	50 0 7

We certify to the correctness of the above account,—

(Signatures of Commissioners) { THOS. CHIPPINDALL.
THOS. BYRNE.

Campbelltown, 15 July, 1873.

No. 5.

No. 5.

WINDSOR ROAD TRUST.

ACCOUNT of Receipts and Expenditure of the Commissioners of the Windsor Road Trust, for the half-year ended 30th June, 1873.

Dr. **Cr.**

1873.		£	s.	d.	1873.	V.	£	s.	d.
Jan. 1	To Balance on hand	138	14	11	Mar. 3	By paid P. Motteram, repairs Richmond Road 1	0	10	0
„ 7	„ Rent of Fitzroy Bridge — Tolls for December	18	6	8	„ 3	„ A. Hobbs, bill-sticking 2	0	10	0
Feb. 4	„ „ January	19	3	4	„ 3	„ F. Watling, repairs toll-house 3	5	6	0
Mar. 4	„ „ February	19	3	4	April 7	„ D. Robertson, sharpening picks 4	0	15	0
April 2	„ „ March	19	3	4	„ 7	„ P. Motteram, gravel, Windsor Road 5	0	12	5
May 3	„ „ April	19	3	4	„ 7	„ C. Wood, ditto 6	0	11	3
June 4	„ „ May	19	3	4	„ 7	„ W. Crozier, repairs, Windsor Road 7	2	0	0
					„ 7	„ P. Motteram, repairs, ditto 8	10	0	0
					„ 7	„ Secretary, quarter's salary, &c. 9	6	10	0
					May 5	„ D. Brown, on account for bridge, Richmond Road 10	20	0	0
					„ 17	„ L. Upton, repairs, Richmond Road 11	5	14	1
					June 2	„ D. Brown, balance for bridge, Richmond Road 12	19	0	6
					„ 16	„ W. Rogers, repairs, Richmond Road 13	12	10	0
					„ 16	„ L. Upton, ditto 14	7	9	0
					„ 30	„ Same, repairs, George-street 15	3	2	6
					„ 30	„ Same, repairs, Punt-hill and Richmond Road 16	3	3	0
					„ 30	„ A. Hobbs, bill-sticking 17	0	10	0
					„ 30	„ B. Isaacs, printing 18	0	10	0
					„ 30	„ Secretary, quarter's salary 19	6	12	6
						„ Balance on hand	147	12	0
		£	252	18	3		£	252	18	3

RICH. RIDGE,
THOMAS PRIMROSE,
JOHN WOOD,
WM. J. CREW,
} Commissioners.

No. 6.

RICHMOND ROAD TRUST.

THE Receipts and Expenditure of the Commissioners of the Richmond Road Trust, for the half-year ended 30th June, 1873.

Dr. **Cr.**

1873.		£	s.	d.	1873.	V.	£	s.	d.
Jan. 1	To Balance from last Account	19	14	6	Feb. 5	By paid G. Guest, commission on sale of tolls 1	1	5	0
„ 2	„ Rent of Blacktown Tolls, for December	15	5	0		„ J. T. Neilson, advertising 2	0	16	8
Feb. 5	„ „ January	10	1	8	„ 6	„ B. Isaacs, printing 3	0	15	0
Mar. 6	„ „ February	10	1	8	April 2	„ H. Pye, repairs, Main-st., Richmond 4	5	5	0
April 2	„ „ March	10	1	8		„ Secretary, quarter's salary, stamps, &c. 5	7	18	0
June 4	„ „ April & May	20	3	4	May 8	„ H. Pye, on account repairs, Main-street 6	10	0	0
						„ T. Buckton, repairs, Main-st., road to bridge 7	13	10	0
						„ H. Pye, repairs, Main-st. and Blacktown Road 8	4	15	0
					June 30	„ Secretary, quarter's salary, stamps, &c. 9	7	19	0
						„ Balance on hand	33	4	2
		£	85	7	10		£	85	7	10

EDW. POWELL,
JOHN DUCKER,
JOSEPH ONUS,
} Commissioners.

Sydney: Thomas Richards, Government Printer.—1874.

1873.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

ROADS.

(REPORT OF COMMISSIONER ON LAKE GEORGE ROAD—FROM COLLECTOR TO GUNDAROO.)

Ordered by the Legislative Assembly to be printed, 12 *November*, 1873.

REPORT ON ROADS—COLLECTOR TO GUNDAROO, *viâ* THE MARKED-TREE LINE, *versus* THE LAKE.

I HAVE carefully gone over the marked-tree line, and that portion of the Lake Road from Collector to the point at which it leaves the lake to ascend Gray's Gap.

The case is exactly as I reported verbally to the Minister some time ago, the lake being now higher than it has ever been known. The usual track along the margin is now impassable, and the traffic (horse) has to make its way along the shore between lake and range, a great portion of which consists of rich volcanic soil, thickly strewn and mixed with lumps of trap; for some 6 miles near Collector it runs along sandy flats nearly at level with lake and lagoon, and most difficult to drain.

At some five or six places the rock *in situ* comes down to lake, and cuttings would have to be made through it.

To make a good permanent road, the rocky portions would require metalling, as even if the surface stones were rolled into the lake, which could be cheaply done, the first rain would expose and bring down others, and the clearing of track would be a constant and heavy expense, and the portions which now seem best would, I am confident, when exposed to heavy traffic in a wet season, cut up very much, as the Horse-flats at Collector did some years ago, when so used. On the marked-tree line the sum of £240 is now being expended, and I think will make the line as good as it is required to be, which is only as an alternative for the through traffic when the lake is up, and for the trifling local traffic which may grow up along the road itself.

I cannot recommend any expenditure on this Lake Road, and am of opinion that the amount granted should be withdrawn. There are already three roads in this direction parallel, or nearly so, and all subsidized by the Government, viz.:—

The Main Queanbeyan Road *viâ* Tarago, the road *viâ* Bangalore Gap, and the marked-tree line, and it seems to me it would be but waste of money to open a fourth, which would be of no local benefit, as the lake being on one side, and unoccupied rough ranges on the other, it would never be required but on an emergency like the present, when the lake is up.

In addition, on a little consideration, while it will be seen that the opening of the railway to Gunning will probably change the entire direction of this traffic, and the course will be at right angles to the present lines of communication and to the nearest railway stations.

The Queanbeyan traffic probably through Gundaroo to Gunning, and the Collector traffic to the nearest station on the Bredalbane Plains.

W.C.B.

Warri, 6/4/73.

MINUTE PAPER.

(No. 73/527.) LAKE GEORGE ROAD.

AT the pressing instance of Mr. De Salis, that £100 be granted for this road, or the £112 already granted would be wasted, the Honorable Secretary for Public Works approves of the road being put on Schedule for 1874, for that year only, Mr. De Salis undertaking that no more money be asked for.

It was arranged that Mr. De Salis should be informed that the road would be placed on Schedule.

W.C.B., 15/8/73.

Under Secretary, B.C. Approved.—J.S., 20/8/73. L. F. De Salis, Esq., M.P., 22/8/73.

[3d.] 215—

1873–4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

ROADS.

(AMOUNT EXPENDED ON, IN ORANGE ELECTORATE, FROM 1 JANUARY, 1872, TO 31 DECEMBER, 1873.)

Ordered by the Legislative Assembly to be printed, 13 *February*, 1874.

RETURN showing the Expenditure on Roads in the Electorate of Orange during the past two years, up to 31st December last, and Amounts contracted and Tenders called for.

EXPENDED BY DEPARTMENT.

	£	s.	d.
Main Western Road	6,145	11	2
Road—Orange to Stony Creek	1,179	4	11
„ Orange to Ophir	214	11	6
„ Orange to Forbes	271	0	11
„ Carcoar to Orange	596	3	8
„ Bathurst to Ophir	678	11	8

EXPENDED BY TRUSTEES, AS FOLLOWS:—

Road—Spring Cove to Lucknow	15	0	0
„ Lucknow to Carcoar, *viâ* Spring Hill	60	0	0
„ Orange to Icely, *viâ* Byng	84	0	0
„ Guyong, *viâ* Byng, to Tom's, on Orange and Icely Road	42	0	0
„ Orange to Nanima...	250	0	0
„ Orange to Icely, *viâ* Byng	84	0	0
„ Guyong, *viâ* Byng, to Tom's, on Orange and Icely Road	42	0	0
„ Orange to Nanima	250	0	0
	£9,912	3	10

CONTRACTS ENTERED INTO.

Widening Bridge at Orange (conditional)	£735	1	3

1873-4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

ROADS.

(ALTERATION OF ROAD NEAR MOLONG.)

Ordered by the Legislative Assembly to be printed, 10 *March*, 1874.

RETURN to an *Order* of the Honorable the Legislative Assembly of New South Wales, dated the 3rd February, 1874, That there be laid upon the Table of this House,—

"Copies of all Papers and Correspondence between the Government and "any person or persons relating to the alteration of the main line of Road, "near Molong, known as Smith's Lane."

(Mr. J. S. Smith.)

SCHEDULE.

NO.		PAGE.
1.	Letter from Road-Superintendent Gordon to the Commissioner for Roads, respecting proposed deviation of road through Mr. Smith's land at Molong. Dated 16 August, 1869	2
2.	Letter from J. Smith to the Commissioner for Roads, respecting road through his land at Molong. Dated 14 September, 1869	2
3.	Letter from Mr. Gordon to the Commissioner for Roads, on same subject, with minute of latter-named officer on same. Dated 13 November, 1869	2
4.	Letter from J. Smith to Road-Superintendent Gordon. Dated Monday morning	3
5.	Letter from Road-Superintendent Gordon to the Commissioner for Roads, with Mr. Bennett's report thereon. Dated 5 February, 1870	3
6.	Report from Road-Superintendent Gordon to the Commissioner for Roads, on same subject. Dated 2 March, 1870	3
7.	Letter from Road-Superintendent Gordon to the Commissioner for Roads. Dated 14 March, 1870	4
8.	Further letter from Road-Superintendent Gordon to the Commissioner for Roads, on same subject, with Mr. Bennett's minute thereon. Dated 1 June, 1870	4
9.	Letter from Road-Superintendent Gordon to the Commissioner for Roads on same subject, with minute from Mr. Bennett thereon. Dated 27 September, 1870	4
10.	Letter from Road-Superintendent Gordon to the Commissioner for Roads, that the deviation of Great Western Road at Molong, Smith's land, may be proclaimed at once, with Mr. Bennett's report thereon. Dated 16 December, 1870	4
11.	Minute from the Commissioner for Roads to the Road-Superintendent, respecting state of the Great Western Road at Mr. Smith's place. Dated 27 September, 1870	5
12.	Road-Superintendent Gordon to the Commissioner for Roads—report on works required on deviation from Smith's land. Dated 5 April, 1871	5
13.	Letter from Road-Superintendent Gordon to the Commissioner for Roads, enclosing tenders received for work through Mr. Smith's land. Dated 4 May, 1871	5
14.	Letter from Road-Superintendent Gordon to the Commissioner for Roads, respecting drains through Mr. Smith's land at Goonamble, with Mr. Bennett's minute thereon. Dated 6 June, 1871	7
15.	Letter from J. M. Tarves, Licensed Surveyor, to the Surveyor General, transmitting plan of a deviation in the Great Western Road, near Molong. Dated 25 September, 1871	7
16.	Letter from Sarah Hilland to the Minister for Lands, asking for recompense for such losses as were caused to her by the road taking some of the best of her land at Molong. Dated 8 January, 1872	7
17.	Clerk of the Executive Council to Secretary for Lands, stating that no objection has been made to the formation of the proposed parish Road from Molong to Orange, with minutes thereon. Dated 15 March, 1872	7
18.	Surveyor General to the Under Secretary for Lands, forwarding plan and book of reference of part of the road from Molong to Orange. Dated 9 December, 1871	8
19.	Memorandum of subjects from R. Fitzgerald to Under Secretary for Public Works, requiring explanation or completion in connection with the survey and plan of a deviation in the Great Western Road, near Molong. Dated 4 April, 1872	8
20.	Letter from W. Goodman to the Under Secretary for Lands, stating that no applications have been received for compensation in respect to part of the road from Molong to Orange. Dated 12 June, 1873	9

450—A

ROADS.

No. 1.

MR. ROAD-SUPERINTENDENT GORDON to THE COMMISSIONER AND ENGINEER FOR ROADS.

Orange, 16 August, 1869.

SIR,

I have the honor to forward annexed letter from Mr. Smith regarding a proposed change in the Great Western Road, through his land at Molong. He proposes to leave the present road at Johnson's corner (that is, where the creek comes into the side of the road) and pass through his paddocks west of his house, and come into the present road again at the little old bridge south of the store fences. I have not examined the ground, but will do so when next in Molong.

I have, &c.,
JOHN GORDON.

Mr. Wells, for report.—J.W., B.C., 19/8/69.

I think it quite possible that a judicious deviation might be made along Mr. Smith's proposed line, but think it would be well for Mr. Gordon to report fully on his next visit to Molong.—F.W., 23/8/69.

Mr. Gordon, for estimate of new road and cost of fencing same. I think we must adhere to present road and metal it.—W.C.B., 15/9/69. Mr. Gordon, B.C.

Tracing and estimate herewith.—J.G., 13/10/69.

No. 2.

MR. J. SMITH to THE COMMISSIONER AND ENGINEER FOR ROADS.

Gamboola, Molong,
14 September, 1869.

MY DEAR MR. BENNETT,

I am very sorry I was not at home when you called here on your last visit to Molong. I have been anxious to show you a line of road through my paddocks, above the house, on high firm ground, and shorter than the present muddy lane, intersecting the house road about the slip-panel through which you passed, piloted by my son.

I am satisfied that I shall never keep my fences up so long as the road follows the creek round. I would go to the expense of shifting the fences myself to have the road on the high ground, where there would be some chance of keeping them up, rather than have my paddocks cut to pieces during wet weather by the drays.

Mr. Fisher, of Bathurst, district surveyor, was here at work a few days after you had left, and like you, had to make his way through my paddocks. He examined the road and quite agreed with me that a far better (as well as shorter) line can be got by crossing the paddocks higher up. Mr. Davidson, when district surveyor, also expressed the same opinion when measuring land.

Mr. Fisher desired me to say he would survey the line if you wished it, but when I called at your office (a fortnight since) I found you had gone to the Northern District. He (Mr. F.) is now at Dubbo, but will shortly be back to finish some work here.

The proposed line is quite clear and ready for the traffic. All that is required is to throw on one side a few loads of stone—not a tenth of the labour required to form the present road for metal. The ground is hard and gravelly, with good drainage.

Why not send Mr. Gordon to look at it? Mr. Wells, I have no doubt, could also give you some information about it.

Yours, &c.,
J. SMITH.

Mr. Gordon,—How does this stand?—W.C.B.

Report herewith.—J.G., 13/10/69.

No. 3.

MR. ROAD-SUPERINTENDENT GORDON to THE COMMISSIONER AND ENGINEER FOR ROADS.

Orange, 13 November, 1869.

SIR,

I have the honor to forward tracing, with deviation as proposed, through Mr. Smith's land, marked thereon. I have also marked the work done on the present line of road, which would be abandoned in case this deviation should be adopted. You will see that on the present line there are 34 chains macadamised and two 1st and one 3rd class culvert constructed. This macadamising is in very good order at present, but at this place the creek is fast encroaching in upon the road, and I am afraid will cost a good deal to keep it back; this is the greatest objection I see to the present line, and may be a question whether it would not be better to abandon the work done on the old line than go to the expense of preserving it from the creek.

About 15 chains between A and C on the deviation would require macadamising, but the remainder passes over firm ground, stony as far as the Boree Road, but no stones of any consequence. I have kept it farther up than proposed by Mr. Smith, in order to keep more out of the flat ground at C and get into firm table land. I think if this macadamising were done and the remainder of the lane drained it would do for traffic for a considerable time without any further outlay. I estimate the cost of opening as follows:—

Removing and putting up again—

	£	s.	d.
262 chains old fencing, at 8s. per chain	104	16	0
15 chains macadamising, £10	150	0	0
80 chains drain, at 8s.	32	0	0
Three culverts, one 2nd class	50	0	0
	£336	16	0

I have, &c.,
JOHN GORDON.

I have seen Mr. Smith on this; he offers to do the fencing himself. I represented to him the objection to abandon so much made road, in reply to which he states that the metal is so thin that it will require remetalling soon. Will Mr. Gordon report what the cost of metalling permanently the present line will be, and also the cost of metalling the line proposed by Mr. Smith, as both must ultimately be metalled until this is decided? Mr. Gordon will not take any steps to perpetuate the road in its present position.—W.C.B., 17/1/70. Mr. Gordon, B.C.

No. 4.

MR. J. SMITH to MR. ROAD-SUPERINTENDENT GORDON.

Gamboola, Monday Morning.

MY DEAR SIR,

As Seens was about to commence clearing the road this morning, I requested him to accompany me to look at a line higher up crossing the paddocks above my house, a far superior line of road. It is shorter than the present road, and passing over hard stony ground, the expense of maintenance would not be half that of the present line.

I pointed out this line to Mr. Wells shortly before he left Orange, and he expressed his intention of recommending it to Mr. Bennett. He highly approved of it, but I suppose his removal prevented its adoption.

And as to the removal of fences I will leave this to yourself to pay me or not. I am satisfied that I shall never be able to keep the teams out of my paddocks so long as you maintain the present road.

Yours, &c.,
J. SMITH.

No. 5.

MR. ROAD-SUPERINTENDENT GORDON to THE COMMISSIONER AND ENGINEER FOR ROADS.

Orange, 5 February, 1870.

SIR,

I have the honor to inform you that I have examined the proposed road through Mr. Smith's land, and came to the conclusion that the following will be the cost of completing the same by macadamising.

The total distance of proposed line from the point A on tracing to old bridge, near B, is 135½ chains. Of this distance 40 chains through the swampy portion would require 1½ cubic yard of metal to the lineal yard of road, and the remaining distance 1⅓ cubic yard per lineal yard. On the present road the distance to be metalled from the point A to the old bridge is 100 chains, the whole of which would require 1½ cubic yard metal per lineal yard of road. There is also 34 chains metalled in 1868 with only 1 cubic yard to the lineal yard of road, and which would require 1⅓ cubic yard to the lineal yard of road to make it as strong as the proposed metalling. Taking this as my datum, I make out the following comparison of cost as between the two lines:—

Present Line.	£	s.	d.
Forming, draining, and macadamising 100 chains, @ £11 10s.	1,600	0	0
264 cubic yards 2½″ metal for roadway macadamising, @ 6s.	79	4	0
	£1,679	4	0

Proposed Line.	£	s.	d.
95½ chains macadamising, @ 1⅓ cubic yard metal per lineal yard; also draining, £10 8s.	993	4	0
40 chains forming and macadamising with 1½ cubic yard per lineal yard of road, including drain, £11 10s.	460	0	0
4 third-class culverts	50	0	0
	£1,503	4	0

I have, &c.,
JOHN GORDON.

Returned for reconsideration. I fail to see why work should cost less on the deviation than on the present line.—W.C.B., 7/2/70. Mr. Gordon, B.C.

Owing to the ground being much higher and firmer, and requiring a smaller quantity of metal—(see plan and report.)—J.G., 2/3/70.

No. 6.

MR. ROAD-SUPERINTENDENT GORDON to THE COMMISSIONER AND ENGINEER FOR ROADS.

Orange, 2 March, 1870.

SIR,

I have the honor to forward survey* of proposed deviation of Great Western Road, through Mr. Smith's land, near Molong. This new line can be opened for traffic by constructing five third-class culverts, and metalling 40 chains of the roadway. Owing to the hard nature of the ground, over which most of this line passes, I think the 40 chains metalling would be all that would be required for some time to come, when a good drain would be made on the upper side. In the original estimate of expenditure, 66 chains was laid off for metalling on the present line, but if the deviation be adopted we can do the 26 chains towards Bathurst in addition to the length for which tenders have been called. In the metalling of the deviation I would propose that 1 cubic yard to the yard should be put on; then the traffic made to pass that way, and the metal on the present line taken up and put on the new work as blinding, &c., and thus save ½ cubic yard per lineal yard of metal on the flat.

*Appendix A.

I have, &c.,
JOHN GORDON.

I have no objection to the course proposed, provided Mr. Smith will undertake to fence the road, and that Messrs. Johnson & Hilland have no objection. Mr. Gordon to ascertain if they will object, and I will then at once communicate with Mr. Smith.—W.C.B., 4/3/70. Mr. Gordon, B.C.

Returned with report.—J.G., 14/3/70.

No. 7.

MR. ROAD-SUPERINTENDENT GORDON to THE COMMISSIONER AND ENGINEER FOR ROADS.

Orange, 14 March, 1870.

SIR,

* Appendix B'

I have the honor to forward plan* again, with line marked A to B, as proposed by Mr. Smith. He objects to the line I laid out, as it passes between the sheep-yards and wool-shed.

I do not see any objection to taking the line as proposed by him, as the ground is much the same; only it is not so direct as the line first measured and marked in red. He also wanted me to take the line C to D flat. I refused, as the ground is not nearly so good, being more uneven at the end C, and swampy toward D. He is willing to adopt my line at this part, however, if you allow his line as pencilled from A to B.

Mrs. Hilland has no objection to the line proposed. It appears that Johnson only occupies the land from Blakefield, who, I am informed, is not the owner. Mr. Smith informs me that the original owner of this land was killed by the capsizing of his dray some years ago; that a man who was carrying on the road with this man at the time of his death took the land and occupied it for some time, and then getting into debt to Mr. Blakefield, and finding that he could not sell the land, went off, and Mr. Blakefield took and retained possession since, so that the land virtually belongs to the Government, as trustees for the heirs of the original owner. I however saw Mr. Blakefield, and the only answer I could get from him was that if he could get anything from the Government he might as well have it, so that I do not think there will be any objection.

Mr. Smith does not seem to think that he should fence through Blakefield's and Hilland's land. He is getting new fencing for the line, and says that he will allow the old fencing to remain till the spring, so that the traffic may not be put on the new line in winter.

I have, &c.,
JOHN GORDON.

No. 8.

MR. ROAD-SUPERINTENDENT GORDON to THE COMMISSIONER AND ENGINEER FOR ROADS.

Bathurst, 1 June, 1870.

SIR,

I have the honor to inform you that Mr. Smith wishes me to lay out the new line of road through his paddocks at Molong. Would you please let me know if I can do so? I have not heard anything about it since forwarding the plan with pencil-marked deviation at Mr. Smith's sheep-yard marked thereon. He has the fencing stuff all ready, and wants to get to work.

I have, &c.,
JOHN GORDON.

Yes. Mr. Gordon can lay out the line, but I wish him to send plan for proclamation and book of reference. He is aware of what the Survey Department require.—W.C.B., 3/6/70. Mr. Gordon, B.C.

Noted and returned.—J.G., 20/6/70.

No. 9.

MR. ROAD-SUPERINTENDENT GORDON to THE COMMISSIONER AND ENGINEER FOR ROADS.

Orange, 27 September, 1870.

SIR,

In reply to your "minute paper" of the 7th instant, I have the honor to inform you that the total length of fencing required for the deviation of the Great Western Road at Molong is as follows:—

Through Messrs. Hilland and Johnson's land	52	chains
Ditto Mr. Smith's land	238½	do
Total	290½	do

I believe it was the arrangement that Mr. Smith should do the fencing through his own land at his own expense; but as, owing to the bad state of part of the present road, the public have been using his paddock, and damaged his fence at different places for more than a quarter of a mile, I think if the Government allow him for 40 chains of new fencing, the justice of the case will be met; and I may here add that it is a good job that this change is taking place, as the present roadway along the creek bank is falling away fast.

As to the damage of fencing at Boree, when the weather permits of my getting the stone spread, which has been lying broken in the lane this long time, and a further extension of draining, which I have commenced, it may have the desired effect. I did not observe any particular damage to fencing when I was last that way in August.

I have, &c.,
JOHN GORDON.

A deviation in the Western Road, near Molong, has been permitted by Mr. Smith. He was to have fenced the whole, but in consideration of the damage done by traffic it is recommended that he be paid for 160 rods of new fencing. I have to request the sanction of the Honorable the Secretary for Public Works to the payment of this amount from Main Road votes, 1871.—W.C.B., 29/9/70. Under Secretary, B.C.

No. 10.

MR. ROAD-SUPERINTENDENT GORDON to THE COMMISSIONER AND ENGINEER FOR ROADS.

Orange, 16 December, 1870.

SIR,

I have the honor to forward plan and description for Proclamation of proposed deviation of G. W. Road, through Mr. Smith's land, near Molong. My estimate for thoroughly opening this line is as follows:—

350 lineal yards, forming and metalling, 10s.	£175	0	0
5 culverts and approaches	100	0	0
538 yards large drain in flat, 1s.	26	8	0
1,100 „ catch „ 6d.	27	10	0
194 rods fencing through the lands of Mrs. Hilland and the late Michael Camber, 6s.	58	4	0
	£387	2	0

I have, &c.,
JOHN GORDON.

I recommend the immediate proclamation of this deviation; it is very much required, and the landowners all consent. Mr. Gordon's survey may be relied on.—W.C.B., 19/12/70. Under Secretary, B.C.
Approved, J.B., 19/12/70. Roads, B.C., 22/12/70.—J.R.
Under Secretary for Lands for transmission to the Surveyor General.—J.R., B.C., 29/12/70. Surveyor General, 4 January.

Mr. District-Surveyor Fisher is requested either to have such information added to this plan as may render it suitable for proclamation, or, if necessary, to have re-survey and new plan made of the portion of the road adopted by the Works Department.—R. FITZGERALD (for Surveyor General), 30 January, 1871.

Transferred to Mr. Licensed-Surveyor Tarves, who will make the required surveys, connecting with the north-west corner of Mr. J. Smith's 640 acres on Gamboola, and with the eastern boundary of Mrs. Hilland's (formerly J. Wood's) 98 acres.—E. FISHER, B.C., 12 April, 1871.

No. 11.

MINUTE FROM THE COMMISSIONER AND ENGINEER FOR ROADS to MR. ROAD-SUPERINTENDENT GORDON.

Mr. Smith, of Gamboola, has called to this office, to complain of the loss caused to him by the impassable state of the G. W. R., along his property. He states, the traffic has been passing through his paddocks, and that a quantity of the fencing has been destroyed and injured, so as to render it unfit for removal. Mr. Smith now considers he has an equitable claim for a portion of fencing of new, but Mr. Gordon to report.

W.C.B., 7/9/70.

Mr. Gordon to state the whole length of fencing required, and the proportion he thinks the Government should pay.
The necessary operations for opening this deviation must be done late in December, or early in January.
Report herewith.—J.G., 27/9/70.
Mr. Bennett's recommendation approved.—J.S., 4/10/70.
Mr. Gordon to forward voucher when vote for 1871 is available.—F.W. (for Commissioner), 10/10/70, B.C.
Noted and returned.—J.G., 18/10/70.

No. 12.

MR. ROAD-SUPERINTENDENT GORDON to THE COMMISSIONER AND ENGINEER FOR ROADS.

Orange, 5 April, 1871.

SIR,

I have the honor to inform you that I have no papers in my possession relating to any correspondence about Smith's-lane, near Molong.
I have called for tenders for the work required to open the road through Mr. Smith's paddocks; and if you think proper I can have it put in hand immediately.
The works required are as follows:—

350 yards forming and metalling.
5 culverts.
530 yards large drain through swamp.
1,100 ,, drain.
194 rods fencing Johnson's and Hilland's land.

I am to get the tenders on Monday, the 10th instant, and would recommend that the work should be commenced immediately.
I did not receive your telegram till Monday morning, or I should have met you at Bathurst.

I have, &c.,
JOHN GORDON.

Telegram sent not to accept tenders until further orders.—W.C.B.

No. 13.

MR. ROAD-SUPERINTENDENT GORDON to THE COMMISSIONER AND ENGINEER FOR ROADS.

Orange, 4 May, 1871.

SIR,

I have the honor to forward your written instructions, of which I have kept a copy. I also forward the tenders I received for work through Mr. Smith's land at Molong.
I am going to commence the drawing or plot at once, and would like also to be getting the fencing done, or at least the stuff ready for putting up when we can enter the ground.

I have, &c.,
JOHN GORDON.

[*Enclosures.*]

[*Enclosures.*]

G. W. Road, 1871.

Tenders for work at Mr. Smith's paddock.

Accepted.—John Herrick.

	£	s.	d.
350 yards forming and metalling, at 9s. 6d.	166	5	0
First-class culvert	50	0	0
Three third-class culverts	45	0	0
1,100 yards 2 ft. 6in. drain	16	0	10
530 „ 3 ft. 6in.	13	5	0
	£290	10	10

Must not expend more than £200.

Westwood, near Orange,
10 April, 1871.

Great Western Road, Mr. Smith's paddock, near Molong.

I hereby propose to do the work in the construction of—

	£	s.	d.
350 lineal yards of road in accordance with the specification, at 10s. per lineal yard;	175	0	0
Also 1,100 lineal yards drain, 2ft. 6in. deep, at 8d.	36	13	4
Also 530 „ „ 3ft. 6in. „ at 1s. 6d. ..	39	15	0
	£251	8	4
Gravel as a first coat, if required, at 2s. per cubic yard.			
1 first-class culvert, 12ft. span	63	10	0
3 third-class culverts, 6 ft. span, at £14	42	0	0
194 rods fencing, three-rails, at 6s. per rod	58	4	0
	£163	14	0
	£415	2	4

THOS. FARRAN.

J.G., 11/4/71.

Orange, 10 April, 1871.

Tender for work to Mr. J. Gordon, Road Superintendent.

I, THE undersigned, do here agree to perform work required to be done in Smith's lane, near Molong, consisting of 350 yards lineal of road forming and metalling for the sum of £210 stg.; and 1,630 yards of draining, at 9d. per yard, viz. £61 2s. 6d.; and 184 rods of three-rail fencing for the sum of 8s. per rod, or £73 12s., making the total amount of £344 14s. 6d. for all the works above mentioned.

MICHAEL O'DONNELL,
Orange.

J.G., 11/4/71.

M'Nally and Brown to Mr. J. Gordon.

10 April, 1871.

Sir,

We hereby tender for the contract of 350 cubic yards of 3 inch metal, in Smith's paddock, at the rate of six shillings and ten pence (6s. 10d.) per cubic yard, sum total of £119 11s. 8d. Rough stone or gravel, two shillings and four-pence (2s. 4d.) per cubic yard.

350 yards of 3ft. 2in. deep drain, at 1s. per lineal yard.

1,300 yards of drain, 2½ feet deep, at eightpence (8d.) per lineal yard.

JOHN M'NALLY.
PATRICK BROWN.

J.G., 11/4/71.
(4th District.—5th Contract.)

Mr. J. Herrick to Mr. Gordon.

Orange, 10 April, 1871,

Sir,

I beg to tender for the following work, namely, at Mr. Smith's boundary-fence—

Section 1 286 lineal yards, through swamp
„ 2 64 „ „ west of swamp

350 lineal yards in all,—

	£	s.	d.
For the sum of 9s. 6d. per lineal yard	166	5	0
First-class culvert, and approaches made good	50	0	0
3 third-class culverts, at £15	45	0	0
530 lineal yards of drain, at 6d. per yard	13	5	0
1,100 „ „ at 3½d. „	16	0	10
	£290	10	10

According to plan and specification.

JOHN HERRICK.

Ballast, if required, at 3s. 6d. per cubic yard.
J.G., 11/4/71.

Mr. J. Smith to the Commissioner and Engineer for Roads.

Gamboola, Molong,
2 May, 1871.

Sir,

Referring to the arrangement entered into by you to allow me half the cost of fencing the new road through my paddocks at this place, I beg to state that I have four fencers at work on this line, and that the total cost (including carriage) will be 5s. 7d. per rod, that is, 2s. 9½d. per rod to be charged to Government.

I will furnish you with the particulars as soon as the work is completed.

I have, &c.,
JOHN SMITH.

This

This is a deviation of the Main West Road at Molong. The previous papers are at the Survey Office for proclamation. The deviation is made to get away from the Molong Creek, which is eating away the road as at West Maitland and Murrurrundi. Mr. Smith has offered the land and to do half the fencing, the Government doing the other half of the fencing through his land, and about 190 rods through land belonging to Johnson and Hilland.

£200 will be required to metal a flat and drain the diversion, and about 600 yards of old metalled road will be abandoned, the greater part of which would have been eaten away by the creek in a short time; but this will not be all lost, as any available metal will be put on the diversion.

I have to recommend that formal authority be given for the payment of one-half of Mr. Smith's fence, and the whole of the fencing belonging to the two other properties; in all the outlay will be about £320; the cost of securing road from creek would have been £500 or £600.—W.C.B., 9/5/71. Under Secretary. B.C.

Approved.—J. B., 12/5/71. Roads.—J.R., B.C., 16/5/71.

Seen by Commissioner.—F.W.

No. 14.

MR. ROAD-SUPERINTENDENT GORDON to THE COMMISSIONER AND ENGINEER FOR ROADS.

Orange, 5 June, 1871.

SIR,

I have the honor to inform you that Mr. Smith, of Gamboola, objects to my cutting an outlet drain down his paddock, where we are making the road. My plan of doing this length was to cut a drain 6′ × 4′ × 2′ on each side of the road, so as not only catch the rush of water which comes down the flat in wet weather, but also to thoroughly dry the road-bed before putting on any stone. To construct a first-class culvert at the west end of swamp, and then make an outlet drain from this culvert, which, owing to the flatness of the land, would require to be nearly 160 yards long to get such fall as would clear the side drains and culvert. This he objects to and says that I ought to embank the road across the flat, so that the water would not run across it, as there is plenty of stone at hand. I told him there was no use putting stone on such a place without first thoroughly draining the sub-soil. In reply he quoted the case of "Stewart v. Caples," in which the Chief Justice ruled that contractors and officers of the Government were only to do the least possible damage when passing through purchased property. In this case I do not know how to act. There is not sufficient money to make the road as Mr. Smith wants, and it would not then be so good a job as when drained as I proposed. I intended simply forming the road after being drained and putting on a narrow coat of metal broken to a 3″ gauge, so as to get the work done for £200.

I have, &c.,
JOHN GORDON.

The course proposed by Mr. Smith is the best if we had funds; must wait until we have.—W.C.B.

If Mr. Smith will not allow the drain to be cut the matter must stand over until next year, as we really have no funds. Take no steps until Appropriation Act is passed.—W.C.B., 7/6/71. B.C.

Mr. Smith has allowed a drain to be cut to the creek at his boundary-fence.—J.G., 24/7/71. W.C.B., 26/7/71.

No. 15.

MR. LICENSED-SURVEYOR TARVES to THE SURVEYOR GENERAL.

Bathurst, 25 September, 1871.

SIR,

In accordance with your instructions, dated 30th January, 1871, No. 16, to Mr. District-Surveyor Fisher, transferred to me, I have the honor to transmit herewith a plan of a deviation in the Great Western Road, near Molong, and also book of reference of the same.

I have given the connections required in Mr. Fisher's memo.

I have, &c.,
J. M. TARVES.

No. 16.

MRS. SARAH HILLAND to THE SECRETARY FOR LANDS.

Molong, 8 January, 1872.

SIR,

Being the owner of 98 acres of land adjoining Mr. Blakefields, and adjacent to Mr. Smith's, near to where the new line of road is made, approaching Molong, and having been put to much inconvenience by the road passing near my house, as well as taking some of the best of my land, which I intended to have made a garden of in front of my house, I have the honor to request you will be pleased to inform me if the Government intend to make me any recompense or compensation for such losses.

I am a widow, struggling hard to maintain a family, and I do pray you will be pleased to take my case into your favourable consideration.

I have, &c.,
SARAH HILLAND.

No. 17.

THE CLERK OF THE EXECUTIVE COUNCIL to THE SECRETARY FOR LANDS.

Executive Council Office,
15 March, 1872.

SIR,

In compliance with the request contained in the Under Secretary's letter of the 29th ultimo (No. 23), I do myself the honor to inform you that no objection has been lodged with me to the formation of the proposed parish road, noted in the margin.

Part of road from Molong to Orange.

I have, &c.,
A. C. BUDGE,
Clerk of the Council.

(Minute,

(Minute, 14 March, 1873.)

THE Executive Council has authorized the confirmation of this road.—(Minute 73/12.)
Confirmed, 24/3/73. See Roads, No. 73/423. *Government Gazette*, 25 April, 1873.
The Principal Under Secretary, 29 April, 1873.
The Works Department having arranged the fencing of this road, the confirmation is now recommended, notwithstanding the objection raised.—R. FITZGERALD (for the Surveyor General), 22 February, /73.

No. 18.

*Appendix C.

THE SURVEYOR GENERAL to THE UNDER SECRETARY FOR LANDS.

THE accompanying plan,* and book of reference of part of the road from Molong to Orange, near East Molong, county of Ashburnham, are forwarded, with the view to the opening of the line as a parish road, under the Act of Council, 4 William IV, No. 11.

R. FITZGERALD,
For Surveyor General.

B.C., 9th December, 1871.

(Minute, 18 December, 1871.)

THE Executive Council has authorized the proclamation of this road.—(Minute 71/60.)
Confirmed, 3/1/72. See Roads, No. 72 37. *Government Gazette*, 13 February, 1872.
The Clerk of the Executive Council, 29 February, 1872.

[*Enclosure in No.* 18.]

BOOK OF REFERENCE of part of the road from Molong to Orange, near East Molong, to be opened as a parish road under the Act of Council 4 Wm. 4, No. 11, County of Ashburnham.

No.	Portion of Road.	Reputed Owner.	Occupier.	Character of Land.	Bearings.	Length in Chains.	Enclosures.	Character and state of preservation of fencing.	Cultivation.	Breadth of Road.	Area. a. r. p.	Remarks.
1	From a point on the south side of Great Western Road to the boundary between Mrs. Hilland's 98 acres and the representatives of the late Michael Camber's 89 acres.	Mrs. Hilland..	Mrs. Hilland..	Rocky ...	Westerly ...	10 chains...	One ...	Three-rail fence; not in good order.	None...	1 chain	0 2 32	A road 1 chain wide is reserved through these portions.
2	From the last-mentioned boundary to west boundary of late M. Camber's 89 acres.	Representatives of the late M. Camber.	Representatives of the late M. Camber.	Good soil	Westerly ...	13 chains 50 links.	One ...	Inferior log fence on side of present road.	None...	1 chain	1 1 16	
3	From the last-mentioned boundary to the eastern boundary of J. Smith's 105 acres.	Reserved Road	Reserved Road	Good soil	Westerly ...	50 chains...	One ...	.....	None...	1 chain	0 0 8	
4	From the last-mentioned boundary to a point on the east side of reserved road leading from Boree.	John Smith...	John Smith...	Good soil	Westerly north-westerly.	67 chains 50 links.	One ...	Three-rail fences; in good order	None...	1 chain	6 3 0	
5	From the last-mentioned boundary to the west side of the reserved road leading from Boree.	Reserved Road	Reserved Road	Good soil	North-westerly.	1 chain ...	None...	.....	None...	1 chain	0 0 16	
6	From the last-mentioned boundary to a point on the south side of the Great Western Road, near the old bridge.	John Smith...	John Smith...	Good soil	North-westerly.	52 chains 40 links.	Two ...	Three-rail fences; in good order	None...	1 chain	5 0 28	

J. M. TARVES,
L. S.

No. 19.

MEMORANDUM.

Roads Branch,
4 April, 1872.

MEMORANDUM of subjects requiring explanation or completion, in connection with the survey and plan of a deviation in the Great Western Road, near Molong, transmitted by Mr. Licensed-Surveyor Tarves, letter No. 71/54 of 25th September, 1871, and on which Mr. L.-S. Tarves' report in.

Subject.

1. From the plan and book of reference it cannot be ascertained what enclosures will be thrown open by the deviation, as it is represented as partly fenced, nor can it be ascertained what class of fencing or how much should be given to each individual.
2. Mr. Tarves' attention is directed to paragraph No. 65 of the new regulations.

R. FITZGERALD,
(For Surveyor General.)

Report.

The memo. respecting fencing is herewith enclosed. I did not furnish it previously, as the Road Superintendent had made arrangements for the fencing previous to my survey. The fencing of the deviation shown on my plan was erected by Mr. John Smith, he having agreed with the Roads Department to pay half the cost.

J. M. TARVES.

10th January, 1872.

It

It is recommended that the Commissioner for Main Roads be requested to report whether the statement made by Mr. Licensed-Surveyor Tarves is correct: that the Works Department have undertaken to fence this deviation.—R. FITZGERALD (for Surveyor General), 4th February, 1873.

The Under Secretary for Public Works, B.C., 6/2/73.
This has been arranged by the Department, to prevent delay.—W.C.B., 10/2/73.

MEMORANDUM of information as to enclosures, works required, &c., on a deviation in the Great Western Road from Orange to Molong, the distance being 1 mile and 65½ chains.

Owner or Occupier.	Cultivated Land.	Enclosed Land.		Description of Existing Fence.	Rods of Fencing required.	Probable cost per rod.	Cost of Clearing.	Amount of necessary Expenditure.	Culverts or Bridges.	Objections apparent or specific.
		Cleared.	Uncleared.					£ s. d.		
John Smith	.....	....	....	Three-rail in fair order	962	6s.	Naturallly clear.	288 12 0		
Reserved Road	....	....	....	.....	4	do.		1 4 0		
Representative of Michael Camber	....	....	....	Three-rail in bad order	104	do.		31 4 0		
Mrs. Hilland.....	....	....	....	Three-rail in fair order	56	do.		16 16 0		
					1,126	cost		337 16 0		

No. 20.

THE PRINCIPAL UNDER SECRETARY to THE UNDER SECRETARY FOR LANDS.

Colonial Secretary's Office,
Sydney, 12 June, 1873.

SIR,

In reply to your letter of the 29th April last (No. 72/430), I am directed by the Colonial Secretary to state, for the information of the Secretary for Lands, that no applications have been received in this Office for compensation in respect to the line of road, viz., part of the road from Molong to Orange, near East Molong, County of Ashburnham.

I have, &c.,
W. GOODMAN,
(for the Under Secretary.)

Mr. Licensed-Surveyor Tarves to formally open the road. Licensed-Surveyor Tarves, 2 July, 1873, No. 150.

[Three Plans.]

Sydney: Thomas Richards, Government Printer.—1874.

[1s. 6d.]

450—B

PLAN

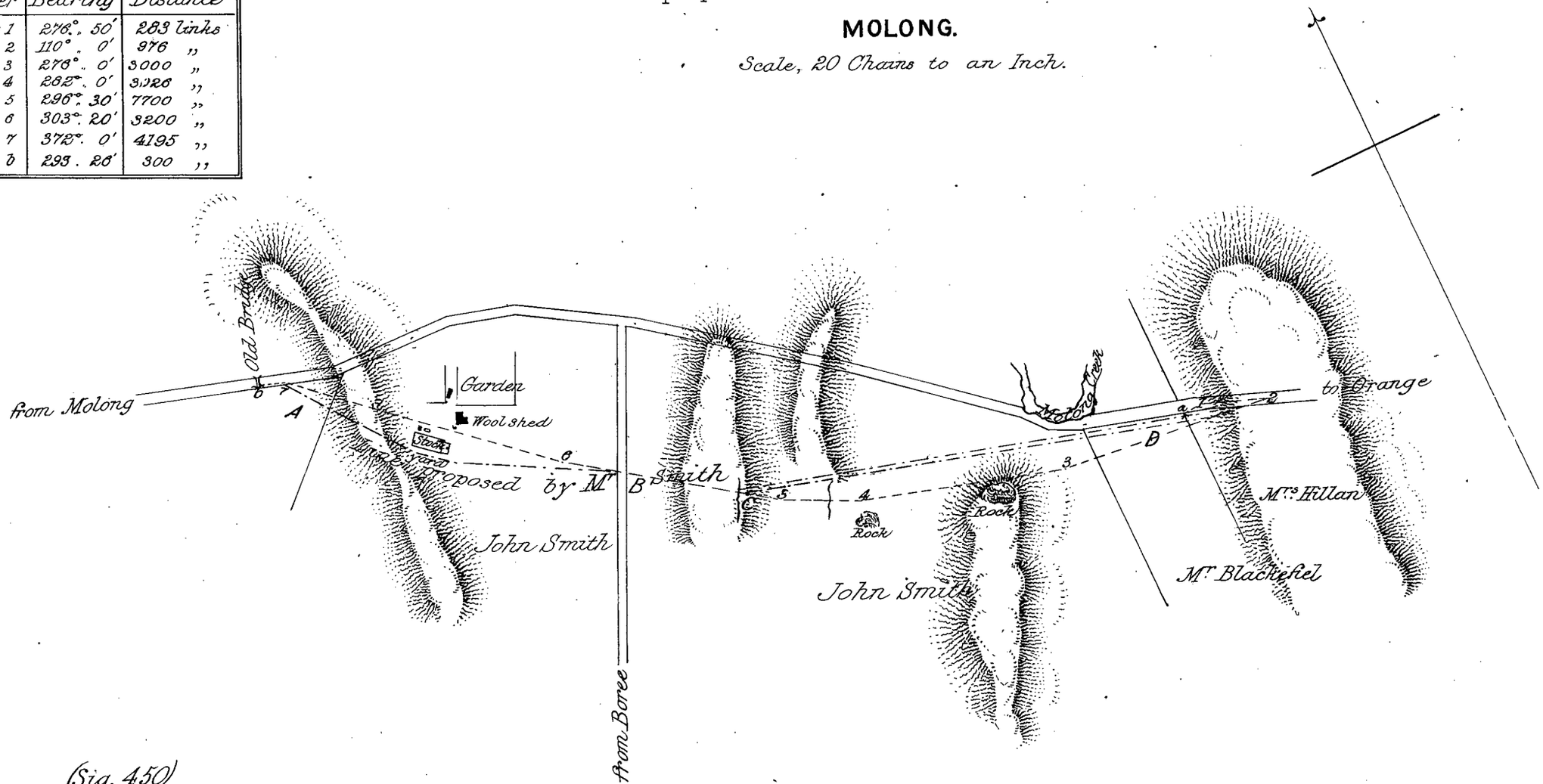
OF

proposed deviation in G.W. Road near

MOLONG.

Scale, 20 Chains to an Inch.

REFERENCE.		
Corner	*Bearing*	*Distance*
a to 1	276°. 50′	283 links
1 „ 2	110°. 0′	976 „
2 „ 3	276°. 0′	3000 „
3 „ 4	282°. 0′	3926 „
4 „ 5	296°. 30′	7700 „
5 „ 6	303°. 20′	3200 „
6 „ 7	372°. 0′	4195 „
7 „ b	293. 26′	300 „



(Sig. 450)

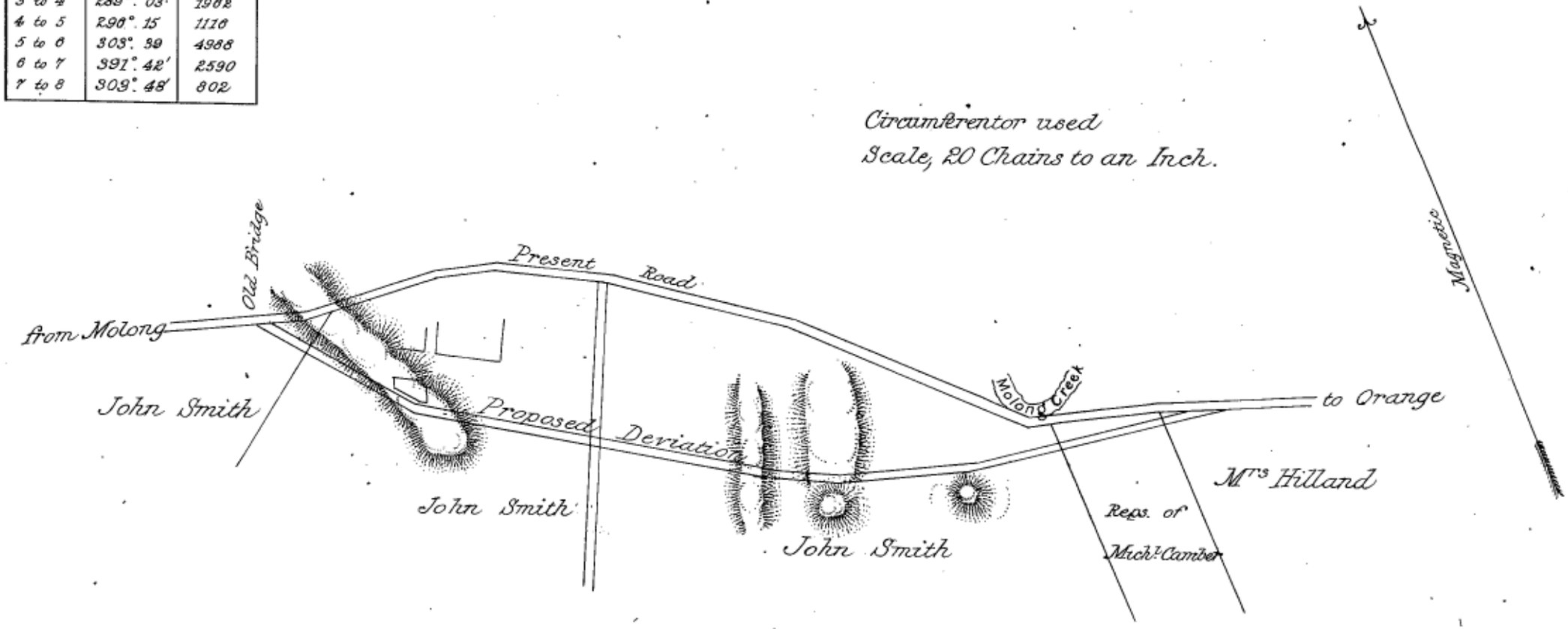
G. W. ROAD

PLAN OF PROPOSED DEVIATION

NEAR MOLONG.

TRAVERSE		
Station	Bearing	Distance
0 to 1	360° 0′	35
1 to 2	292° 14′	1190
2 to 3	279° 35′	1917
3 to 4	289° 03′	1902
4 to 5	290° 15′	1110
5 to 6	303° 39′	4966
6 to 7	391° 42′	2590
7 to 8	309° 48′	802

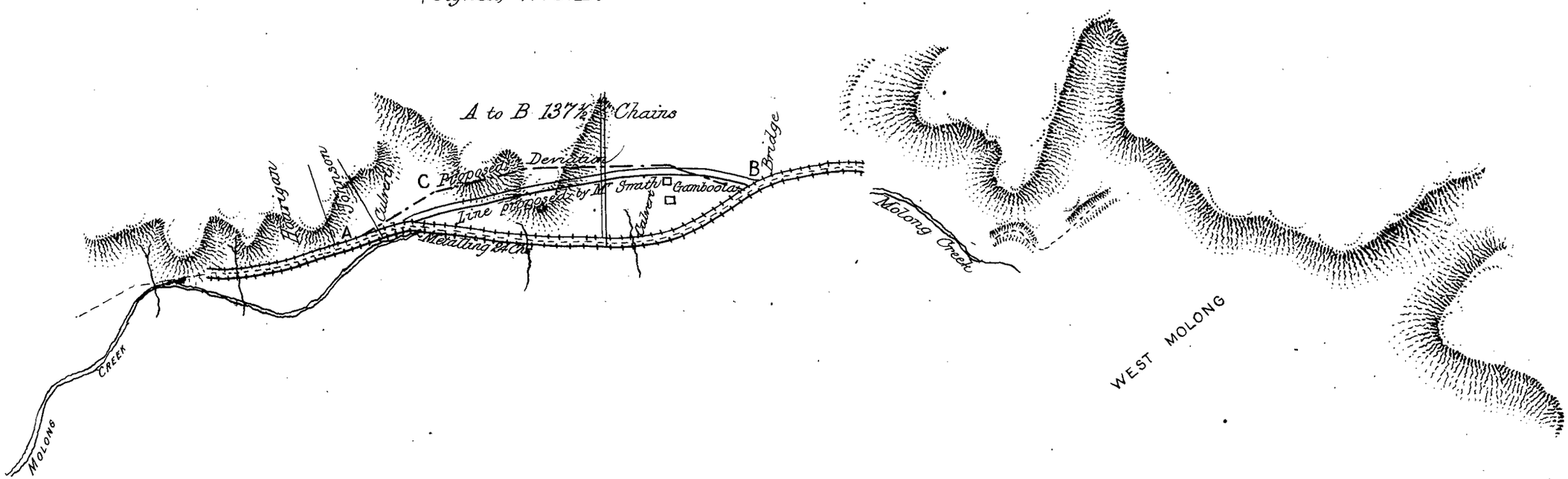
Circumferentor used
Scale, 20 Chains to an Inch.



(Sig. 450)

Mr Gordon to mark the line proposed by Mr Smith on this and report and also, as to whether any work has been done on the portion of the line to be abandoned

(Signed) W.C.B.



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1873.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

CLAIM OF MR. STEPHEN SCHOLEY.

(PETITION OF MR. J. ECKFORD, AGAINST.)

Ordered by the Legislative Assembly to be printed, 7 October, 1873.

To the Honorable the Legislative Assembly.

The Petition of Joseph Eckford,—

HUMBLY SHOWETH:—

That your Petitioner has heard with regret and surprise, that your Honorable House has agreed to adopt the Report of the Select Committee, recommending to the favourable consideration of the Executive Government the case of Stephen Scholey, for alleged loss and damage, caused by an action-at-law between the said Stephen Scholey and your Petitioner, which arose out of charges made against your Petitioner by the said Stephen Scholey, of misappropriation of public money, in the matter of the Cessnock Road.

That your Petitioner respectfully submits that the said Report and the proceedings of the said Committee are greatly open to question, and that the said Stephen Scholey is not entitled to be reimbursed from the Public Treasury for any loss or damage alleged to have been sustained by him in the matter referred to; that the witnesses summoned and examined before the said Committee were chosen from personal friends of the said Stephen Scholey, and were further liable to be prejudiced by personal hostility to your Petitioner.

That, not only is such reimbursement of the said Stephen Scholey from the Public Treasury, for such alleged loss and damage, calculated to inflict great injury upon public interests, but also to prejudice your Petitioner, inasmuch as the claim of the said Stephen Scholey is founded upon the said charges against your Petitioner, which charges your Petitioner maintains to be wholly unfounded, and which the said Stephen Scholey has entirely failed to prove; that the facts of the case in regard to the said expenditure of public money upon the Cessnock Road, are as stated below:—

That your Petitioner denies having misappropriated any public money, as is stated by the said Stephen Scholey, and that your Petitioner implored the Select Committee, as will be seen by his evidence, to summon witnesses to prove, as they did in the Supreme Court, that they received the sums of money your Petitioner was charged with misappropriating; and your Petitioner believes the said Stephen Scholey in making such charges to have been actuated by malice against your Petitioner.

In proof of which your Petitioner calls the attention of your Honorable House to the following extracts from the evidence taken before the Select Committee:—Questions by Mr. Forster to Mr. Stephen Scholey, from 168 to 188. Questions by Mr. Forster, from 340 to 345, to Stephen Scholey, clearly proves the prevaricating manner in which the said Stephen Scholey gave his evidence. Questions by Mr. Webb to Stephen Scholey, 437-438-439-440-444-448, the answers to which, by Mr. Stephen Scholey, are untrue, in proof of which your Petitioner respectfully refers your Honorable House to the minute-book of the Maitland District Council, and to the evidence taken on March 21st, which will give all the necessary information upon that and other matters of the greatest moment, and will show that the money your Petitioner was charged with misappropriating, in October, 1868, was paid, by resolution of the Council, on August 17th, 1869, and your Petitioner's evidence throughout will show that your Petitioner was desirous of proving his innocence in the matter before the said Committee, but was prevented from doing so, and that the witnesses he desired to call were not summoned, on the ground that the charges against your Petitioner were not in question before the said Committee.

That, nevertheless, the said Stephen Scholey and other witnesses were examined by leading questions with a view to elicit statements damaging to the character of your Petitioner, which statements your Petitioner has had no opportunity of disproving, and which your Petitioner can easily disprove if such opportunity had been given him, as formerly, before the Supreme Court.

That, on the said trial, Mr. Justice Faucett, as will be seen per *Herald's* report, charged the jury to the following effect:—"The jury must look at all his acts and proceedings, and their natural tendency, on the one hand, and at the information upon which he had acted; and on the other, at the fact of his not having communicated to his brother Councillor the nature of the charges. They must also judge whether, in pressing for the adoption of the report, he had been actuated by a sense of duty and a belief that the matter ought to be at once placed before the public, or by a wish to hurry on the matter to the plaintiff's prejudice in his absence.

That your Petitioner has been further greatly prejudiced, and the said Stephen Scholey been placed in a position of unfair advantage, by the circumstances of the said Stephen Scholey being a Member of the Legislative Assembly, and being thereby enabled to converse with other Members of your Honorable House, and to make statements and advance arguments on his own behalf, and against the character and interests of your Petitioner, on occasions when your Petitioner was not present, and, accordingly, to influence votes and discussions, so as to benefit the said Stephen Scholey, and to prejudice your Petitioner.

That, in the event of the Executive Government being influenced by the adoption of the said report, or by the said Stephen Scholey, to place a sum upon the Estimates, with a view to the reimbursement of the said Stephen Scholey in the matter aforesaid, your Petitioner earnestly prays your Honorable House to refuse to grant such sum or any sum of money, with a view to such reimbursement, until a thorough, searching, and impartial inquiry be made into the charges and counter-charges between your Petitioner and the said Stephen Scholey, the Report brought up by the Select Committee being entirely one-sided, and based upon neither evidence nor facts.

And your Petitioner shall ever pray.

JOSEPH ECKFORD.

Sydney, October 2nd, 1873.

Sydney: Thomas Richards, Government Printer.—1873.

[3*d*.]

1873.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

WALKER & CARLOW STREETS ENCLOSURE BILL.

(PETITION AGAINST—INHABITANTS OF NORTH SHORE.)

Ordered by the Legislative Assembly to be printed, 15 *October*, 1873.

To the Honorable the Legislative Assembly of New South Wales, in Parliament assembled.

The Petition of the undersigned Inhabitants of the North Shore,—

HUMBLY SHOWETH:—

That your Petitioners are made aware, by means of the Public Press, that a Bill is now before your Honorable House to legalize the shutting up of Carlow-street and Walker-street, in the Borough of St. Leonards, North Shore.

Your Petitioners would respectfully beg leave to state that upwards of two years ago the Municipal Council of the Borough of St. Leonards, without calling a meeting of the inhabitants, or consulting them in any way, shut up the streets in question, and that the Bill now before your Honorable House is brought in to legalize this most illegal act. That a similar Bill was brought in last Session, which, on the 13th December, 1872, was referred to a Select Committee. That two petitions were presented to your Honorable House last Session against the passing of that Bill, containing 346 signatures, all of whom are residents or property-holders on the North Shore, while one petition with 160 signatures was presented in its favor, thus giving more than two to one against the passing of the Bill. That several of the witnesses called and examined by the Committee in favor of the Bill were Aldermen of the Borough of St. Leonards at the time the streets in question were shut up, and therefore were thus called upon to give evidence in favor of their own illegal act. That on the 19th March, 1873, a quorum of the Committee, consisting of Mr. Tunks, Mr. Burns, with Mr. Hill dissenting, agreed to a report in favor of the Bill, notwithstanding that the impartial evidence taken and signatures to the petitions largely preponderated in the opinion of your Petitioners against the passing of the Bill. That the increased value of land spoken of by several of the witnesses called in favor of the Bill is due to the increase of population on the North Shore and the facilities of communication, and not to the shutting up of the streets as they allege, because it must be evident to your Honorable House that the effect of shutting up streets is to do away with all traffic, and therefore to destroy the value of land in the neighbourhood.

That your Petitioners would respectfully refer your Honorable House to the two petitions presented last Session against the passing of the Bill and evidence taken by the Committee, and would beg leave to submit the following reasons against enclosing the streets in question:—

1. That the whole of the traffic to Middle Harbour, the Forts, the Water Reserve, &c., on the one hand and to Sydney on the other, is thereby thrown into Falcon-street and Ridge-street, causing a detour of more than half a mile.
2. That both these streets have very steep gradients, in some places as much as one in twelve, and are therefore unfit for heavy traffic, and could not be made so, except at an enormous expense, for cutting and filling up far beyond the means of the Municipality.
3. That Ridge-street is wholly impassable at the south-east corner of the Reserve for public recreation, owing to a precipice; and a temporary roadway has been opened there, only by cutting off and misapplying about an acre of the Reserve, as shown on the plan attached to the Bill.
4. That both Carlow-street and Walker-street, where they pass through the Reserve, are not only perfectly level and fit for any traffic, but are fully half a mile nearer.
5. That land bought from the Government on the faith of these streets being dedicated for public use, would, in the neighbourhood of the Reserve, be very much depreciated in value by shutting them up, and the owners of such land would in that event be entitled to claim compensation from the Government.

Your Petitioners therefore pray that they may be heard by Counsel at the Bar of your Honorable House against the passing of the Bill.

And your Petitioners, as in duty bound, will ever pray.

[*Here follow* 42 *Signatures.*]

1873.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

TOLLS ON WESTERN ROAD.

(PETITION OF CARRIERS AGAINST.)

Ordered by the Legislative Assembly to be printed, 10 *December*, 1873.

To the Honorable the Members of the Legislative Assembly of New South Wales, in Parliament assembled.

The humble Petition of the undersigned Carriers on the Western Road, and others interested in the Western traffic,—

SHOWETH:—

That your Petitioners are engaged in the traffic on the Great Western Road.

That there are four toll-bars between Raglan Railway-station and Orange, a distance of forty miles. The first about three miles from Raglan, which demands a fee of sixpence per head for every beast drawing, the second twelve miles beyond Bathurst, the third at Guyong, eleven miles further, and the fourth within two miles of Orange, all of which three last-named demand a fee of threepence per head for every beast drawing and a tonnage fee for the loading carried.

That your Petitioners find these taxes extremely oppressive, so much so as to prevent their gaining a fair livelihood.

Your Petitioners therefore humbly pray that this matter of tolls may receive consideration, and grant us such relief as you may deem fit.

And your Petitioners will ever pray, &c.

[*Here follow* 94 *Signatures.*]

1873–4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

SYDNEY AND SUBURBAN STREET TRAMWAYS BILL.

(PETITION AGAINST—CITIZENS OF SYDNEY.)

Ordered by the Legislative Assembly to be printed, 17 *February*, 1874.

To the Honorable the Legislative Assembly of New South Wales, in Parliament assembled.

GENTLEMEN:—

We, the undersigned Citizens of Sydney, respectfully draw your attention to the great injustice that would be done to us, and serious injury to our business and properties, by the passing of the proposed Bill to enable certain parties to lay down Tramways in several streets of Sydney. We respectfully submit that the narrow width and configuration of our streets utterly precludes the idea of laying down and running Tramways in them, unless by entirely banishing the traffic at present carried on, thereby destroying our business and ruining our properties. It is incontestable that the Tramway formerly laid in Pitt-street drove nearly all the vehicle traffic out of that street, and caused not only many serious accidents but ultimately loss of life. In answer to the latter statement, it is urged that the proposed Tramways are to be on an improved principle, and that the rails will never be exposed above the roadway. This, we most respectfully submit, is not possible; for, owing to the friable nature of materials composing the surface of our streets, it is constantly being ground down by the traffic, and removed by winds, rain, and street-cleaning.

Your Petitioners have been informed that in several Cities of England, where Tramways on the "improved principle" are laid down, that they have so interfered with the ordinary traffic and injured business and property, that steps are now being taken to cause their removal.

Your Petitioners respectfully pray your Honorable House to refuse its sanction to any Bill having for its object the laying down of Tramways in the City of Sydney.

And your Petitioners, as in duty bound, will ever pray.

[*Here follow* 308 *Signatures.*]

1873–4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

SYDNEY AND SUBURBAN STREET TRAMWAYS BILL.

(PETITION AGAINST—INHABITANTS OF PADDINGTON, WOOLLAHRA, AND WAVERLEY.)

Ordered by the Legislative Assembly to be printed, 27 February, 1874.

To the Honorable the Speaker and Members of the Legislative Assembly of New South Wales, in Parliament assembled.

The humble Petition of the undersigned Property-holders and Residents of South Head Road, Paddington, Woollahra, and Waverley,—

RESPECTFULLY SHOWETH:—

That your Petitioners are aware that a Bill has lately been introduced into Parliament intituled "The Sydney and Suburban Street Tramway Bill."

That many of your Petitioners believe that the establishment of such Tramway would have the effect of reducing the value of property along which the lines were laid.

That the charges for passengers by the Tramway would be higher than the Omnibus fares, and your Petitioners would be much inconvenienced thereby, as the Omnibuses would not be licensed to run on the same roads as the Tramway.

That those of your Petitioners who are in favour of Tramways to the suburbs hold that such works should be undertaken by the Government, so that the rates for passengers might be as low as possible, compatible with a moderate return on the expenditure; and also that, in the event of the Tramway proving a nuisance, it could be removed without the Government having to allow a large sum by way of compensation, as would otherwise be the case if the property belonged to a Company or Firm.

Your Petitioners, therefore, humbly pray that your Honorable House will not pass the said Bill.

And your Petitioners, as in duty bound, will ever pray, &c.

[*Here follow 733 Signatures.*]

[3*d*.] 423—

1873–4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

SYDNEY AND SUBURBAN STREET TRAMWAYS BILL.

(PETITION AGAINST—CHAIRMAN AND DIRECTORS OF THE NEWTOWN OMNIBUS COMPANY.)

Ordered by the Legislative Assembly to be printed, 3 *March*, 1874.

To the Honorable the Speaker and Members of the Legislative Assembly of New South Wales, in Parliament assembled.

The humble Petition of the undersigned Chairman and Directors of the Newtown Omnibus Company (Limited),—

RESPECTFULLY SHOWETH:—

That your Petitioners represent a Company called into existence under laws having the sanction of your Honorable House.

That your Petitioners have been put to great expense in the improvement of the plant, in order to meet the requirements of the laws for the regulation of Public Vehicles.

That your Petitioners have seen that there is now before your Honorable House a Bill to incorporate a Company under the name of the "Sydney and Suburban Tramway Company," and that in the said Bill power is proposed to be given to the said Company to construct and maintain a Tramway on the line of road for which we now furnish the public accommodation by omnibuses.

That your Petitioners, whilst not wishing to obstruct any measure that may be deemed necessary for the advancement of the public interest, yet would respectfully submit that some consideration should be shown them in consequence of the great expense entailed on them in keeping up so far a high class traffic on the roads under their charge, and which expense already amounts to upwards of five thousand pounds.

Your Petitioners would point out that there has never been any desire expressed by the inhabitants of Newtown, or the surrounding district, for the construction of the said Tramway, nor have the Municipal Council or Road Trust declared themselves in favour thereof.

Your Petitioners therefore humbly pray your Honorable House to take the premises into your favourable consideration, and reject the said Bill, or, in the event of its passing, that your Honorable House will make provision therein for the due protection of your Petitioners' rights and interests.

And your Petitioners, as in duty bound, will ever pray, &c., &c.

[*Here follow 5 Signatures.*]

1873-4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

SYDNEY AND SUBURBAN STREET TRAMWAYS BILL.

(PETITION AGAINST—SHAREHOLDERS OF THE WOOLLAHRA AND WAVERLEY OMNIBUS COMPANY.)

Ordered by the Legislative Assembly to be printed, 3 *March*, 1874.

To the Honorable the Speaker and Members of the Legislative Assembly of New South Wales, in Parliament assembled.

The Petition of the undersigned Shareholders in the Woollahra and Waverley United Omnibus Company,—

HUMBLY SHOWETH:—

That your Petitioners are shareholders in the Woollahra and Waverley United Omnibus Company, and that the value of the plant is over six thousand pounds.

That the Company's omnibuses are a great convenience to the public, as they run daily between Sydney and Paddington, Woollahra, Waverley, and Bondi, at intervals of only a few minutes, from eight o'clock a.m. till eleven p.m., and that the fares are only three-pence for a distance of five miles.

That although your Petitioner's Company has been established over two years, they have not yet paid any dividend, as their profits have been appropriated in building new omnibuses for the purpose of fully meeting the requirements of the public.

That your Petitioners are aware that a Bill has been laid before your Honorable House intituled "The Sydney and Suburban Street Tramway Bill," in which it is proposed to lay a Tramway along the roads used by the Petitioner's omnibuses.

That the effect of passing the said Bill would be to ruin your Petitioners, whose plant in consequence thereof would be of little value, and that without any advantage to the public, as the fares proposed to be charged on the Tramway are higher than the present omnibus rates.

Your Petitioners therefore humbly pray that your Honorable House will not pass the said Bill.

And your Petitioners, as in duty bound, will ever pray.

[*Here follow* 31 *Signatures.*]

[3*d*.] 427—

1873–4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

SYDNEY AND SUBURBAN STREET TRAMWAYS BILL.

(PETITION AGAINST—RESIDENTS OF GEORGE-STREET, SYDNEY.)

Ordered by the Legislative Assembly to be printed, 18 *March*, 1874.

To the Honorable the Legislative Assembly of New South Wales, in Parliament assembled.

The Prayer of the undersigned Freeholders and Residents of George-street, Sydney,—

RESPECTFULLY SHOWETH:—

That your Petitioners have heard with surprise and alarm that a Bill is now before your Honorable Assembly for the purpose of enabling certain persons to construct a Tramway in George-street, Sydney.

That the construction of such Tramway would be fraught with serious loss and damage to the properties and business of your Petitioners, and would tend to divert the business traffic from that portion of the street where the Tramway was constructed.

That such Tramway would be a dangerous nuisance, and would imperil the safety and the lives of persons riding or driving along the street where same were laid.

That such Tramway is not required for the public use, as the present modes of conveyance are sufficient for all present purposes.

That the Tramway proposed to be laid down would not be less dangerous than the Tramway formerly laid in Pitt-street, Sydney, and which Tramway was the cause of much injury, inconvenience, and loss of life, and consequently had to be taken up.

That the effect of allowing any number of persons to construct a Tramway in any portion of our thoroughfares, would be to virtually hand over the same to those persons for their exclusive use and benefit.

In view of the foregoing facts, your Petitioners pray that your Honorable Assembly will not accede to the request of any persons to be allowed to construct a Tramway in any portion of our streets.

And your Petitioners, as in duty bound, will ever pray, &c.

[*Here follow* 43 *Signatures.*]

1873-4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

SYDNEY AND SUBURBAN STREET TRAMWAYS BILL.

(PETITION OF RESIDENTS OF GEORGE-STREET, PRAYING TO BE HEARD BY COUNSEL AT THE BAR OF THE HOUSE—AGAINST.)

Ordered by the Legislative Assembly to be printed, 20 *March*, 1874.

To the Honorable the Legislative Assembly of New South Wales, in Parliament assembled.

The prayer of your Petitioners—Freeholders and Residents of George-street, in the City of Sydney,—

RESPECTFULLY SHOWETH:—

That a Petition against the Sydney and Suburban Street Tramway Bill, now before your Honorable Assembly, was presented on Tuesday, the seventeenth day of March instant, by Joseph Wearne, Esquire, Member of the Legislative Assembly for West Sydney, to your Honorable House.

That your Petitioners humbly pray that they may be heard in support of such Petition by Counsel at the Bar of your Honorable House.

And your Petitioners, as in duty bound, will ever pray, &c.

Signed for selves and other Petitioners.

[*Here follow* 9 *Signatures.*]

1873–4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

SYDNEY AND SUBURBAN STREET TRAMWAYS BILL.

(PETITION IN FAVOUR OF—MUNICIPAL COUNCIL OF WAVERLEY.)

Ordered by the Legislative Assembly to be printed, 18 *March*, 1874.

To the Honorable the Legislative Assembly of New South Wales.

The humble Petition from the Municipal Council of Waverley,—

SHOWETH:—

That your Petitioners believing the "Tramway Bill" now before your Honorable House to be pre-eminently suitable for the requirements of the passenger traffic of the City of Sydney and its suburbs, humbly pray that your Honorable House will take the said "Tramway Bill" into your most favourable consideration.

And your Petitioners, as in duty bound, shall ever pray.

[*Here follow* 8 *Signatures.*]

[3*d.*] 469—

1873–4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

SYDNEY AND SUBURBAN STREET TRAMWAYS BILL.

(PETITION RESPECTING—MAYOR, ALDERMEN, AND CITIZENS OF SYDNEY.)

Ordered by the Legislative Assembly to be printed, 18 *March*, 1874.

To the Honorable the Speaker and Members of the Legislative Assembly of New South Wales, in Parliament assembled.

The humble Petition of the Mayor, Aldermen, and Citizens of the City of Sydney,—

MOST RESPECTFULLY SHOWETH:—

That a Bill is now under the consideration of Parliament, intituled the Sydney and Suburban Street Tramways Bill.

That as such Bill will in a measure take the control of portions of certain streets in the City of Sydney out of the hands of your Petitioners, they are desirous that the same should not pass into law in its present shape.

Your Petitioners, therefore, humbly pray that the said Bill may be so amended as to limit its operation for a period of twenty-one years.

And your Petitioners, as in duty bound, will ever pray.

The Common Seal of the Mayor, Aldermen, and Citizens of the City of Sydney was affixed hereto by Charles Henry Woolcott, Town Clerk of the City of Sydney, this seventeenth day of March, in the year one thousand eight hundred and seventy-four. (L.S.)

CHAS. H. WOOLCOTT.

1873.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON THE

SYDNEY AND SUBURBAN STREET TRAMWAYS BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND

APPENDIX.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
19 *December*, 1873.

SYDNEY: THOMAS RICHARDS, GOVERNMENT PRINTER.

1874.

[1s. 3d.] 270—A

1873.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY.

VOTES No. 44. FRIDAY, 21 NOVEMBER, 1873.

6. SYDNEY AND SUBURBAN STREET TRAMWAYS BILL ("*Formal*" *Motion*) :—Mr. Burns moved, pursuant to Notice,—
(1.) That the Sydney and Suburban Street Tramways Bill be referred to a Select Committee for inquiry and report.
(2.) That such Committee consist of Mr. Sutherland, Mr. Oakes, Mr. Macintosh, Mr. Tunks, Mr. Combes, Mr. Jacob, Mr. Grahame, Mr. Nelson, Mr. Thomas Brown, and the Mover.
Question put and passed.

VOTES No. 60. FRIDAY, 19 DECEMBER, 1873.

2. SYDNEY AND SUBURBAN STREET TRAMWAYS BILL :—Mr. Burns, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and of Evidence taken before, the Select Committee for whose consideration and report this Bill was referred on 21st November, 1873, together with Appendix.
Ordered to be printed.

* * * * * * * * * *

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1873.

SYDNEY AND SUBURBAN STREET TRAMWAY BILL.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, for whose consideration and Report was referred, on 21st November, 1873,—"*The Sydney and Suburban Street Tramways Bill*,"—beg to report to your Honorable House,—

That they have examined the witnesses named in the List* (whose evidence will be found appended hereto), and that the Preamble having been satisfactorily proved to your Committee they proceeded to consider the several Clauses and Schedules of the Bill in which it was deemed necessary to make certain amendments, together with an amendment in the Title.

* (See List, page 6.)

Your Committee now beg to lay before your Honorable House the Bill as amended by them, with an amendment in the Title.

J. F. BURNS,
Chairman.

No. 2 *Committee Room*,
Sydney, 19*th December*, 1873.

PROCEEDINGS OF THE COMMITTEE.

THURSDAY, 27 NOVEMBER, 1873.

MEMBERS PRESENT:—

Mr. Burns, | Mr. Nelson,
Mr. Tunks, | Mr. Grahame,
Mr. Macintosh.

Mr. Burns called to the Chair.

Entry in Votes and Proceedings, appointing the Committee, *read* by the Clerk.

Printed copies of the Bill *referred*, and the original Petition to introduce the same, before the Committee.

Present:—W. F. M'Carthy, Esq. (*Solicitor for the Bill*).
J. D. Larsen, Esq., C.E. (*One of the Promoters of the Bill.*)

J. D. Larsen, Esq., C.E., examined.

Witness produced Reports in reference to the working of the Tramway system in Great Britain and on the Continent of Europe, also plans of same.

Room cleared.

Committee deliberated.

Ordered,—That George Thornton, Esq., W. M. Alderson, Esq., and John Watkins, Esq., be summoned to give evidence next meeting.

[Adjourned to Tuesday next, at *Two* o'clock.]

TUESDAY, 2 DECEMBER, 1873.

MEMBERS PRESENT:—

Mr. Burns in the Chair.
Mr. Macintosh, | Mr. Grahame,
Mr. Oakes.

Present:—W. F. M'Carthy, Esq. (*Solicitor for the Bill*).
J. D. Larsen, Esq., C.E. (*One of the Promoters of the Bill*).

W. M. Alderson, Esq., called in and examined.

Witness withdrew.

John Watkins, Esq., called in and examined.

Witness withdrew.

J. D. Larsen, Esq., C.E., further examined.

Witness *handed in* letters from Municipal Councils favourable to this Bill, which were ordered to be appended (*See Appendices A 1 to 4*); and *produced* Diagrams showing improvements of present rail over those formerly in use.

Room cleared.

Chairman informed the Committee that he had received a letter from Mr. Thornton, informing him of his inability to give any valuable information, but that if it was the desire of the Committee he would attend and give evidence.

Committee deliberated.

Ordered,—That Lancelot Threlkeld, Esq., Edgar Layard, Esq., George Thornton, Esq., and John Whitton, Esq., be summoned to give evidence next meeting.

[Adjourned to Thursday next, at half-past *Two* o'clock.]

THURSDAY, 4 DECEMBER, 1873.

MEMBERS PRESENT:—

Mr. Burns in the Chair.

Mr. Nelson, | Mr. Grahame,
Mr. Jacob, | Mr. Tunks,
Mr. Macintosh, | Mr. Oakes.

Present:—W. F. M'Carthy, Esq. (*Solicitor for the Bill*).
J. D. Larsen, Esq., C.E. (*One of the Promoters of the Bill*).

George Thornton, Esq., called in and examined.

Witness withdrew.

Lancelot Threlkeld, Esq., called in and examined.

Witness withdrew.

Edgar Layard, Esq., called in and examined.

Witness withdrew.

J. H. Thomas, Esq. (*Civil Engineer*), called in and examined.
Room cleared.
Committee deliberated.
Ordered,—That J. H. Thomas, Esq., C.E., be summoned to give evidence next meeting.
Re-assembling of the Committee to be arranged by the Chairman.

[Adjourned.]

WEDNESDAY, 10 *DECEMBER*, 1873.

MEMBERS PRESENT:—

Mr. Burns in the Chair.

Mr. Grahame,	Mr. Thomas Brown,
Mr. Jacob,	Mr. Macintosh.

Present:—W. F. M'Carthy, Esq. (*Solicitor for the Bill*).
J. D. Larsen, Esq., C.E. (*One of the Promoters of the Bill*).
J. H. Thomas, Esq., C.E., called in and further examined.
Witness *handed in* Memorandum of his views in respect to Tramways, which was ordered to be appended. (*See Appendix* B 1.)
Mr. John Young called in and examined.
Witness *produced* plan of Tramways in New York and Philadelphia, also photographs of Tram-cars used in New York, Glasgow, and New Orleans.
Witness withdrew.
J. H. Thomas, Esq., C.E., further examined.
Witness withdrew.
Mr. John Woods called in and examined.
Room cleared.
Committee deliberated.

[Adjourned to Friday next, at half-past *Two* o'clock.]

FRIDAY, 12 *DECEMBER*, 1873.

MEMBERS PRESENT:—

Mr. Burns in the Chair.

Mr. Jacob, | Mr. Nelson,
Mr. Macintosh.

Present:—W. F. M'Carthy, Esq. (*Solicitor for the Bill*).
J. D. Larsen, Esq., C.E. (*One of the Promoters of the Bill*).
J. D. Larsen, Esq., C.E., further examined.
Room cleared.
Preamble considered.
Question—"That this Preamble stand part of the Bill"—put and passed.
Committee deliberated.
Re-assembling of the Committee to be arranged by the Chairman.

[Adjourned.]

FRIDAY, 19 *DECEMBER*, 1873.

MEMBERS PRESENT:—

Mr. Burns in the Chair.

Mr. Nelson, | Mr. Combes,
Mr. Oakes.

Bill further considered.
Clauses 1 and 2 *read* and *agreed to*.
Clause 3 *read*, amended* (on motion of Mr. Nelson), and *agreed to*.
Clauses 4 to 65 inclusive *read* and *agreed to*.
Clause 66 *read*, amended* (on motion of Mr. Nelson), and *agreed to*.
Clauses 67 to 80 inclusive *read* and *agreed to*.
Clause 81 *read*, amended* (on motion of Mr. Nelson), and *agreed to*.
Clauses 82 to 99 inclusive *read* and *agreed to*.
Clause 100 *read*, amended* (on motion of Mr. Nelson), and *agreed to*.
Clauses 101 to 121 *read* and *agreed to*.
Clause 122 *read*, amended* (on motion of Mr. Nelson), and *agreed to*.
Clause 123 *read*, amended* (on motion of Mr. Nelson), and *agreed to*.
Clauses 124 to 144 inclusive *read* and *agreed to*.
Clause 145 *read*, amended* (on motion of Mr. Nelson), and *agreed to*.
Clauses 146 to 165 *read* and *agreed to*.
Schedules *read* and *agreed to*.
Title *read*, amended* (on motion of Mr. Nelson), and *agreed to*.
Chairman to report Bill with amendments.

* *See* Schedule of Amendments.

* *See* Schedule of Amendments.

* *See* Schedule of Amendments.

* *See* Schedule of Amendments.

* *See* Schedule of Amendments.

* *See* Schedule of Amendments.

* *See* Schedule of Amendments.

SCHEDULE OF AMENDMENTS.

Clause 3, line 27, *after* "Ridley" *insert* "John Young George Kiss John Woods"
Clause 66, lines 6 and 7, *omit* "on the first Monday in the months of or."
Clause 81, line 53, *after* "Ridley" *insert* "John Young George Kiss and John Woods"
Clause 100, lines 49 and 50, *omit* "shall have at least five shares in the Company and he."
Clause 122, line 18, *omit* "Albion," *insert* "Vickery"; also *insert* "Power-street," *after* "and."
Clause 123, line 22, *omit* "fifteen hundred," *insert* "one thousand."
Clause 145, line 12, *after* "the" *insert* "effective."
Title, *omit* "City," line 1, *insert* "Sydney."

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1873.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

SYDNEY AND SUBURBAN STREETS TRAMWAY BILL.

THURSDAY, 27 NOVEMBER, 1873.

Present:—

MR. BURNS, MR. GRAHAME, MR. MACINTOSH, MR. NELSON, MR. TUNKS.

JOHN F. BURNS, ESQ., IN THE CHAIR.

Mr. M'Carthy appeared as Solicitor for the Bill.

Jorgen Daniel Larsen, Esq., was called in and examined:—

J. D. Larsen, Esq. 27 Nov., 1873.

1. *Chairman.*] You are the promoter of a Bill for the construction of tramways in the city and suburbs of Sydney? I am the engineer and promoter.
2. *Mr. M'Carthy.*] You have had considerable experience as an engineer? Yes. I have been engaged professionally in connection with tramways from the time that the tramways were first started in London. In 1868 we made the first movement with these tramways there, and from that time to this I have been the engineer for many lines and Companies, both in England and abroad.
3. You have constructed lines, I believe, not only in London but also in other cities of England? I have.
4. And also upon the Continent? Yes. If you will allow me, I will enumerate those cities in which I have been engaged in laying down tramways, and inform you what my experience has been in these matters. I have been engineer for something like 42 miles of tramways in London. I was consulting engineer to the Edinburgh tramway after the line was started, but not as the engineer when the Bill was before Parliament. I have been the engineer for lines in Belfast, Cardiff, and Portsmouth. I was assistant consulting engineer to the Glasgow tramways, with Mr. Hopkins, the engineer. I have also been the engineer for the tramways laid down in Brussels, Paris, Madrid, and Copenhagen, and I started the works at Bucharest.
5. Comparing the streets of Sydney, through which you propose to run these tramways, with the streets in the cities where you have constructed your tramways in England and on the Continent;—what is the result? The Sydney streets in which I propose to construct these tramways are wider than many of the streets of London and several other cities where I have laid down tramways.
6. *Chairman.*] The streets in which there are tramways are not so wide as those of Sydney? No, not so wide as those of Sydney.
7. Can you give us an instance? I would take for instance Philadelphia, Brooklyn, or New York, London, Belfast, and Glasgow. The great thoroughfares for Glasgow are Argyle-street, Buchanan-street, Jamaica-street, and Sanchiehal-street. In London we have streets of 18 feet 2 inches, where we pass with double lines. That is a great thoroughfare in Camberwell.
8. *Mr. M'Carthy.*] That is the width in the street? The width from kerb to kerb.

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9. *Mr. Tunks.*] From kerb to kerb—that includes the gutter? That includes the gutter. You drive close to the kerb there. The gutters are all laid with Aberdeen granite. Then we have Deptford and Deptford Bridge. The street there is 23 feet wide. There is a traffic on that street equal to any in London, it being the great thoroughfare into Kent. There are especially a great many heavy waggons. There are something like 1,500 market waggons going in with market stuff for the market gardeners. We have never experienced any difficulty in the working of the tramway there, but quite the reverse. The police have had less to do to keep that narrow street from being blocked up since the tramway has been laid down, because it makes the traffic keep to its proper side—right and left. The traffic that goes to London keeps to the left, and the traffic that comes from London keeps to the right. Before the tramway was laid down, the traffic crossed from one side of the street to the other, and that was a great source of inconvenience and annoyance.

10. *Mr. M'Carthy.*] Can you speak of other instances? I can speak of Glasgow. Argyle-street is only 38 feet wide. Cowcadden-street is only 35 feet 10 inches. There is no traffic in Sydney equal to the traffic in Argyle-street. We have a double line starting from there, and diverging into three different lines —through the Princess Bridge, up Buchanan-street and Cowan-street, and out through Sanchiehal-street. In Copenhagen the lines also traverse very narrow streets—especially in Norway-street and across the bridge, where there is a very great traffic indeed. The bridge is only 14 feet wide, and there is a single line on it. Bridge-street in Belfast is a great thoroughfare, and all the leading business houses are there. It is a very short street, but still some of the largest and most aristocratic shops are there—shops which employ something like 600 attendants. We pass through there and right up through Donegal-street with a single line, that street being only 23 feet in its widest part.

11. *Chairman.*] What about Dublin? In Dublin the lines start from Nelson's Monument, through the leading street, Sackville-street, and go right through the Botanic Gardens. After you have crossed the bridge, the street is very narrow. I should not like to mention the width; but they have only 9 feet 2 inches from the outer rail to the kerb. There is a great traffic out there; and also along Clare-street and Mount-street. Those streets are very narrow. They only average 26 feet, and there are double lines constructed there.

12. *Mr. M'Carthy.*] In Portsmouth? In Portsmouth they have a double and single line all through. There the Government compelled us to lay such a rail as the railway waggons and carriages could run on; but they only run the railway trains morning and evening in connection with the shipping interest. The line is so constructed that the railway waggons run on the flange instead of on the tread of the wheel.

13. *Chairman.*] I think you mentioned Cardiff too? Yes. In Cardiff we go through some very narrow streets; but I must state that the traffic in Cardiff is not excessive in any way. There is a large passenger traffic, but the ordinary traffic is nothing to speak of. There are very few private vehicles, the principal traffic being with cabs and market carts. We cross some very sharp bridges over the canal there.

14. Could you give us any information respecting the tramways in Berlin and Hamburgh? In Hamburgh they start from the Exchange, pass through the leading thoroughfares, and go on to Wansbeck. The lines then divert to other places, that is, starting right from the heart of the city. In Brussels they start from Port Scarbreck, and then pass along by the Royal Palace. I have several reports here respecting the working of tramways in foreign countries, presented to the House of Commons by command of Her Majesty in 1872.

15. Have you given us any information respecting Berlin? Taking Berlin—the width of the streets where the tramway runs is 24 feet. The lines along those streets in Berlin are laid 12 inches from the gutter, and they are furnished with loop lines, that is, shunting places to turn out so that one vehicle may not hinder another. They are so arranged that the traffic can be worked at five or ten minutes' intervals. The usual speed of travelling there is from nine to ten miles an hour.

16. You are now speaking of Berlin in particular;—are you not? Yes. If we go to Vienna, we find that they have a large system of tramways there, and the streets out of the town are something like the Paris Boulevards, but through the new town they are not so extraordinary wide on account of the trees planted there. The space allotted to them is not more than 40 feet wide altogether. In certain parts the lines are laid on each side of these avenues, the up-line on the one side and the down on the other, so that the carriage-drive in the centre is not interfered with.

17. The reports to which you have referred, and which you now produce, are reports showing that the construction of tramways in Copenhagen, Hamburgh, Berlin, Constantinople, and other places on the Continent of Europe have worked successfully? Yes; they have worked successfully, and they are constantly increasing in number and length.

18. Is the population greater, as a rule, in these cities than it is in Sydney? Yes, much greater, with the exception of Copenhagen. Copenhagen has a population of more than 160,000, and up to last year the tramways have carried something like 8,000,000 of persons.

19. When did you commence this system of tramways? The Copenhagen tramway was one of the first constructed on the new system. There was Train's system in London, which was bought, took up, and laid down with a new rail. The cars and material were removed from London to Copenhagen, and a rail was invented which did not interfere with the public traffic. In 1866, the Copenhagen tramways were completed and opened for public traffic; and from that time tramways have had a continuous success.

20. They are now in operation there? They are, but they extend something like 10 miles farther into the town, and branch out to the suburbs, as the report will show. It will also show the enormous increase which has taken place in the traffic from the earliest dates when they were started. I may state that in 1866, the first year they were opened, they carried 2,500,000 passengers; and in 1871 we carried 4,225,246 passengers. By the last returns which I had from Copenhagen they carried something like 8,000,000 persons, but that certainly was during the year of the Exhibition.

21. Have any of the lines constructed by you been taken up? Not to my knowledge; not one line has been taken up, but the lines are being continually extended.

22. They are all now in full operation? They are, and are being extended by new lines into different parts of the city.

23. *Mr. M'Carthy.*] Will you be good enough to explain to the Committee the difference between Train's system of tramways and the system which you make use of? The difference between Train's system and that which I may call my own is this: Train's rail was very dangerous, inasmuch as it projected above the usual level of the street.

24. *Mr. Tunks.*] That is, the old rail did? Yes, we always call that the old rail on account of its having been first introduced by him; but the present system does away with all those accidents which happened when that rail was in use. You had the same system as Train's here in Sydney, and it was condemned about the same time as those in London were ordered to be taken up. People were very anxious to get a better system of locomotion than that which previously prevailed; and the great success which we had in Copenhagen induced us to invent a still better rail than that which we had laid down there. The rail which is brought into use was a grooved rail. We can pave close up to the edge of it, so that it is laid perfectly flush with the street.
25. *Mr. M'Carthy.*] No part of the rail projects over the surface of the street? No.
26. *Mr. Tunks.*] That is when it is new, I presume? At any time after it is laid.
27. By what process is that accomplished? I can give you instances how the thing will work. The paving I propose to do in Sydney will be similar to that laid down at London Bridge, up to King William-street and Fenchurch-street, and which is now to be laid down in Canon-street. It is a wooden paving; and I may state that the *Builder* for July reports strongly in favour of it, and states that Pickford's and Horne's, the great carriers, all the omnibus people, and the cab proprietors, have petitioned the City authorities to abandon the asphalte paving and lay down the wooden paving. The wooden pavings are equally noiseless, and they wear longer than the asphalte. The plans which I have before me show the way in which this wooden paving is constructed, and also the manner in which the rails are laid. I produce a plan under which the system of tramways which I propose would be carried out here in Sydney, and upon which it has been carried out in London, where it has stood the test of practical experience. I object to patent this plan here, and for this reason I do not think the patent law now in force would guarantee me any protection. I have got copies of the patent here, and although I produce these plans I do not wish to have them published in any way to infringe my rights.
28. *Chairman.*] If under our law we had provisional registration you could register your plans and protect yourself at once? Yes, I could, and I should have done so. I should have paid the fees, and then after six months I could have obtained my seal to it. By this plan you will observe I lay a double flow all through the street. This is a model of the rail which I propose to use in the working of the tramway, a section of which you will also see in this plan. The rail is so shaped that I can pave close up to it with any material—iron, wood, stone, or asphalte. The wood pavement is perfectly free from slipperiness on account of the joints between the blocks.
29. *Mr. Tunks.*] The space between the blocks is lower than the surface of the blocks? The space between the blocks is filled up with a composition rammed down by machinery.
30. And by that means you present an even surface flush with the rail? Yes.
31. The rail is iron? It is.
32. And the part adjacent is of wood or other material not so durable as iron? Not so durable as iron.
33. And how then do you propose to keep that up to the standard? Do you mean the rail or the wooden pavement?
34. Both? I would prefer that you would deal with one at a time.
35. Take the wood first then;—which way will the grain of the wood lie? Upwards—cross-grained.
36. The grain will be vertical? It will.
37. Then the end of the wood will form the surface? It will. On level roads the wood will be from 4 in. to 3½ in. wide, and between each course there will be a joint of an inch. This will be filled in with asphalte and gravel. The durability of this paving has been tested in one of the most crowded thoroughfares I may say in the world. It was laid down at London Bridge first for trial, and it has been there for two years now. After it had been laid down eighteen months certain of the blocks were taken up by direction of the city authorities in the presence of Mr. Hayward, the engineer. They were weighed again and measured, and it was found that they had not worn away one-eighth of an inch in eighteen months. They are free from slipperiness, and are perfectly safe for the horses to travel upon.
38. What kind of wood was used? Baltic deal and American pine. All the leading firms petitioned the City authorities last June to have this pavement laid down in place of asphalte. They then appointed a Commission to investigate all asphalte and wooden pavings, but the report of that Commission I have not seen. The rail used for the purposes of this tramway is corrugated on one side, so that in the case of a horse slipping on the rail he has a foot hold. There is a half-inch corrugation.
39. That is where a horse is passing along in the line of the rail? Yes; the groove of the rail is one inch wide.
40. Is this rail made in such a way as to expel the debris from the road? We do not trouble ourselves about the groove filling up. The flange of the wheel is only half an inch, and consequently the tread of the wheel upon the road crushes the debris by its own weight, and there is room enough for it to be worked out. If any stone gets into the groove it is crushed—there is something like 150 cwt. on each axle. The whole construction of this tramway is perfectly solid, inasmuch as it is laid on a double floor, all true. The boards are laid diagonally, and so corniced as to defend them against any rot or insects.
41. These longitudinal timbers are held together by an iron tie-rod? Yes.
42. With flanges on the inside? Yes.
43. And the rail sits just upon it? Yes. That is a true section of it upon the plan. You will observe that there is a great difference between that rail and Train's rail. In Train's rail there is a great shank, so that even if you had the road made up to it you would have the surface higher on one side than on the other. By my plan you will have one even surface, all true.
44. The width between the axles will be 4 ft. 8½ in.? Yes.
45. What will be the width of the upper portion of the carriage? 6 ft. 6 in.
46. 6 ft. 6 in.? Yes.
47. And how much space would you leave between the lines so as to allow the carriages going in opposite directions to pass each other? I can travel with safety with 2 ft. 6 in.
48. Between the two carriages on a double line? Yes.
49. 15 ft. 6 in. from out to out? We occupy that space with a double line.
50. You cannot do with less? That is what we occupy.
51. *Mr. M'Carthy.*] Under your system there is nothing to prevent the use of the tramway, by ordinary vehicles? No; vehicles can travel upon it as well as the tramway cars. The only power we seek is the right to use the flange-wheel. The public will be as free to travel on the road as any of the Company. In fact where these tramways have been laid down the public use them more than the Company. 52.

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52. The smallness of the groove keeps it clear? We have not had a single instance where the wheels met with any obstruction on account of the groove. If the road is kept in thorough repair then there is never any obstruction.

53. *Mr. Macintosh.*] This particular rail has been laid down in Paris? Yes, and in nearly all the cities of Great Britain.

54. I see that in the report from Paris it is stated—"It must be borne in mind, however, that it cannot be considered as in any way proving the success of street tramways, because it runs through a portion of Paris peculiarly favourable for its construction, and where it has not to contend with the traffic of densely crowded streets. Were it continued the length of the Rue Rivoli, I believe that it would at once meet with the same objections as generally apply to street tramways"? They were constructed at the same time. We came out through Neuilly, Champs Elysées, and round by the Place de Concorde. Altogether M. Thiers has granted 120 miles of street tramways in Paris.

55. In the event of these tramways being carried out in a double line, I suppose you would take charge of the space between the two outer lines? I would take charge of 15 feet for a double line, and 8 feet for a single line. That portion of the roadway would be maintained by the Company. There is also a clause in this Bill which provides that if we fail to keep the tramway in a proper state of repair, the Municipal bodies interested, whether in the city or the suburbs, can do the repairs and charge them to the Company. And the Bill provides that if we do not pay, the Corporations can seize the property of the Company.

56. In the event of its being necessary to open the road for the purpose of getting at sewers, or any such work as that, how would you act? Clause 138 of the Bill makes provision for that.

57. I want to know the effect upon the traffic? Do you mean in regard to the Corporation, or to the lines themselves?

58. Suppose the Corporation or any private individual finds it necessary to open the ground for the purpose of getting at a sewer or water-pipe, and detain the tramway for some hours? The Company must stop their traffic while any work is being performed; but it is also provided in the Bill that nobody shall put the Company to unnecessary trouble. When I come to this matter, I will show the Committee how I propose to deal with these things, in the event of such an emergency as that arising to obstruct the traffic. The opening of the ground for gas, sewerage, or other purposes would not stop the traffic, but would simply hinder it a little. I have laid the lines out in such a way that if you took up half a mile of the line the traffic could still go on. By laying in sidings we can shunt off from one line to another for a quarter of a mile or so, if necessary.

59. Do you propose to run the cars at the rate of nine miles an hour? No; I do not. That rate of speed would only be safe and practicable where you are in the open country. I do not think the cars would be run at the rate of more than seven miles an hour.

60. Would you continue that rate all through—considering the gradients which occur in our streets—as in Brickfield Hill for example? No; the way I arrive at the rate of speed is by calculating the time it will take to go between any two places. In some parts of the city you must go slower than others, and directly you are out of the city, or away from the greater traffic, you can increase the speed. In that way you could go from Elizabeth-street to Randwick in something like 40 minutes.

61. You do not propose to run your cars at a uniform rate of speed, but would regulate the speed according to the nature of the gradients you have to pass over? No; not altogether according to the gradients, but chiefly with reference to the traffic, taking into consideration the time required for passengers to get up and leave the cars. We should start at a certain time; but in many places we should go at a speed which would allow of passengers jumping up on to the platform of the car without its being necessary to stop for the purpose. In that way we should save time, and greatly facilitate the conduct of the traffic. A good deal of time is now lost while a 'bus is waiting until the passengers climb up on to the top board; but with the cars which I should run they could jump on the platform, and go up the stairs inside on to the top. I do not think it would be safe to travel at nine miles an hour; I do not think that the horses could keep that speed up for long. When I spoke of nine miles it was for lengths of two or three miles, and over a perfectly level country.

62. You do not think that the gradient in Brickfield Hill would be an improper gradient to run a tramway on? No; we have heavier gradients in Brussels and Madrid; and from Leith to Princess-street, Edinburgh, we have a double line on as steep a gradient as I know anywhere. The whole street lies on a curve, and we consequently have to work against the rail; but then we have three horses instead of two.

63. What is the gradient there? One in twenty-eight nearly the whole way. It is like climbing up a wall.

64. One in twenty-four would not be too steep? For a considerable distance it would. You would require very heavy breaks. We have breaks so that we can stop a car in its own length.

65. On such a gradient as obtains in Sydney streets? On going down Brickfield Hill I could stop the car in twice its own length, without incommoding the passengers. I could stop it in its own length, but to do that would throw the passengers off their seats. If I saw anything in front I could stop the horses instantly.

66. The tramway which was laid down in Sydney some years since answered tolerably well so far as the traffic on the tramway went; but the firm which had the lease of it were not bound to maintain the street, I think, 2 feet on each side of the rails; but it was found in practice very difficult to get them to keep that portion of the street in repair, and I believe accidents occurred? Yes.

67. How would you obviate a state of things such as that? By paving the street in the way I have proposed.

68. About 2 feet outside the rail? About 18 inches outside the rail.

69. So that no injury could come to private vehicles from any neglect? Not from any neglect of the Tramway Company. Perhaps I may be allowed to call the attention of the Committee to the fact that there is a clause in the Bill which provides that the Company may take the maintenance of the whole of the street if the Corporation and the Company find it mutually to their advantage, and can agree in that regard.

70. *Chairman.*] That is by an arrangement with the Corporation? Yes, by arrangement with the different Corporations. I put this clause into the Bill on account of the difficulty which is apt to arise from the neglect of the Corporations to keep their portions of the street in thorough repair and thus forcing the public to travel on the tramway.

71. What clause is that? Clause No. 142.

72. What will be the weight of the rail you propose to use? It will be 54 lbs.

73. I see that in Paris the rail is about the same weight? Yes; 16 kilometres per metre. It comes to about 47 lbs.

74.

74. Do you think that our hardwood timber would be as applicable for your purpose as pine? It would be far superior; it is superior in quality and strength in every way. In England we reckon that the life of a sleeper for this purpose would be seven years; but Colonial timber would last at least fifteen years if properly protected. J. D. Larsen, Esq. 27 Nov., 1873.

75. In the event of these sleepers being laid longitudinally, how would you prevent the water from getting under them? The wood is put in endwise, and the inch joint between each course is filled in with asphalte and gravel, which makes it perfectly water-tight.

76. So that the longitudinal rails lay on the top of the double floor? Yes.

77. And there is no springing of the timber? No; they are all securely placed. In fact, if there is a fault it is that they are too rigid.

78. From your experience in the construction and management of tramways you think that there would be no danger to the passengers in going down so steep a gradient as that on Brickfield Hill? There have been accidents in London; but in Edinburgh there have been none, nor has there been any in Glasgow. A boy was killed on climbing on to a car when the tramways were first opened. The driver having to strike him with a whip, the boy fell off, and a vehicle which was following the tram-car ran over him. That is the only instance in which we have had an accident. We have evidence to show that out of 12,000,000 of people carried by the tramways there has been only one accident in London.

79. And where the tramways are in use, the same gradients prevail? Not the same—some are steeper. In reality we have more power over the car and horses than any other vehicle, because we apply the break on all four wheels, and the break is such that its power is not diminished, but is rather increased by the onward movement of the car.

80. At what radius would you turn from one street to another? The sharpest radius that we have is 1 in 42 feet. That is in Camberwell; and there is also one in Greenwich—from the Church into Nelson-street.

81. So that you could turn out of one street into another where they cross each other at right angles, as is the case with George-street and those thoroughfares which intersect it? Yes, very easily.

82. Suppose you were going to lay down a tramway from George-street to Paddington, you could take it up Bathurst-street, turn into Elizabeth-street, and at the corner of Hyde Park and Liverpool-street you could turn again? Yes, without at all interfering with the ordinary traffic. If you will allow me I will show the Committee a similar case by reference to the plans before me. The Committee will see that the direction of the streets in Belfast and Glasgow, along which we have tramways laid down, is similar to that of the streets in Sydney, namely, at right angles. Take Argyle-street in Glasgow. There we have a double line all through. Take Jamaica-street, and there there is a double line running into Argyle-street. Argyle-street is 37 feet 10 inches, 36 feet, and 35 feet 4 inches wide. It is one of the leading streets in Glasgow.

83. *Chairman.*] Is the tramway working there now? It is.

84. The leading streets in Sydney are 60 feet wide? Yes; the narrowest parts which my plan would traverse in Sydney would be 42 feet.

85. This plan illustrates how you cross from one line to another and from one street to another? Yes. The streets shown there would be about 50 feet wide. I have here another plan which illustrates in a similar way the position of the tramway laid down in Belfast. The lines run from Donegal-street into Bridge-street. In Bridge-street, which is only 23 feet wide, there are enormous buildings erected, and an immense amount of business is done there. Both these lines of tramway are actually in work.

86. At what rate of speed could you go round those curves? About four miles an hour. The drivers of the cars are instructed not to travel at any greater speed.

87. So that you go along these streets—Donegal-street, Bridge-street, and High-street—from one to the other, at a speed on these curves of four miles an hour? Yes. It is specified in the Act that they shall not go faster than that.

88. There is no part of Sydney so difficult to traverse as that? No, there is not.

89. *Mr. Tunks.*] That is to say, there is no part of Sydney in which you propose to put down a tramway so difficult as that? No.

90. *Mr. Macintosh.*] You do not propose in your application to go north of Bathurst-street? My present application extends from the top of Elizabeth-street, at the corner of King-street, passing along Elizabeth-street, Liverpool-street, and the South Head Road, to Piper-street, Woollahra. That would be a double line; and from the corner of Piper-street and South Head Road I propose to construct a single line along Piper-street and Upper Ocean-street, to the Council Chambers, Woollahra.

91. But do you purpose going along George-street or Pitt-street, north of Bathurst-street? No. I come with one line as far as the Town Hall, and that is the Glebe and Newtown line. But in all probability I shall ask the Committee to allow me to so alter the Bill as to enable me to extend the line round from George-street to York-street, and to make that the starting-point. There is ample space in York-street for the purpose; and as there is a Church and the Town Hall in George-street it would be better to run the line round into York-street to change horses and cars there. There would be no difficulty whatever about taking the line round into York-street.

92. *Mr. M'Carthy.*] You mean to make the terminus in York-street? Yes; to change the horses there from one car to another.

93. *Mr. Macintosh.*] Would that imply any obstruction to the traffic? There would be no obstruction whatever—only the very short time occupied in changing horses. If they are in full time it only takes a minute and a half to change horses.

94. At what rate per mile do you intend to charge the public—what is your maximum rate? The charge is not to exceed 3d. within the city boundaries. I ask for power to enable me to charge 3d. inside the city limits, and 1d. per mile outside the city boundary. From the Town Hall to the Glebe or Newtown would be 3d.

95. Do you mean 3d. to the Newtown Road? Yes, to the Newtown Road. That is according to the power for which I ask. The city boundary terminates at the corner of Parramatta-street and the Newtown Road. From that point there would be a mile or two to Newtown, for which I should be at liberty to charge an extra penny.

96. If necessary? If necessary.

97. *Mr. Tunks.*] From the Town Hall to the boundary of Newtown is how far? Something like three miles.

98. To the boundary at the turn-off at the Glebe? It is nearly 2 miles. 99.

J. D. Larsen, Esq. 27 Nov., 1873.

99. You propose to charge 3d. for that? I should not charge so; but I have the power to charge that. I should not charge any fare less than 3d.; but I make provision in the Bill to run two special cars in the morning and the evening for the working classes.
100. You purpose running two cheap cars? Yes.
101. Morning and evening? Yes.
102. For the convenience of labourers? Yes; special cars. The Bill provides that "on the requisition of a majority of the road authorities having control of the roads or streets, along which the Company's tramways are laid, the Company shall and are hereby required, after the opening of the tramway, for public traffic, to run at least two carriages each way upon the whole or any part of the tramway, every morning in the week, and every evening in the week (Sundays, Christmas Day, and Good Friday always excepted), at such hours, not being later than seven in the morning, or earlier than six in the evening respectively as the Company think most convenient for artisans, mechanics, and daily labourers, at fares not exceeding one half-penny per mile (the Company nevertheless not being required to take any fare less than one penny).
103. *Mr. Macintosh.*] Your minimum charge is one penny? Yes.
104. *Mr. Tunks.*] A penny on the mile, or a penny on the stage? A penny on the stage.
105. That is by the cheap train? Yes; morning and evening.
106. Do you know of any instances in which tramways laid down on the same principle as that which you advocate have had to be taken up? Not one; nor has there ever been shown any cause for petition to do so.
107. *Mr. Macintosh.*] How would you act in the event of the tramway being obstructed—suppose a horse and dray were going along in front of the tram-car at a slow pace—what powers would the Company require to meet a case like that? Only the same power as exists now. If an omnibus, dray, or any other vehicle were in front of the tram-car, the driver would be required to get out of the road in the same way as they are at present.
108. In cities where tramways have been laid down, is it not a fact that carts and other vehicles have been placed before the tram-cars, and driven at a walking pace;—how would you deal with cases such as that? Persons who have acted in that way have been fined 40s. for obstructing the tramway. If they will not move out of the way, they are held to be obstructing the public traffic. I believe you can compel a man in charge of a 'bus or other vehicle, who is obstructing the roadway, to move on.
109. A man might be going on in front of you at a walking pace while you wanted to go at a trot? The Bill asks power so that any person obstructing the tramway may be mulcted. Suppose four 'buses or four carts were to start all in a row down George-street in front of you, and supposing that they persisted in walking along, and would not allow you room to pass with your carriage, it would be a great nuisance if you could not get past them.
110. *Mr. Tunks.*] But we have got into the habit of backing horses on to the side of the street, and of discharging goods from the side of the dray, the horse and dray being placed at right angles with the street. How far would it be from the horse's head to the tail of the dray? I should say about 12 feet.
111. We will assume a case where drays were placed in that way on each side of the road, discharging goods, and your tramway in the middle, how would people get along? Better than they do now. I do not suppose there is any city where they block the traffic of the streets with carts as they do here in Sydney.

TUESDAY, 2 DECEMBER, 1873.

Present:—

MR. GRAHAME, | MR. OAKES.

JOHN F. BURNS, ESQ., IN THE CHAIR.

Mr. M'Carthy, of M'Carthy & Robertson, appeared as solicitor for the Bill.

Mr. W. M. Alderson called in and examined:—

Mr. W. M. Alderson. 2 Dec., 1873.

112. *Chairman.*] You have lately been in England? I have.
113. How long were you there? I was about 13 months altogether in England.
114. Did you, during your visit, travel upon any tramways there? I did.
115. Where? About the suburbs of London and in Edinburgh.
116. Anywhere else? I do not recollect anywhere else.
117. What is your experience of them from what you have seen? I approved of them very much. They were a great comfort to travel in, and were certainly a wonderful improvement upon the old 'buses.
118. They are of a different construction from that which you may remember to have seen laid down in Pitt-street? Yes, quite different. I must tell you that as regards the tramway in Pitt-street I was very much opposed to it, on account of the rails being so much above the level of the street, making it unsafe for vehicles to travel on the street; that is one improvement in the system of tramways in England; the street is quite safe for traffic with the rails they use.
119. There is a very large traffic on these lines of tramway? Yes; and the drivers of vehicles try to get on to them as they run much more lightly than on the common road. I have been for miles on them in a cab, as the cabmen always try to get on them when they can.
120. What is the general feeling about them in the places where they are laid down? I have never heard anyone speak against them; on the contrary, they are generally regarded as a great convenience.
121. They are considered to be a great public accommodation? Yes.
122. Have you heard that the charges for travelling had been reduced in consequence of the large amount of extra accommodation afforded by these tramways? I do not know to what extent, but I believe the charge for travelling has been reduced.

Mr. W. M. Alderson. 2 Dec., 1873.

123. When they were first established there was an impression that they would create a monopoly and so greatly increase the cost of travelling; but instead of that it has been found that the charges have been lowered? Yes.

124. As regards accidents—are they quite safe? Yes, as safe as a 'bus, and a good deal more so; at all events that is my opinion, and I have never heard anything to the contrary. The cars run so easy that it is a pleasure to ride in them; they are very easy to guide, and they can be stopped at any moment with the breaks.

125. Where you have been travelling have you found that there has been a large population located about the lines along which these tramways pass? Yes, they are all very thickly populated.

126. And no inconvenience has ever been found to arise from them? None that I have ever heard of.

127. Can you mention any of the streets through which you have seen these lines of tramway passing? There was one in the Camden Road; that was the nearest to where I lived, and that I knew best. Then there is one that leads down to Bow, from Aldergate-street; another that goes over from one of the bridges to where Spurgeon's church is—from Blackfriar's Bridge to Camberwell; and another one that runs from Finsbury to Highgate. These are the principal lines with which I am acquainted.

128. And do all these lines run through populous neighbourhoods? Yes; they are all populous districts.

129. Are you aware that under this Bill a Company is to be authorized to construct tramways in certain streets and places in Sydney and the suburbs, as set out in the 122nd clause of the Bill? No; I have not read the Bill, and know nothing about what it is intended to effect; I have come here simply to answer, as far as I know, any questions that may be put to me as to what I have seen in England, and what is my opinion of it. I wish the Committee also to understand that I do not set myself up as an authority upon tramways; but that I only come to give my experience of what I have seen when travelling.

130. By the Bill the Company is to be authorized to construct certain lines of tramway,—from the Town Hall to Cook's River for instance. From having seen tramways at work in England, do you apprehend that any inconvenience will arise from the construction of that line? I cannot see it, if the line is constructed on the same principle as the lines in England. You may make lines anywhere in Sydney without inconvenience if the rails are laid down on the same system as in England.

131. Did you particularly observe the kind of rails that were used on the lines you have travelled on? Yes. They were flat and perfectly level with the street, so that there could be no inconvenience from them to the vehicle traffic in the street. The great objection to the Pitt-street tramway was, that the rail stood up above the level of the rest of the street, and was very obstructive to the rest of the traffic of the street.

132. The rails in England do not? No, they are quite level with the roadway. The rails of the Pitt-street tramway used to stand up in such a way as to be dangerous in the case of light vehicles, and to tear off the tires of wheels in numerous cases. Accidents of this kind were very frequent; but nothing of the kind ever happens in England; and so far from going out of the way of the lines the drivers of vehicles rather look out for them and try to get on to them. Often when I have taken a cab I have noticed that the cabmen always try to get on the line as much as they can in order to save their horses. The vehicle runs as smoothly upon it as possible, and I used quite to enjoy it when the men got a chance of this kind; and somehow the lines seemed to me to be something about the same gauge as the cabs, so that they went along quite comfortably.

133. *Mr. Oakes.*] Do you know what the gauge is? No; I did not take such particular notice as that.

134. *Mr. Grahame.*] Do you think lines of this kind would be suitable for our streets in Sydney, seeing that they are so narrow? I think so, if they are made on the same principle as in England. They do not interfere with the traffic in any way.

135. You think they might be made available for general use? I imagine so, as there is really no reason why they should not be. There is one thing, however, that will have to be taken into consideration, and that is that our horses will not be accustomed to the cars, and there will be some danger of their taking fright at them if care is not taken.

136. You are aware, however, that there was a great cry out against the Pitt-street Tramway when it was laid down? I am. I was one of those who were opposed to it.

137. Keeping that in mind we have to be very cautious how we go on, because if anything of the kind occurs, as it did when the Pitt-street Tramway was down, the people will be sure to cry out again, and to get the line taken up, as they did the Pitt-street line? I do not think anything of the kind is likely to happen if they have the English rail; but if you apprehend anything of the kind you might introduce the tramway into the suburbs first, where it would not be attended with so much inconvenience.

138. *Chairman.*] But in the suburbs the lines would not be likely to pay? That, of course, I know nothing about. I may tell the Committee, however, that I was a very great opponent of tramways in large cities before I went to England; but since I have been in London, and seen how the lines work there, I have quite altered my opinion. I think they would be of very great advantage to the city if they were laid down on the system of the English trams, and were properly conducted and well looked after. If, however, they are to be put down in the same way as that which we had in Pitt-street, I should be very strongly opposed to them.

139. Have you noticed any streets in which tramways were laid that were very steep? I have.

140. Will you mention any of them? Yes; there was one place in Edinburgh that I was perfectly astonished to see the tram-cars working in. It was a tramway that ran over from the Leith Walk into Edinburgh. I was astonished to see how safe they were with the breaks on. The driver had perfect control over the cars, and could stop them at any moment. They used to go down with two horses, and when they were coming up they used to hook on an extra horse to take them up.

141. Was this street as steep as Brickfield Hill? Yes, more so. It was a good deal steeper than any street we have in Sydney.

142. There is no comparison in steepness then between the street you speak of and Brickfield Hill? None at all.

143. It is very much steeper? Yes, very much; and there is a sort of curve in it at the same time, so that it used really to astonish me how they managed to work it at all. I can assure you that if I had not seen it I should not have believed it. I should have thought it impossible.

144. *Mr. M'Carthy.*] Have you paid any attention to the subject of wooden pavements in London? I have seen them there.

Mr. W. M. Alderson. 2 Dec., 1873.

145. There is one near the Bank? The one I noticed was in King William-street, near London Bridge.
146. Is there great traffic there? Yes, very great.
147. And what was your opinion of it? I rather liked it. I was much interested in standing there and seeing the men put it down.
148. Is it much in use in London? Yes, in some places; and the use of it is extending.
149. Have you found that it is used with safety? Yes, with perfect safety.
150. There is no slipping or accidents upon it? No. I noticed that to prevent this they filled up the joints between the blocks with gravel and loose stones, and that gave the horses a secure footing; and made a very great improvement on the old wooden pavement that we had laid down here in Sydney some years ago. I stood and watched the men at work, and was much pleased with this particular improvement. There is also some wooden pavement in the Strand, near St. Clement Dane's Church, that is laid down on the same principle, and makes a very good roadway.
151. Do you know how long that pavement has been down? I do not, for I did not think to make the inquiry.
152. It has been down some years I believe? I cannot say, as I never made the inquiry.
153. *Mr. Oakes.*] Those two spots you speak of—the Strand and King-William-street—carry as much traffic as any part of London? Yes. I approve of the wooden pavement. It is far before the asphalte.
154. Have you been in Paris? Yes.
155. Did you see the asphalte pavements there? Yes; but I did not like them. I noticed in London that the horses were always slipping on it, and that they would go down very frequently when it chanced to be the least wet.

Mr. John Watkins called in and examined:—

Mr. J. Watkins. 2 Dec., 1873.

156. *Chairman.*] You have only lately returned from England I understand? About eight months ago—I resided in England some time. I was four years in London; four to five years in all.
157. During the time of your residence in London did you travel on the street tramways there? Not very much, but I was living in a part of the city where they are not much used—Brompton.
158. But you have travelled on them? Yes, chiefly from Finsbury Pavement up to the Agricultural Hall, Islington Exhibition. I usually went by the tram-cars when I went to the Exhibition.
159. Were you in Sydney when they had the tramway laid down in Pitt-street? I was.
160. Did you notice much difference between the tramways in England and that which we had here? Yes, a vast difference.
161. The tramways in London are much better I presume? There is no comparison between them. The tramways in London have the rails quite level with the roadway of the street, so that they do not interfere with the traffic, however great.
162. Are you of opinion that the tram-cars are more comfortable and better in every way than the ordinary omnibuses? There is no comparison between the two. The tramway-cars are next to the railroads in point of comfort.
163. And do you consider them to be as safe as the ordinary omnibus? Yes. You could not possibly be safer than you are in a tramway-car.
164. Would you be in favour of laying down a similar tramway here in this city? Yes, I think it would be most desirable.
165. Do you think that our streets are too narrow for such lines? Some of the streets are certainly very narrow, and besides that there is a large number of omnibuses and other vehicles plying in them.
166. If a line were to be commenced at the new Town Hall, and carried along Parramatta-street, would there be any objection to that? None at all—there is plenty of room there.
167. Would there be any danger in running the tram-cars down Brickfield Hill? No more danger than there would be in going down it in a cab. I cannot see any danger at all in it.
168. Will you be good enough to look at the clause of the Bill in which the different proposed lines are indicated, and then tell us whether you think that the streets there mentioned are sufficiently wide to allow of tramways being laid down in them? I see no difficulty whatever in the places mentioned in the Bill.
169. Nor danger? Nor danger either.
170. I believe you are a very old colonist? Yes. I have been in the Colony five and twenty years.
171. And you know all the streets pretty well? Yes. Every spot.
172. *Mr. Oakes.*] Could you name any street in Sydney that is not wide enough for a tramway. Take the northern part of George-street;—would that be wide enough? My opinion is that George-street would be quite wide enough anywhere for a tramway if the roads were only made different.
173. But if a tramway such as is here described were laid down in the northern part of George-street or in Pitt-street would it not interfere with the traffic from the streets being so narrow? Not if the road were properly made. What I complain of is that the road should be shaped as it is. It is too much arched or barrelled, particularly near the gutters on each side, so that a large portion of the road is lost to traffic. If the road were properly made with a flat surface there would be no difficulty at all about going all the way down George-street with a tramway.
174. Is not Pitt-street too narrow? I hardly think so if the road were made as I say. Possibly however a tramway through Pitt-street might interfere with the traffic.
175. In what way would it interfere here more than elsewhere? Because with a tramway in the centre there would not be room for the passage of a vehicle on either side. With the number of vehicles passing along the street, and the loose manner in which the traffic is carried on, there would be a probability of accident; but if the traffic here were regulated as the traffic of the London streets is, even Pitt-street would not be too narrow for a tramway.
176. *Chairman.*] If the traffic of our streets were regulated on the same principle as in England there would be far more convenience? Yes.
177. You do not object to any of the lines mentioned in this Bill? No; and if the police regulations with regard to vehicles was as good in Sydney as in London, the lines might be run through any street in Sydney. As to Pitt-street I do not think there would be the slightest risk in running a line down it if the road were made with a flatter surface; but when it is barrelled up as it is, there is no room to run a vehicle on each side by the kerb.

J. D. Larsen, Esq., called in and examined:—

J. D. Larsen, Esq. 2 Dec., 1873.

178. *Chairman.*] You have some documents which you desire to hand in? Yes. I first hand in a letter from the Town Clerk of Sydney, stating that there would be no opposition offered to the Bill by the Sydney Municipal Council (*Appendix* A 1). Second,—A letter from the Council Clerk of Randwick, enclosing a resolution of the Municipal Council favourable to this Bill (*Appendix* A 2). Third,—A letter from the Council Clerk of Waverley, enclosing a similar resolution, passed by the Municipal Council of Waverley (*Appendix* A 3). Fourth,—A letter from the Council Clerk of Woollahra, to the same effect (*Appendix* A 4.)
179. Has it been the experience of tramways in England and elsewhere that their construction has had the effect of reducing the charge for travelling? Yes, it has greatly reduced the charges, in London especially, and also in Glasgow and Edinburgh, so that where the fare formerly charged was 6d. the charge is now only 4d.; and in journeys where they used, previously to the construction of tramways, to charge 1s., the price has been reduced to 6d.
180. *Mr. Oakes.*] Are you aware whether there is any difference in the rails used in tramways in London and in those used for the same purpose in New York? Yes, there is a very considerable difference. In New York they have a rail nearly similar to the ordinary railway rail, and called the Train rail. In England we have what is termed the improved rail. (*Witness explained from diagrams before the Committee the particular improvements of the present rail over those formerly in use.*) I may say that they are now altering all the tram rails in New York, taking them up, and laying down the improved rail in their place.
181. How long is it since tramways were first introduced into London? The principal part of the lines was laid down in 1868—about the latter end of 1868; I think they started in September of that year, and the first one was to Brixton. In the following year (1869) there was one started from Greenwich.
182. And they have continued ever since without complaint? They have.

THURSDAY, 4 DECEMBER, 1873.

Present:—

Mr. GRAHAME,	Mr. NELSON,
Mr. JACOB,	Mr. OAKES,
Mr. MACINTOSH,	Mr. TUNKS.

J. F. BURNS, Esq., IN THE CHAIR.

Mr. M'Carthy appeared on behalf of the Promoters of the Bill.

George Thornton, Esq., was called in and examined:—

G. Thornton, Esq. 4 Dec., 1873.

183. *Chairman.*] You have lately returned from England, I believe? Yes.
184. You have been away from the Colony some time? I have been backwards and forwards between the Colony and England several times during the last nine or ten years.
185. You have travelled a good deal? Yes, in many countries.
186. On the Continent as well as in England? Yes.
187. Have you at any time travelled on tramways? In England I have, but not on the Continent.
188. You recollect the tramway which was laid down in Pitt-street, Sydney? Yes, very well.
189. You may remember that there were several objections to that tramway? There were.
190. And you may remember that it was taken up? I do. I took an active part in the matter. I have a strong recollection about it.
191. Did you observe the tramways that are at work now in England? Yes, I took some observation of the working of tramways.
192. Did you notice any difference in the tramways which are laid down in England and that which we had in Pitt-street? Do you mean with regard to the carriages?
193. With regard to the working of them generally? I noticed that there seemed to be an improvement with regard to the carriages, and in the conduct of them generally. As to the machinery I did not take particular notice, and I cannot speak as to their construction.
194. Did you observe that they are very generally used in London? No; they are not very generally used in London. If you put the question in that way I should give a decided negative to it. They are used in some of the outside parts of London, so to speak.
195. Have you noticed whether the traffic is large or small? They have been used in that part of London which is removed from the great thoroughfares. From Moorgate-street to Holloway there is a large line of tramways and a large population between those two points. They are largely used there; I can speak distinctly from recent memory on that point; but in the main thoroughfares they are not known—they are not used. I speak under correction, but such is my distinct impression.
196. Have you observed that there is a Company proposing to construct tramways in Sydney? I have noticed that.
197. Have you noticed the routes along which they propose to lay down tramways? Yes; I have them in my memory; they are at the outside boundaries of the city—for instance, from Elizabeth-street to Liverpool-street towards Woollahra.
198. You will find them here enumerated in the 122nd clause of the Bill? Yes, I see.
199. You have read the description of the routes along which it is proposed to establish lines here? I have; and I know all these localities very well.
200. Does it occur to you that there is any objection to lines being established along these lines of route? All I can tell you is a matter of opinion, and my opinion may be of no great weight. I will at once very candidly tell you that I personally am opposed to tramways. I have a strong feeling against them, and that opinion is founded upon the great objection which I had, and to which I still hold, in regard to that tramway laid down in Pitt-street some years ago. I opposed the laying of them down at the time, for I foresaw in my judgment that they would be destructive to properties where they were laid down, and be of no

G. Thornton, Esq.

4 Dec., 1873.

public utility. That opinion was confirmed by their being taken up, as I expected they would have to be. I have read criticisms in the English papers which were adverse to tramways; and I still hold to the opinion that tramways are not useful, except in particular localities and under particular circumstances. For instance, I think that tramways would be of great public utility if they were laid down in places outside all the great lines of traffic, that is in places where there is a great population to require them. The Committee, probably, do not want my opinion as to the probable success of a venture of the sort, but I may say that the first thing necessary would be customers to support a tramway—that there should be population sufficient to pay. Without a large population tramways would not be of any public utility at all, excepting for the few persons who might use them; and unless you have a large number of people to travel by them they could not be kept up.

201. Did you travel at all by tramways in England? Yes, many times.

202. Did you find them comfortable? Yes, very comfortable and very economical.

203. Were they safe? Yes, perfectly safe. I do not know that any accidents have occurred, or that any prejudice exists against them on the score of safety or accidents. I do not know of any accidents; but upon the ground of their general utility or inutility there is, of course, a division of opinion in England. They have been very severely criticised in England.

204. Do you know of any public institution which has not been severely criticised? I dare say there are none but ——

205. What are the objections raised to tramways in England? The reasons offered against tramways are such as very much coincide with my own views upon the subject, and therefore I believe in them. I have strong objections to them, excepting in particular localities.

206. Has it occurred to you that there is a great difference between the tramways you have recently seen in England and that which was laid down in Pitt-street? There is not a great difference.

207. Did not the Pitt-street Tramway interrupt the traffic in a great degree? It did. I think it is absolutely needful to the success of a venture of this sort that the tramways shall not interfere with the general traffic.

208. Was it not also one of the objections to the Pitt-street Tramway that the line was not laid level with the road? The great objection, so far as I remember, was, that the horses driven up to the drapers' shops, for instance, became restive, and the owners refused to be driven up to houses in that street to do business. There was also great danger of accident arising from the crossing of the streets where the rail was laid at right angles. I do not think myself that there was great danger, owing to the level of the road being too high. The objections were chiefly founded on the obstruction to the transaction of business in that particular street, and the danger which arose at the intersections of the streets from having to cross the rails at right angles.

209. Was the traffic in London where you saw the tramways laid down as great as it is in Pitt-street? Yes, very much greater.

210. And yet no accidents occurred? I do not remember hearing of any; on the contrary, I think the tramways were a great public convenience in that part of London.

211. Is there any greater traffic on these lines of route upon which, as you have read, it is proposed to lay down tramways, than there is where tramways are laid down in London? By comparison the traffic that could arise in these localities compared to that which exists in London would be fractional. No comparison, indeed, can be made.

212. Therefore you do not apprehend any danger of accidents arising from the laying down of these lines? It was not so much with regard to the danger that I gave my answer as to the amount of traffic done. Taking your question in another view: I suppose, for the same reason, that there would not be so much liability to accident or danger as there would be in that particular locality to which I have referred, where the traffic is so great.

213. *Mr. Oakes.*] Have you been in New York? I have not.

214. Would you tell the Committee, as near as you can, the difference between the tramways in England and that which was laid down in Pitt-street;—what was the difference in the rails used in each case? I cannot remember any material difference, excepting that the carriages appeared to be larger.

215. Did not the rail used in Pitt-street obstruct the traffic? Yes; I remember that the rail laid down in Pitt-street was above the surface of the street, and was very objectionable for that reason. I remember it now that you remind me of it. The wheels of the carriages and the feet of the horses were constantly being injured. I also remember that in England the rail is nearly level with the ground; I had forgotten that. It is a very great improvement, and I now remember to have noticed it particularly.

216. Would that remove any objection which you have entertained to the laying down of tramways? It would remove a very small amount of the objection which I hold to tramways running in great public thoroughfares. For example, I would oppose by every means in my power, by my voice and any influence I may possess, the laying down of tramways along the whole of George and Pitt streets. I believe that tramways running there would damage property, and would obstruct the traffic most injuriously.

217. Is this *(a section of Mr. J. D. Larsen's rail)* the kind of rail that you noticed in London? The only difference that I can just now remember is that the rail of the London tramways was level with the street while that in Pitt-street was raised above the ground, and was very objectionable for that reason.

218. *Mr. Macintosh.*] Are you acquainted with Oxford-street, London? Yes, very well. I have been in it hundreds of times.

219. Is there a tramway laid down in Oxford-street? No.

220. Are you aware whether the introduction of the tramway there was objected to? I think it was. I cannot speak with any distinctness; but I am strongly impressed with the belief that it was opposed. If I may give my own opinion, I think a tramway could not run successfully in Oxford street without obstructing the general business and doing more harm than good. It is a great thoroughfare; and although it is many miles long, it is generally full of people and carriages. Oxford-street is a level street, and as far as that goes would be eminently suited for tramways, but the traffic upon it is so great that in my humble judgment tramways would not be successful there.

221. Comparing small things to large, is there any part of Sydney that would be like that? As regards the traffic?

222. Yes? If you take into comparison the width of the streets, the objection would be as strong against Pitt-street and George-street as against Oxford-street in London; it is very much wider.

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223. Did you know Mr. Hayward, the engineer? No, I knew two engineers. I was a member of the Government Board in England when I was at Home before, and I took a very active part in relation to purchases for the Colonial Government. We had constantly to consult Mr. Fowler and another engineer, whose name I forget, who acted as Mr. Fowler's deputy.
224. You knew Mr. Fowler? Yes; he was the chief engineer.
225. Could you say what status Mr. Hayward held in his profession? No.
226. As to Mr. Fowler? I suppose Mr. Fowler stands at the head of his profession. I do not think he is second to any man in England.
227. Did you know Mr. Boland? I do not know an engineer of that name.
228. I see that in an examination made in London in regard to tramways, Mr. Hayward says that he would object to any gradient of more than 1 in 30; Mr. Fowler says the same, and Mr. Boland the same? Yes. I only know Mr. Fowler, and I think he stands at the head of his profession in England, and I may say in the world; he is sent for from different parts at enormous cost. The Pasha of Egypt paid £5,000 to run over there and back again.
229. Did your long connection with the City of Sydney lead you to take any notice of the asphalte laid down in the streets of London? I took particular notice of the asphalte; indeed, I may say I took particular notice of everything which I thought might be useful hereafter for the City of Sydney.
230. In the event of asphalte being laid down in the streets of Sydney could it be readily removed to allow of repairs being done quickly? It could be as easily removed as blue metal, if not more so; it is usually broken with a pick; but if you ask my opinion as to whether it is suitable for Sydney I will tell you.
231. Is it slippery? In London, although it makes a very nice, noiseless, even, clean, road, still it is not generally considered successful, because if there is the slightest rain the horses begin to tumble down in all directions, the road is obstructed, the horses are injured, and great confusion is created. That takes place in a cold climate, but I think it would be impossible to use it in this country under any circumstances.
232. With regard to the cartage of such materials as wood and iron, which project considerably beyond the vehicle, do you think that the tramway-cars would be an obstruction to the general traffic? I think they would be. Where there was any considerable traffic, I think the tramways would be found to be an obstruction.
233. So far as timber is concerned, would it be possible to carry timber and iron—bearing in mind that some of our timber is 50 feet in length—on our drays in the streets? The length would not make any difference, except where you turn the corners of the streets.
234. Presuming that it would be objectionable for the rails to come nearer the kerb than about 10 feet, what would you say to a double line being laid in the street? I have a strong objection to the double rail. It would monopolise the traffic of the street. The tram-cars would be continually running or expected, and it would not be safe for any timber-carts, or vehicles loaded with iron, such as you have referred to, to be going along that part of the road. A double line would occupy the whole of the road.
235. I think it has been stated that they would occupy about 18 feet? That is the tramways themselves.
236. Suppose that were the space required for the rails and the carriages from out to out. In London from 17 ft. 6 in. to 18 ft. is required for a double tramway—taking into consideration the asphalte or stone placed on the outside of the rails? I have not observed that. I can answer your question generally, and only in this way: I would object, as far as my objection can have any weight, to a double line of tramway being laid down in any street in the city or suburbs of Sydney, because I think it would obstruct the general traffic. Our streets are so narrow that a double line of tramways would monopolise the whole traffic.
237. Would the running of tram-cars interfere with the cleaning of our streets by means of dust-carts, as at present? Not in the streets where the tramways would be laid down in these localities. There could be no difficulty on that account. It would not interfere with the dust-carts at all. I may say here, in parenthesis, if you will allow me, that I cannot say much for the cleanliness of the streets of Sydney.
238. *Mr. Jacob.*] Are the streets of London, where you have seen the tramways laid down, much wider than they are here? They are much wider.
239. Have you had much experience for any length of time at Home? I cannot say that I have. I have been backwards and forwards to England several times, especially lately, and I speak from recent memory. The tramways at Home run on pretty wide streets, and they are a very great accommodation. I think I mentioned they run from Moorgate-street to Holloway, and all along the City Road, where they are found to be a great accommodation.
240. What are they—single or double lines? I think they are double; in fact they must be—the traffic is so great.
241. *Mr. M'Carthy.*] Are you quite sure that where you have seen the tramways in London the streets are all broader than where we propose to run them in Sydney? I think so. Perhaps some parts of the line over which these tramways run would not be wider, but the greater part of the length which I have described would certainly be wider than the streets of Sydney generally are.
242. I speak in reference particularly to the course which it is proposed these tramways shall take according to the Bill. Take Elizabeth-street, for example? I regard that as a very narrow street compared with the streets in London.
243. That is a street in which there is very little traffic, and that only for a short portion of it. Then take Oxford-street—the South Head Road—that is very much wider than Moorgate-street? Moorgate-street narrows for a very short distance. Going out to the City Road it is as narrow as Elizabeth-street.
244. And still there is this large traffic there? Yes.
245. And a double line of tramway? Yes; but it goes to a much wider street.
246. What is the width of Oxford-street at Bloomsbury-street? That is speaking of a very little part of it. There is a wedge of houses which come in there, and are an obstruction to the two streets. That is only a very short distance, not much more than 200 or 300 yards, and the narrowness is caused by a wedge of old houses there, which they cannot get rid of. On both sides of High Holborn are narrow, and for four or five miles beyond that it is much wider.
247. You were saying that Elizabeth-street was very narrow;—do you know what the width of that street is? I speak more by comparison than anything else. I know the width of nearly all the streets in Sydney.
248. What is the width of Elizabeth-street, for instance? I should say it is 60 feet clear—60 feet, inclusive of the pathway.

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249. That would leave *42 feet for the road? Yes.
250. Do you know what space would be taken up by a double line of rails? I have not considered that.
251. I am told that it is 15 feet? Would that be from outside to outside of the lines merely, or would it include the space occupied by the carriages on the line, because the carriages project considerably over the rails?
252. How much do you suppose the carriages would project? Hazarding an opinion, I should think 3 feet in each carriage, that is 18 inches beyond the rail on each side.
253. I am told it is only 10 inches? I am speaking of the carriages I have seen on the line, and I feel convinced that there is an overhanging of something like 18 inches on each side; and if that is so there would be a space of 6 feet beyond the rails occupied by a double line of carriages. If 15 feet were taken up by the rails the total width required for the carriages would be 21 feet from outside to outside. That is what would be required in my judgment. I speak under correction.
254. *Mr. Tunks.*] What is the width of the street you are speaking of? The whole width is 60 feet, including the two pathways.
255. And the pathways would reduce it by 12 feet on each side? Yes.
256. The gutter about 3 feet? About 30 inches.
257. *Mr. M'Carthy.*] I think there is but one footpath in Elizabeth-street? The law requires that there should be two.
258. You were saying that you thought tramways would be impracticable except upon level streets;—may I ask you have you ever travelled on the tramway-cars in Edinburgh? I have travelled there many times, but not, I think, on a tramway. I have seen the carriages running, but I do not remember to have travelled in them.
259. There is a tramway that runs from Leith to Edinburgh, up a very steep incline? So far as I remember, I do not think the incline is very steep there. I have frequently walked there, but I do not remember any particular rise.
260. *Mr. Tunks.*] You have observed that the termini are placed in the suburbs? Yes.
261. As for instance at Newtown? Yes.
262. You are aware that there is a large population springing up beyond Newtown? Yes.
263. In the event of this tramway being extended to Newtown, it would deprive all the persons living in that neighbourhood, or beyond it, of locomotion in vehicles which they have at present? That is very clear. It would not take them home as the omnibuses now do, and would not therefore be so great a convenience. The tramway would stop at a certain point, but the omnibuses go almost to the doors of those who use them. After finishing their journey in the tramway they would in some instances have to walk a considerable distance beyond, and therefore, as regards some of the people living out there, they would not avail themselves of the tramway.
264. It would involve the necessity of shifting from the tramway into another vehicle and of paying another fare? Yes; or the people would travel by an omnibus instead of by the tramway.
265. You noticed some difference in the height of the rail, as compared with the level of the road between the tramways laid down in London and that which we had in Pitt-street? Yes; and the difference that I noticed was in favour of those laid down in London, doing away with a great objection to that in Pitt-street.
266. Did it ever occur to you that as the rail was iron, and therefore more durable than the rest of the road, that it would be difficult to keep the rail perfectly flush with the road? These things seem to be much better managed in London than they are here; but I should not expect that any difficulty would arise, or need be apprehended.
267. Did you notice any material about the rail of a different character to the rest of the road—wood, granite, or other stone? No.
268. Is your memory sufficiently clear to enable you to say whether the road was merely macadamized up to the rail, or not? I do not remember whether it was macadamized, wood, or asphalte. I cannot say what it was.
269. Have you any idea of the number of omnibuses which now travel in George-street? No; I know there are a great many.
270. Supposing there is one goes every minute each way? I have noticed that the omnibuses have increased very much of late years. The traffic, and particularly the omnibus traffic, has very largely increased since I took part in the Municipal affairs of the city; but to put tramways down in Pitt-street or George-street would be an act of madness—would be to destroy the business of those streets, to depreciate the value of property there, and would be of no public utility.
271. Any Bill of the character now applied for would necessarily give a monopoly to the persons who obtained the right to construct the road? A monopoly would no doubt necessarily be created by the Act, and that is another objectionable feature. I am opposed to monopolies in any shape.
272. Do you know the distance which omnibuses now carry passengers for 3d. in the central parts of the city and suburbs? Yes; from the Glebe Point, or from the Glebe, at any rate, to the Queen's Wharf.
273. From your experience would you say that that was a high or a low charge. I consider it a low charge. A few years ago, when I lived at Coogee, there was not one omnibus or vehicle of any sort plying eastward of College-street, at Lyons'-terrace, and certainly not beyond Darlinghurst. I mention that to show the enormous increase which has arisen in the omnibus traffic between the city and suburbs.
274. Is that increase the result of low fares, or what? Probably the requirements of the people have forced it upon those who could provide the accommodation, and then the cheapness of the system has enabled it to continue.
275. *Mr. Macintosh.*] How do they manage in regard to the rule of the road—taking the right or left? There are by-laws which govern the movements of the tramways in London. It is difficult, of course, to speak from memory, but I think some by-law such as this in its general character obtains, where the tram-car is coming along and the driver or conductor calls out to the driver of any vehicle drawn up in front he has to make way for the tramway. If anyone objects, refuses, or neglects to get out of the way he is liable to be punished for it.

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* NOTE (*on revision*):—This should be stated as *leaving 36 feet for the road*; the pathways are 12 feet wide each = 24 feet, leaving 36 feet for the road.

L. Threlkeld, Esq., was examined :—

L. Threlkeld, Esq. 4 Dec., 1873.

276. *Chairman.*] You have been away from the Colony for a short time? About four years.
277. You have been living in London chiefly? Yes; chiefly.
278. Have you been in the habit of travelling on the tramways there? I have travelled frequently on the tramway from Moorgate-street to Holloway, and also on the line from Greenwich. I think they call them the north and south lines.
279. Were you in Sydney when we had the tramway laid down in Pitt-street? Yes.
280. I suppose you recollect the strong prejudice which was raised against that? I do; I had a prejudice against it myself. The line was not laid down well. The rail was above the surface of the road, and that caused great injury to vehicles. That is not the case in London.
281. Did you notice whether there was a large traffic in the streets where these tramways are laid? Yes; there is a very large traffic there.
282. Is the accommodation provided by the tramways very good? It is very good.
283. Is it comfortable and speedy? Yes; I think the tramways are the most convenient and comfortable mode of travelling in London.
284. Are the charges very low? The charges are low.
285. Have you heard that the effect of introducing tramways has had the effect of bringing down the charges as well? I think so. The charges are very low in London, especially on the tramways.
286. Have you travelled on any other tramways besides those of London? I have not. The tramways of London are just in the suburbs; they do not go into the very centre of what is called the city proper. The terminus is in Moorgate-street, just as you approach the busy parts of London. Moorgate is one of the widest streets in London, almost as wide as Oxford-street.
287. You are a native of the Colony;—are you not? Yes.
288. You have a good knowledge of the localities referred to in this Bill? Yes.
289. Do you think that tramways might with safety be established along the routes here named—that is, judging from what you have seen in London? I should think so, if established on the same principle that tramways are established in London, the rail being below or on a level with the surface of the road. In London the rail is, I think, laid on a wooden foundation, and it does not rise above the level of the road.
290. Would you look at that plan, and tell the Committee if this section *(Mr. J. D. Larsen's)* is like the rail you speak of? The line is built up to with blocks of masonry on each side, and I think the rails are a little below the level. The only inconvenience which I have ever heard mentioned is that the woodwork upon which the rail is laid occasionally sinks a little, and the wheels of vehicles crossing sometimes get slightly twisted.
291. Is the plan before you similar to the tramway that you have seen in London? I think it is.
292. According to that plan do you think the rail there represented is similar to that which you have seen in London? I think so.
293. You can see no difference in the mode in which the tramways are constructed as compared with the plan proposed by the Company in this Bill? I think not; but I cannot give a professional opinion, as I am not an engineer. In London I have heard that the rail has occasionally sunk a little, and then it has had to be repaired. Those who obtain authority to construct the tramways are bound to keep them in repair for a certain number of years.
294. If a similar provision is made here, and the Company are bound to keep the lines in good repair, you do not see any objection to the establishment of these tramways? No.
295. *Mr. Oakes.*] Do you know whether the tramways run up any steep inclines in London? There is a slight incline on that line from Moorgate-street to Camden Town; it goes beyond Islington, and branches to Camden Town.
296. You know the incline on Brickfield Hill? Yes.
297. Did you ever travel on a tramway up a higher hill than that? No, not so great as that.
298. Have you been to Upper Clapton? I have not.
299. I think you said you had not travelled on any of the New York tramways? I have not been in America.
300. Do you know whether there is a tramway in Bishopgate-street? No. When we left, which is only three months since, they had no tramways in any of the busy parts of London; I think there was an objection to them there, although tramways were in great favour in parts where they did not interfere with the traffic. The manner of travelling is so much more pleasant than any other; there is no tremulous motion such as you find in the underground railway or any other railway; and the tramways are far easier than the omnibuses.
301. What is your opinion of the traffic about London as compared with the busy parts of George-street? There is no comparison.
302. You think it is greater about London? Very much greater. I do not think there is any comparison at all.
303. *Mr. Macintosh.*] Were you in Paris at all? Yes.
304. How do they answer there? I cannot say that I recollect seeing any tramways in Paris.
305. The streets of Paris are much wider than those of Sydney? Very much wider.
306. Have you been in Vienna? No.
307. Do you know Whitechapel Road, in London? Yes.
308. Did you take notice of the tramway in that street? I cannot say that I did.
309. You are not aware, as a matter of fact, that it was kept in bad order? I am not.
310. Are there as many private vehicles, taking into consideration the difference between the population of Sydney and London;—are there as many private vehicles in London as there are in Sydney? In the West End of London there are considerably more, but I think not so in the East End, where the great business is transacted. I do not think there are so many private vehicles taken into the thoroughfares of that part of the city, having regard to the population, as there are in Sydney. Of course there is a much larger number in the West End.
311. Do you not think that there are more private vehicles go into George-street and Pitt-street than go into the business streets of London? You mean taking into account the population—proportionately?
312. No. I mean the actual fulness of the streets;—whether there are not more private vehicles in George-street and Pitt-street than there are in similar business streets of London? I cannot say that I think so.

313.

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313. Private vehicles? I do not think so. I think there are more even in the busiest parts of London, where you do not expect to see private vehicles. Many medical men and professional men are driving about.
314. Buggies are not so numerous? No; there is a different class of vehicles altogether in England.
315. Do you think that if tramways were laid down in the streets of Sydney they would be found to be objectionable on account of the narrow-wheeled vehicles which are in use here,—seeing that four-wheeled vehicles cannot turn in the same radius that the cabs of London can? Do you mean that the line itself would interfere with the wheels?
316. Yes; the groove? I do not think that it interferes with them in London. It is not objected to in London on that ground; and I do not know why it should be here, if properly laid down.
317. The width of the buggy-wheels is about 1 inch or 1½ inch, and the groove of the tramway is about the same? That might give rise to difficulty.
318. But you cannot speak from information on that point? No.
319. Did you notice how far the tramways in London are laid from the kerb? They are in the centre of the street. I can hardly tell you the width of these streets, but the impression which I carry in my mind's eye is that they are very much wider than the streets in Sydney. I could not give you any definite information as to their actual width.
320. You have spoken of Oxford-street in London; the carriage-way in most parts of that street is 48 feet wide? I should have thought that Oxford-street was a great deal wider than that.
321. Do you know the Elephant and Castle in London? Which? There are so many.
322. In the borough? Yes, I think I recollect it.
323. It is a place where there is a great traffic? Yes.
324. Have you ever noticed any obstructions caused by the tramways there? No; it is where the tramways centre; it is a sort of terminus where the omnibuses stop to put down passengers.
325. You have frequently passed that place? Yes.
326. And have not seen any obstruction to the traffic there? No.
327. *Mr. Jacob.*] Have you heard of any general complaints at Home that tramways have depreciated the value of property or interfered with it prejudicially in any way? No, I have not. There are many people, of course, who object to tramways, but I think the majority are in favour of them; and in favour of an extension of them outside the boundaries of the busy parts of the city, the streets of which are narrow.
328. *Mr. Tunks.*] How long have you been away from here? About four years.
329. The portions of London where tramways are in existence are more thickly populated than are the suburbs about Sydney? Yes.
330. Are you aware how far we travel by omnibus for 3d.? From Glebe Point, and from Newtown to the city.
331. You are aware, I suppose, that the omnibus business is conducted by several Companies? I have heard so.
332. Does it occur to you that to enable these people to carry on the traffic at the price named they have to depend upon taking up a good many passengers in the thickest part of the city? Yes.
333. And by that means they are enabled to run to the suburbs? Yes.
334. So that in this way the whole transactions of these omnibus proprietors are made to furnish a profit? Yes.
335. Would this tramway system be as advantageous to the development of our suburbs as the present omnibus system, which takes people to their houses, and thus facilitates settlement in the outlying portions of the city and suburbs? You mean that the tramway must have a terminus beyond which there would be a large straggling population; if so, I imagine that they would have to extend the tramways as soon as the population was sufficient to justify that step.
336. The system would not be the pioneer of settlement? No; it would be a sort of after consideration. Of course the tramways in London are a great success on account of the population. There, every means of conveyance is crowded—all the available room is taken up in omnibuses, tramways, and railways. All these systems of conveyance are doing well, for the carriages are always full.
337. What is the rate charged per mile travelling by the tramway? I forget; but I think the charge ranges from 1d. The highest charge is 4d.
338. 4d. a mile? No; 4d. for the distance right through. I can scarcely tell you what it is per mile.
339. You have no information as to mileage? No; but their lowest fare is 1d.
340. *Mr. M'Carthy.*] You do not mean to say that the construction of a tramway to Waverley or Randwick would be the means of checking people from going out there to live? No; I think it would be rather an inducement. There can be no doubt that tramways supply the most convenient and pleasant means of travelling. Most people who can get that sort of conveyance will prefer it, and the tramways will fill before the omnibuses. In London they both fill, for the means of locomotion are not sufficient to meet the requirements of the population. The majority of the people there live out of town, and of course an immense number of them have to come into business in the morning.

Edgar Layard, Esq., was examined:—

E. Layard, Esq. 4 Dec., 1873.

341. *Chairman.*] What are you? Her Majesty's Consul for Fiji.
342. Have you been in London lately? Yes.
343. Have you travelled on any part of the Continent? Yes. I have seen tramways on the Continent, at the Cape of Good Hope, in Brazil, and several other places.
344. You have seen tramways in London and on the Continent? I have.
345. Where? I do not recollect where, but in some of the Continental cities.
346. How long is it since you were there? Three years ago.
347. How long is it since you were in London? Three months ago. In Brazil we had a tramway, on which I travelled daily.

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348. How long previously? I have just came from there. I came from Brazil to London, where I stayed two or three months, and I then came on here. Previous to that I was at the Cape of Good Hope, where also we had tramways.
349. Have you been in the habit of travelling on tramways? Yes, constantly.
350. In London? Yes; not as much in London as elsewhere.
351. What is the result of your observation of tramways? I am decidedly in favour of them. Their great utility I have seen; and certainly the convenience of travelling by them is very great.
352. They are quite as comfortable as omnibuses? They are infinitely superior.
353. And quite as safe? I should say a great deal safer.
354. You do not hear of so many accidents by tramways as from omnibuses and cabs? Not nearly so many.
355. Have you observed that they have been laid down where there is much traffic? Yes. There is a line from Greenwich to Westminster Bridge, and several diverging lines to Clapham and other places in the suburbs. There are lines from Moorgate to Holloway, running on the north-west of London. I remember also seeing a line in Sydney here, about eleven years ago.
356. You have lived in Sydney many years? I was only a casual visitor here then from New Zealand.
357. In what way did the line in Sydney and those in London differ? The great difference was that in Sydney the rail was elevated above the level of the road.
358. In London the rails are sunk? They are.
359. Can you see any difficulty in constructing tramways in the principal streets about Sydney? I see no difficulty in constructing a tramway anywhere. Do you mean as to the traffic?
360. Yes? No; I see no difficulty on that score. The traffic here as compared with London is a mere drop in a bucket—a drop in the ocean.
361. As to the difference in the width of the streets—does that materially affect the question? If you have sufficient space on each side of the street to allow of the side traffic being carried on without interruption, I do not think that the tramway would be an obstruction in any way.
362. Do you think the streets of Sydney are wide enough to admit of that? That is an engineering question. How many carriages could you put abreast? I do not know the town enough to enable me to form an opinion, but my view is this: If you have sufficient sideway for an independent traffic, then your streets are wide enough. People who are shopping and following their various avocations, want to stop at their warehouses and other places, and if the tramway comes along and sweeps them out of the road whenever they come by, why then your streets are not wide enough. If you have width enough for vehicles to stand at the side, the streets are wide enough.
363. You have seen George-street? Yes.
364. Sufficient to form some idea of its breadth? I think it is a pretty good broad street.
365. As broad as streets in which you have seen tramways elsewhere? I think so, as far as my eye can guide me. At the Cape of Good Hope we had a tramway there running from Cape Town to Green Point. I have heard evidence given here as to the effect of tramways upon property; but so far from that line injuring property, it trebled and quadrupled it in value; houses sprung up in all directions. The tramway there ran through streets very much narrower than any you have here, but then there was not so much traffic in Cape Town as there is in Sydney.
366. While you were in London did you hear that tramways had depreciated the value of property? On the contrary, the value of property was increased. I was astonished to see how many tramways there were in London, and they are now rapidly extending all round London. Thus, for instance, that tramway from Greenwich to Westminster Bridge is many miles in length, and ramifies all through the suburbs.
367. Have you travelled down Brickfield Hill here? No; they have got some pretty considerable inclines along the Greenwich line.
368. In cases where persons desire to go beyond the tramway terminus, I presume there are 'buses to carry the people from that point onwards? Yes; in the same way as there are 'buses from a railway terminus. As the population increases you will extend your tramways, or omnibuses or other means of locomotion will be provided to meet the demands of the people. At the Cape of Good Hope we had a line of buses from Cape Town, 7 miles into the suburbs. When we got a railroad every 'bus was taken off the line. People found it no trouble to walk from the different stations to their houses, although by the old omnibus system they were put down at their doors. They infinitely preferred the railroad.
369. If there were any traffic beyond the terminus, a 'bus would be provided to accommodate it? Decidedly; a terminus is a terminus; and you must have a terminus for a 'bus as well as for a tram-car. In Pará the line ran through a street so narrow, that you could touch the sides of the houses with your hand reaching from the car. The street was given up for that traffic, and the advantage of it was so great that there was no dissatisfaction about giving up the street for that purpose. At first I lived off the road, but subsequently I left my house and went to live in one near the line, where I paid a higher rent. We held up our hands and the car stopped at once. It was a tramway worked by steam; they found that steam was much cheaper than horses, and they knocked off the horses accordingly. The wood traffic on that line paid all expenses; and the passenger traffic was all profit. At the Cape of Good Hope also the tramway paid a very handsome dividend. As regards tramways going up hills, I may say that at Cheltenham there is a rough tramway extending from the hills down to the town for the carriage of stone. They go up tremendous inclines there, and I never heard of any accident. The wheel there fitted into a deep grove. I see no reason why tramways should not go up inclines. I have heard what the preceding witnesses have said here about the bedding of the lines. The tramway at the Cape of Good Hope was bedded like that; and I have seen tramways in different places bedded in different ways. In some places it is bedded in macadam, and in others in square blocks of stone. The Moorgate-street tramway is bedded in asphalte.
370. *Mr. Tunks.*] Have you seen any in wood? I never saw any in wood. The sleepers may be wood; but the roadway as far as I know is in metal, asphalte, or stone.
371. *Mr. Macintosh.*] In wet weather does the water stop up the side of the rail on the longitudinal sleepers? They are always bedded solid.
372. So that there has been no leakage under the foundation of the rails? It was all solid—laid into the road itself. I have seen the groove full of water, and I have seen a stone get into the groove; but there are wire brushes and other contrivances which the driver regulates so as to remove any obstructions which may get into the groove.
373. You have never seen the water slop up from the wood not being joined closely? I have never se n that.

374.

E. Layard, Esq. 4 Dec., 1873.

374. You said that the traffic in the streets of London were as a drop in a bucket? No; *vice versâ*—the traffic in the streets of Sydney as compared with that in the streets of London.
375. Have you ever seen a block in the streets of Sydney? No; but I have seen plenty in London.
376. Have you ever seen a tramway in streets liable to a block? No.
377. During your short experience in Sydney have you not seen the traffic so closely packed that there would be no room for vehicles? I have been in the streets of Sydney during the last fortnight and I have seen them very crowded.
378. So that very little more traffic could go along? I do not say that.
379. Cape Town has a population of about the same number as that of Sydney? Not nearly so large; not nearly so much business is done. I should compare Cape Town to Sydney and Sydney to London.
380. The number of the inhabitants and the houses is about the same as in Sydney? I should not think so. There is not nearly the amount of activity there that there is in Sydney—nothing like it. The two places cannot be compared for a moment.
381. Would you have any objection to recommending that steam should be used instead of horses to draw these carriages, from what you have seen in Sydney? Not a bit. I think animals become very quickly accustomed to steam. In the case of a railway you see that cattle and horses quickly become accustomed to it. I have seen wild animals—rabbits—sitting by the side of a railway when an express train passed, and they did not even lift up their heads to look at it. In Pará we had steam and the horses did not care about it.
382. You have been looking at the question from a passenger point of view? Yes.
383. Your evidence has tended to show the convenience of tramways for the accommodation of passengers than their suitability for heavy traffic? I also said that I did not think they would obstruct the traffic in any way. In that part of London from Westminster Bridge there is an immense traffic.
384. Are the streets wider there? Yes; the lines are double there.
385. There is a track outside the tramway? Yes; for the traffic of the streets.
386. So far as you have seen you would have no hesitation in recommending that a tramway should be laid down in George-street or Pitt-street? I have told you that I have not considered the width of the streets.
387. They are 42 feet wide between the gutters? My position is this: have you sufficient room for your street traffic? If you have, I see no objection to laying a tramway down in any street whatever. That is a simple case of measurement. I cannot tell you unless I go and measure the streets.
388. Your opinion comes to this: that so long as there is sufficient room on each side of the street to accommodate the traffic usual to it, you would say let tramways have a place in every street? Under these circumstances I would not object to see them laid down in any street.
389. But you would recommend that they should be drawn by steam instead of horses? That depends upon circumstances. It all depends upon the expense. In Pará they found it cheaper to employ steam than horses, although they had to import their coal at £4 a ton. You have to consider the cost, the keep, and the wear and tear of horse-flesh and of the road—the price of coal, and the engine and tender.
390. Steam would be equally under command? Yes; you don't want to go beyond a certain rate. In Pará you hold up your hand, and the tramway-car stops at once.
391. Private vehicles are not so common there? What do you mean by private vehicles—gentlemen's carriages and buckster's carts?
392. Buggies not omnibuses? Looking at omnibuses as the only means of public conveyance, and taking everything else from a gentleman's carriage to a huckster's cart as a private vehicle, I should say that New York would beat Sydney.
393. It has been given in evidence before an inquiry held in London that private vehicles in New York do not prevail—that the traffic is carried on by steam and tramway? I should have thought there would have been more in New York than there are in Sydney.
394. You have travelled considerably in tram-cars in different parts of the world;—have you seen any accidents occur from them? Never. I have seen the tram-cars go off the line constantly at Pará from the line being badly constructed; but we got used to it. We put our shoulders to the wheel and lifted them on again.

J. H. Thomas, Esq., C.E., was examined:—

J. H. Thomas, Esq., C.E. 4 Dec., 1873.

395. *Chairman.*] You are a civil engineer? I am.
396. You have been for many years in the Government service of this Colony? Yes.
397. You were in the Railway Department, I think? Yes.
398. You have been away from the Colony sometime now on leave of absence? Yes.
399. Do you recollect the tramway being laid down in Pitt-street? As Engineer for Existing Lines I had charge of it.
400. How long were you Engineer for Existing Lines? Twice for about three years.
401. Do you recollect the line being taken up? Yes.
402. You recollect that there was a strong public feeling against that tramway? Yes. It was a dreadful nuisance.
403. You have been in London, I think? Yes.
404. Have you travelled on any part of the Continent? Yes; and have at Brussels, Antwerp, Paris, Milan, Alexandria, in Egypt, and other places, seen tramways. I also saw them in Dublin.
405. Were they different from that which we had in Pitt-street? Quite different.
406. Not open to the objection that the rail was above the level of the road? No; the rails are laid flush with the street.
407. What is your opinion of the proposals of this Company to construct tramways along these routes;—can you, as an engineer, see any difficulty in the way of constructing them? No, not the slightest.
408. Do you think the streets are sufficiently wide? They are plenty wide enough. The tramway does not take up the whole of the roadway, for as soon as the tram-car has passed the entire width of the street is free. If there is a double line they keep the rule of the road, and there is no difficulty whatever.
409. You have lived in Sydney many years? Yes.
410. And you know the width of these streets? Yes; I have some idea as to what the width of the streets are.

411. What is the opinion which prevails in London and elsewhere with regard to tramways? Everybody is delighted with them. In Brussels, which was a very difficult town to lay them in, they are perfectly successful, and the people are delighted with them. J. H. Thomas, Esq., C.E. 4 Dec., 1873.
412. You observed them carefully? Yes, I made many inquiries; and as an engineer I felt a professional interest in them.
413. Did you hear of any accidents? I never heard of any accident of consequence in connection with tramways.
414. Do you think that the construction of tramways along the routes here proposed would in any way interfere with the present traffic? Not in the slightest. I feel perfectly confident that it would not.
415. Was your attention at all drawn to the charges made to persons travelling by tramways? Yes; I should think the charges would be something under 1d. a mile.
416. Has it come under your notice that the charges made by the 'buses here have been reduced? You run from the Glebe to Queen's Wharf for 3d. It is not much over 3 miles.
417. *Mr. Tunks.*] Is it not nearer 4 miles? I do not think so. I am merely speaking from guess.
418. *Mr. Macintosh.*] What was the objection to the Pitt-street tramway? It took off the wheels of the buggies, and otherwise obstructed the general traffic.
419. Did that arise from the principle of construction, or from the manner in which the street was kept? From the principle. It was very badly constructed in the first instance; but if it had been laid in the very best way still that kind of rail would have been objectionable.
420. *Mr. Tunks.*] As the engineer in charge of it, did you ever make any representations as to the badness of the tramway? Yes, I did. You will find I made plenty of representations on the subject. All the joints were put together without any allowance for expansion; so that when the sun came upon them they buckled up. The timber was all green when laid, and consequently twisted and buckled upwards after being down some time.

WEDNESDAY, 10 *DECEMBER*, 1873.

Present:—

MR. THOMAS BROWN, MR. BURNS, MR. GRAHAME, MR. JACOB, MR. MACINTOSH.

JOHN FITZGERALD BURNS, ESQ., IN THE CHAIR.

J. H. Thomas, Esq., was further examined:—

421. *Chairman.*] You have told the Committee that you have seen tramways in London, Dublin, Brussels, Antwerp, Paris, Milan, and Alexandria? Yes. J. H. Thomas, Esq., C.E. 10 Dec., 1873.
422. Do you think it would be an advantage to the City of Sydney if tramways, such as those you have seen in other cities, were introduced here? Yes; I think it is a very great advantage to any city to have tramways—an advantage not merely so far as concerns the traffic of the tramway itself, but an advantage in so far as they facilitate the general traffic of the city. I noticed when in London that the drivers of Pickford's heavy vans and others endeavoured to get their vehicles on to these tramways, because they could go along so much easier. I have seen the drivers of gentlemen's carriages also do the same, because the smooth surface of the tramway enables them to get along better.
423. Do the tramways which you have seen in these places interrupt the traffic more than any ordinary 'bus or other vehicle? No.
424. When once the tram-car passes the street is as free from impediments as it was before? Yes; there are no impediments whatever. I have with me a memorandum, in which I have embodied my views upon the whole subject; and if the Committee will allow me, I will hand it in as an appendix to my evidence. (*Vide Appendix* B 1.) On the last occasion when I gave evidence before the Committee, some mention was made of the traffic in the streets of London and Sydney, and I have therefore brought this map—"London Railway Travelling made Easy, by Robert J. Cook"—to give the Committee an idea of what the traffic really is of London. The red lines show the railways of London, and the blue lines show where the tramways run. In London there is a population of about 4,000,000, and there are about 20,000 cabs and 10,000 omnibuses, besides other vehicles moving along these streets. If tramways do not interfere with the general traffic of a city like London, I cannot see how it is possible they can interfere with the general traffic in a town like Sydney.
425. You are quite familiar with the routes along which the promoters of this Bill propose to construct these tramways here? Quite.
426. And you see no difficulty whatever in constructing tramways there? I see no difficulty whatever.
427. Can you state in general terms what the effect of tramways has been in the way of reducing the cost of travelling even by omnibuses? To reduce the number of 'buses do you mean?
428. No; to reduce the charges? I think they have brought down the charges by the 'buses.
429. Charges for travelling generally? Yes.
430. *Mr. Jacob.*] You stated that you noticed that vehicles in London tried to avail themselves of the tramway? They do.
431. You do not mean the groove, but the causeway? The rail is made with a groove in it, and the ordinary wheels run upon the rails like they would upon a flat surface.
432. Would narrow-wheeled vehicles, such as buggies, get locked in them? I do not think so. The groove is only to take the flange of the tram-car wheels.
433. There is no danger of locking? Not the slightest. They certainly have not got such narrow wheels in London as are used in Sydney, but I do not see that there would be the slightest inconvenience from the buggy traffic here.

John Young, Esquire, was examined :—

J. Young, Esq.

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434. *Chairman.*] You are chairman of the Sydney Omnibus Company? Yes. I may state that I was brought up as an engineer. I was one of the resident engineers of the Lancashire and Yorkshire line, and I have been practically engaged in that, also contracting, and similar kinds of business all my life time.

435. Were you in the Colony when we had a tramway in Pitt-street? Yes.

436. I suppose you are aware that there were considerable objections to that tramway? Yes.

437. Can you explain why? The rails were not of the right shape, and they were laid upon a metalled road. Of course where the metal came into contact with the plate there was an unevenness, and metal would wear away much sooner than pitching, and would thus produce an inequality of surface much sooner than pitching or any other harder substance. The tramway was very much neglected, and the shape of the rail was greatly against it.

438. Did it lead to accidents? Yes; more on account of the method in which it was laid and kept than from the effect of the rails even. Had the whole width between the rails and a space of eighteen inches on each outer side been pitched properly that rail would not have been the nuisance it was.

439. Do you recollect that line being taken up? Yes; I used some of the rails myself.

440. After they were taken up? Yes.

441. You have seen the Bill which is before this Committee for constructing tramways in Sydney? Yes.

442. Do you understand the principle upon which these new tramways are to be constructed? Perfectly.

443. Do you think that the objection which obtained against the tramway laid down in Pitt-street would apply to the tramways which it is proposed to construct under this Bill? Not at all; I think it is a totally different thing altogether.

444. Have you noticed the streets in which it is proposed to make these tramways? Yes; I know them well.

445. Are they sufficiently wide for tramways? Yes; I think the routes proposed in this Bill are along the widest streets of Sydney, or if not the widest, those which have the least traffic in them; so that if it were held that tramways were an obstruction to the traffic, they would be less liable to be an obstruction in these streets than in any other part of Sydney. If there could be any question as to the propriety of laying down tramways in Sydney it would apply to that portion of the City between Market-street and Hunter-street, but I believe there are streets much narrower than those in that part of the City, even where double lines of tramway are laid down, and are worked without any inconvenience.

446. If the rail were laid flush with the road, the obstruction to the traffic from running a tram-car would not be greater than that from an ordinary coach or 'bus? No; I think it would facilitate the traffic, and it would do so in this way. Before this matter came on, information was obtained from New York respecting the tramways in use there, and in the other large towns of America. I am not aware that a rail, according to Mr. Larsen's pattern, is used in America, but there are broad rails used, and persons who have heavy traffic to be done have constructed vehicles with wheels of the same width of the tramway, and they make use of the tramway until 8 o'clock in the morning, at which hour the tram-cars begin to run. The tramway companies do not like to see their lines used in this way, but they cannot help it. The general public have seen the advantage of the tramways, and the consequence has been that they contrive to get nearly the whole of the heavy traffic in New York done before 8 o'clock in the morning.

447. You have been very favourably impressed as an engineer with the working of tramways in other places? Yes. Mr. Stephenson, of New York, has been applied to, and he has sent out sections of the rails in use in New York, which I now beg to lay before the Committee. In some cases there is as much as one and a half inch projection.

448. But the objection against rails which project above the surface of the roadway does not apply to Mr. Larsen's rail? No; but still in America they use rails having one and a half inch projection, and it is not found to be in any way inconvenient there. I think that generally speaking the space between the rails, and also for a certain distance outside of them, the road is paved with wood blocks placed on end—and not pitched. In America they mostly prefer wood paving.

449. Wood is cheap there? It is cheap and abundant; not in every case, but in most cases.

450. Have you considered how these tramways will affect the cost of travelling through the City and suburbs? To private individuals?

451. Yes? I do not think that you could have the rates of travelling much cheaper than they are now by omnibus; but I think it would be a very important thing for the public to get tramways, for the streets are very uneven, and the immense curve they put upon them makes it exceedingly uncomfortable to travel in omnibuses.

452. You think that the cost of travelling will be less? It will not be more; I cannot say that it will be less, and the comfort to the passengers would be I should say 300 per cent. greater.

453. And as to safety? Tramways are better as to safety certainly. The saving of horse flesh also would be something considerable. As chairman of the Sydney Omnibus Company I know that the long lines which we have cut up the horses tremendously—lines such as that from Waterloo to Miller's Point. We are anxious to get tramways to the principal points in order to shorten the lines. The roads in wet weather are in a fearful state, and we sometimes cut up twenty or thirty horses in a week.

454. I presume that after the construction of these lines, your 'buses would go further than they now do? Undoubtedly, they would go farther and quicker.

455. The labour would not be so great for your horses? No.

456. And both as regards the traffic of the city and that of the suburbs, these tramways would increase the accommodation? Yes, in every way.

457. Increase the comfort and decrease the danger? Yes, and not increase the expense. I do not think myself that you can have a cheaper ride than 3d. We tried the 4d. fair to Petersham, the distance being so much longer from Sydney, and 3d. we thought too little. We found, however, that people would sooner leave off riding than pay the extra penny.

458. That would partly arise from the inconvenience of getting change? Yes; and the 3d. fare seems to suit the people in every way. I think the 3d. fare must be considered as fixed; but there would be this advantage connected with having the tramways and the omnibuses all under one Company: tickets might be granted for all the cross lines, instead of for single journeys.

459. You think that by means of a system of tramways the traffic of Sydney would be better organized than it is at present? Much better. The time of running would then be perfectly regular,—and it is difficult to get that with omnibuses.

460.

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460. As Sydney grows, the danger of blocking, which is incidental to most large cities, cannot so easily occur? As regards blocks, I think the traffic is less liable to be interrupted where there is a tramway. People know exactly where the tramway must run, and they are therefore freer and less liable to be stopped.

461. *Mr. Jacob.*] As to the Pitt-street tramway, were there any objections with regard to it founded on the narrowness of the street? I think the principal objection to the Pitt-street tramway arose from the bad principle on which it was laid.

462. Was it objected that the street was too narrow? I do not know that it was. Pitt-street is, I think, the narrowest street in the town.

463. Narrower than the streets where it is proposed to lay down these tramways? Yes; but I do not know that the narrowness of the street was in itself an objection. No tramway ought to be laid down in a town, in my opinion, unless it is pitched, and the pitching of the tramway is likely, in my opinion, to lead to the pitching of the rest of the street. The present streets of Sydney certainly want altering.

464. It is proposed that a double line should be laid down in some streets? Yes.

465. Will that interfere with the traffic? Not at all. At London Bridge they have two streams of traffic going one way, and two going the other. There are always four distinct streams of traffic there, and they are never blocked.

466. You have said that the Omnibus Company were anxious to shorten the distance of running;—would that increase the cost to the public? No.

467. One charge will clear both the omnibus and the tramway? Yes, it is one. Persons travelling from (say) Darlinghurst to the Glebe Point will be able to take a ticket which will carry them right through. Mr. Stephenson has sent out designs of cars which are used in America and other places, which perhaps the Committee may like to see. These photographs represent cars used in New York, New Orleans, and Glasgow.

468. *Mr. Macintosh.*] In the event of the Bill becoming law, which is the first line which your Company will lay down? I do not know. I do not think we have any particular preference. I do not think that has been considered.

469. What are the material advantages which the citizens would receive from giving over so large a portion of the streets for the use of this tramway, seeing that we have got a very well constituted Bus Company at the present time? One benefit which I think the public would derive would be this,—that the streets would be partly made for them at the expense of the Tramway Company. Some £15,000 would probably be saved to the city in that way. Nearly half the street would be made for the citizens, and made in the best possible manner.

470. That would be the advantage which the Municipal Council would receive? Yes; and they represent the citizens.

471. It would save about £15,000 a year of the revenue of the Corporation? I believe so. I think that last year there was about £8,000 spent upon George-street alone. In wet weather the streets are in such a state that ladies cannot very well travel about in omnibuses; but if a tramway were laid down on a rail perfectly true, travelling in the tram-car would be quite as easy as in a railway carriage. The increased comfort in travelling would be another advantage which the citizens would receive.

472. What is your opinion, as a professional man who has had great experience with regard to our timber;—do you think our timber is well adapted for longitudinal rails? Yes, certainly.

473. Our experience hitherto has been rather against the timber? I do not think that there is any better timber in any part of the world than in New South Wales. All that is necessary is that it should be properly selected.

474. If you get it seasoned and then put it into a damp soil? There are some timbers here which are better and last the longer for being put in damp soil.

475. Would not seasoned timber be likely to warp if it were put in damp soil? I would not put seasoned timber under ground. I do not think it is a good plan.

476. The timber laid down in Pitt-street was unseasoned but it warped considerably? That is quite possible; but there are some timbers in this colony which are well adapted for the purpose, and are better under ground than out. So far as the question of timber is concerned, I think you cannot find any country better able to supply timber than this. I do not know of any. The timber that goes to Victoria for their work is from New South Wales.

477. The timber that goes to Victoria from New South Wales is from a different district and climate? Yes; but we have plenty of a similar kind here.

478. You think that our timber is well adapted for the purpose, notwithstanding the failure of the Pitt-street tramway? I do, most undoubtedly. I do not think that the Pitt-street tramway affords any criterion as to the laying down of timber. The rail which it is now proposed to lay down is not so likely to get out of place as that used in the Pitt-street tramway.

479. In the event of a tramway being laid down on the South Head Road, or Oxford-street as it is now called, would it interfere with the heavy traffic—with drays which sometimes carry planks 50 feet in length, and iron 30 feet in length;—would there be any difficulty in carrying on that description of traffic? I think not.

480. Waggons or drays loaded in that way would take a considerable distance of the street and take a long time to get out of the way? I think not. If they were turning round a corner that long length of timber would take up a good deal of the road, but no more than they do at present. They would not stop anything. If going up or down the street they would not stop the tramway any more than they stop anything else.

481. From what you state it would appear that that portion of the road under the control of the Tramway Company would be kept in better repair than the rest of the street? Yes.

482. Then would not these vehicles with long heavy loading get on to that part of the road? I think it is possible that if the tramways come into Sydney you will find that most of the heavy traffic of the City will be done at daybreak, by people taking advantage of the tramroad before the cars begin to run. That will be a great advantage to the general public, though none to the Company. That is a matter of complaint by the Tramway Companies in America. I am told that in New York the tramways are used in that way, and it is found that a couple of horses will drag thirty tons of loading on these tramways.

483. The traffic of Sydney is chiefly done upon two-wheeled vehicles—upon common drays? Yes.

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484. Are you acquainted with any other city where the heavy traffic is not chiefly done with waggons, which can be unloaded at the side, the drays from their construction and the absence of gateways taking up a greater amount of street room? Yes; but in the case you speak of the loading is of a certain length, no matter what vehicle it is carried on, and therefore will take up a certain amount of street room.
485. The drays on which our heavy traffic is conducted have to back up to the kerb and unload at the tail of the dray; the rails of the tramway would therefore have to be 10 feet from the kerb? There would be a considerable space left; but I do not think that a dray or any other vehicle should be allowed to be placed at right angles with the street. If people are in the habit of drawing up vehicles in that way they ought to be stopped.
486. From your experience is not that frequently the practice? I think it is. Still vehicles would have to be drawn up like they are everywhere else—a little on the slant. But as to the method of haulage in Sydney, I think it is very much the same as it is in all other cities. It is true the dray is used here more than it is in some places; but the haulage is generally similar.
487. Are similar vehicles used elsewhere? I do not think that makes much difference.
488. The waggons are longer? I believe you would find that all the heavy traffic would go along the tramway early in the morning. For instance, I am building large premises in Pitt-street at the present moment. If there were a tramway laid down in Pitt-street I should endeavour to get all the heavy traffic over the line early in the morning, and in so doing I should save myself great expense in haulage. You would find that people would make their vehicles the same width as the tramway, so as to be able to use the rail.
489. The gauge of the tramway will be 4 feet? 4 ft. 8½ in.
490. The same gauge as our railways? Yes.
491. How would you reverse the tram-cars at the terminus? Some carriages reverse themselves.
492. So that in some instances you would take a circuit round? In some instances all that has to be done is to take out the horses from one end and harness them to the other.
493. So that the tram-cars would be very little obstruction to the street in that way? They would be no obstruction whatever. Some American cars turn round on their own carriages.
494. With regard to the gradient, are you aware of any city which has gradients the same as we have in Sydney? Yes, I have seen some a great deal steeper. The gradients of this city are not very bad. I believe there are one or two which are 1 in 25 to 30; but the railways in this Colony have gradients of 1 in 30.
495. We have them as steep as 1 in 15? But in no part where it is proposed to lay these lines. I think 1 in 25 to 1 in 30 will be the steepest gradient.
496. Do you know the gradient of Brickfield Hill? I believe it is 1 in 27 to 1 in 40.
497. There is no gradient you wish to run over less than 1 in 40? None less than 1 in 25. I have all the gradients of these streets.
498. What are the gradients in the streets in which it is proposed to construct these tramways? Brickfield Hill, steepest portion, 1 in 27; Parramatta-street, steepest portion, 1 in 25½.

J. H. Thomas, Esq., was further examined:—

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499. *Chairman.*] You wish to supplement your evidence with some statement respecting the rail which was used in the Pitt-street tramway? The rail was laid the reverse way to that which the patentee intended.
500. Was that one of the reasons why it did not work properly? That was one of the reasons. It was laid in that way because it was thought that the heavy traffic from the Circular Quay to the railway station might be taken over it in our ordinary railway trucks.
501. *Mr. Macintosh.*] Do you remember the fastenings which connected the transverse sleepers with the longitudinal? They were wooden cross-pieces.
502. With small brackets of iron? Yes.
503. Were they a sufficient fastening? It would have been better if they had had an iron rod right through.
504. Do you think that those brackets were of any service whatever? I do not.
505. The insufficiency of those brackets was the cause of the longitudinal sleepers twisting? No, not altogether. The timbers twisted a great deal from being put down in the way that they were.
506. You have heard the evidence of Mr. Young? Yes.
507. He states that he would put down timber in the same seasoned condition that was put down; that was put down almost green? I know that. There is timber in this Colony as good as any in any other country. You could lay down timber that would not twist. I would undertake to lay down timber that would not buckle up as that did.
508. That was exceedingly good looking timber? That may be.
509. It was black-butt, I think? I forget now what it was, but I think it was black-butt. It is twelve years ago.
510. *Chairman.*] You had charge of the Pitt-street tramway all the time it was in existence? I had charge of it as Engineer for Existing Lines; but I had not charge of it all the time.
511. It was under your supervision generally? Yes.
512. *Mr. Macintosh.*] You had not charge of it after it was laid? Yes; but not before.
513. You say you were in charge of that tramway? Yes.
514. Are you not aware that it was a failure from the manner in which it was laid down and maintained? I do not say maintained; I say it was a failure from the way in which it was laid down. The tramway was handed over to my charge as Engineer for Existing Lines; but when Mr. Woods leased it, he undertook to keep it in repair. I was not therefore responsible for its being kept in repair, but still I say that no mortal man could have kept it in repair.
515. You have had experience of the way in which tramways have worked. Are not vehicles injured by the defective way in which the junction between the pavement and the macadam is effected? Never. I have seen defects between the metal and the pitching, but this was the fault of the authorities in not keeping the whole flush.

J. H. Thomas, Esq., C.E.
10 Dec., 1873.

516. Have you seen faults of that kind to any extent in London? Not to any great extent; and when the defect occurs it arises from the neglect of some officer to look after it.
517. Would you explain what were the faults in the construction of the Pitt-street tramway? The rails were laid with butt joints one against the other, without any allowance for expansion. That alone would account for the defective character of that tramway.
518. Then the fault was in its being put down with butt joints? When the sun came upon that—it matters not what timber might be underneath—it would draw it right up. It was utterly impossible to have kept that tramway in repair without pulling it right up, and relaying it again in a proper manner.
519. Some portion was taken up towards Christ Church? That was to try and improve the curve there. Some granite blocks were laid down there, but not with my advice.
520. Sometimes the cars ran off the line;—did they not? I think there were cases of that kind, but they were very rare.
521. Would the rails shown in these diagrams, Mr. Larsen's rail, be safer than that was? Yes, much safer.
522. In the former tramway I think the carriages only ran off two or three times? I cannot myself distinctly recollect any case in which that occurred; but if it did, the cars were easily got on again.
523. I think you tried also to make the tramway in Pitt-street, auxiliary to the railway? Yes; it was intended that railway material should be brought from the Circular Quay to the Redfern Terminus by this line.
524. Did it answer? No, it did not. It was intended that the railway trucks should be run on it, and that was the reason why the rail was reversed from the way in which it was intended to be laid by Mr. Train, the patentee.
525. Why did it not answer? The railway trucks would not run easily upon it, and that was not to be wondered at, considering the way the rail was laid.
526. One or two attempts were made to run them? Yes; but the thing was not constructed for railway trucks, and therefore you could hardly expect them to run. It was never Mr. Train's intention to run railway trucks on a tramway of that sort.
527. It was constructed to a certain extent to do the work you mentioned? Yes; but that was not Mr. Train's design, I believe the person who recommended it to the Colony, and was answerable for the tramway was, I believe, Captain Martindale.
528. In the event of a railway being laid down in Pitt-street or Castlereagh-street, such as it is proposed in this Bill, could that be made an auxiliary to the railway and be used by railway trucks? It would not go down to the Circular Wharf.
529. In the event of its being extended there? I do not think that it would be advisable to run railway trucks upon it. I think it should be confined to passenger traffic, and I have said so in the memorandum I have handed in. (*Appendix* B 1.)
530. Are there cheap tram-cars running in London? I used to ride upon one every day there. The charge was 2d. inside and 1d. out.
531. Are there special cheap trains? I never heard of them.
532. I see from the evidence of Mr. Rowbottom on this subject that there are great facilities offered by the tram-cars early and late? They do run early and late.
533. You think there would be no danger from a tramway laid in a street 36 feet wide? Not the slightest.
534. When you were in London did you see Mr. Bassilgate? Yes, I have seen him.
535. He states that a double line of tramway should not be laid in a street less than 34 feet wide? Then he takes a rather more favourable view than I do.
536. He is engineer for the Board of Works? For the Metropolitan Board of Works. He is a man whose opinion on this subject is entitled to great weight.
537. With regard to the opening of sewers and water-pipes running along a street? Yes.
538. Would any obstruction arise from that? No; because these lines are made on a kind of framework which is easily supported.
539. I suppose they would simply unhook the horses from the tram-car? Yes, and just push it along; I have seen that done several times in London, where gas, sewerage, and water pipes are laid. Sometimes half-a-dozen gas companies have pipes laid down in one street.
540. Are the tramways shown on the map of "Railway and Tramway travelling in London" which you have laid before the Committee, projected tramways, or are they tramways in actual work? They are in actual work, and there are many others projected.
541. Do you think there would be any difficulty in enforcing regulations to the effect that the street where a tramway was laid should be kept in proper repair by the Company, that is, judging from your experience in London? I do not quite understand you.
542. A portion of these streets would be given over to the Company;—do you think it would be difficult to compel the proper maintenance of that portion of the street handed over to their charge? I do not think there would be the slightest difficulty in the matter. You could easily draw up regulations that would force them; but I do not think that forcing would be necessary, because it would be to the interest of the Company to keep the road in repair.
543. Have tramways in London been kept in proper repair? Yes. I am glad you have asked me that question. I took the trouble to walk along them to see how they were kept; and, so far as London is concerned, I never found a rail either below or above the roadway to any objectionable extent. I was surprised at the way in which I saw the tramways kept there. The only place in which they were not very well kept was in Brussels, where I noticed defects in one or two places; but even there I heard no complaints. In London the tramways and the streets are splendidly kept.
544. You say that it would be to the interest of the Tramway Company to keep the blocks of granite or other pitching properly even with the surface? Yes.
545. And, from what you have seen elsewhere, you are warranted in believing that it would be so here? Yes. They are certainly splendidly kept in London, but whether it is that the authorities look sharp after them or not I cannot say.

John Woods, Esquire, was examined:—

J. Woods, Esq. 10 Dec., 1873.

546. *Chairman.*] I believe you have had large experience in the omnibus traffic of Sydney? Yes.
547. I think you have been engaged in the business, and have had control of a large portion of the traffic for some years? For the last eighteen months or two years.
548. Your attention has been directed largely to carrying, and to the traffic of Sydney? Yes; a good deal.
549. And for the last eighteen months you have been connected more particularly with the omnibus traffic? Yes.
550. In your business as a carrier, you would of course become familiar with the tramway which was laid down in Pitt-street? Yes; I was the only person who ever worked that tramway.
551. Did you lease it? Yes.
552. From the Government? Yes.
553. That tramway was taken up? Yes, at the end of 1865, I think.
554. Owing to the objections which were raised against it—that it impeded the traffic? Yes.
555. Do you think the objections arose from the construction of the tramway—from the rail being above the level of the street? The objection arose from the way in which the tramway was laid down. The rails were laid down in a way which was never contemplated. They were placed upside down.
556. Has your attention been called to the plan upon which it is intended by the promoters of this Bill to construct tramways in this city? Yes, I have seen an account of it in the *Sydney Morning Herald*.
557. It is on a different principle to the Pitt-street tramway? Yes, on a different principle altogether. With the old system of tramways the wheels of vehicles were injured; but that cannot occur on either of the rails suggested by Mr. Young or Mr. Larsen.
558. No objection is likely to arise on that score? I cannot see any. All that would be necessary would be that people should draw a little out of the track of the tram-car when it was passing.
559. Do you think the interference with the traffic would be greater with tramways than with omnibuses? I do not think that it would be so great. I still adhere to the opinion I gave on that point in 1865.
560. Have you noticed the different routes along which it is proposed to construct these lines? Some of them I know.
561. You will find them all recorded here in the 122nd clause of the Bill? Yes; I cannot see any objection to these routes, with this exception, that I think it would be better that the tramway should start from Erskine-street or Clarence-street, and go along King-street, than that it should start from the corner of King-street and Elizabeth-street. By extending the route as I suggest the tramway would catch all the traffic, and it would not interfere with the general traffic to anything like the extent that the omnibuses now do. There are sometimes four or five omnibuses at the corner of that street, but the tramway would go right on and take the people straight away.
562. Having examined the whole of these routes, can you see any objection to the construction of the tramways proposed? Not the slightest.
563. Do you think that the introduction of tramways will have the effect of increasing the accommodation to the travelling public of Sydney? Yes; it will give them a better mode of conveyance, and one much cheaper than omnibuses.
564. Will they give greater safety? Yes, they will be more safe, and they will, I dare say, be able to run a little bit cheaper than omnibuses.
565. The public interest will be consulted more by the introduction of tramways than by the continuance of the present system? I have not the slightest doubt of it.
566. *Mr. Jacob.*] Have you read the Bill through? I have not.
567. You do not know whether it is proposed that the charges shall be fixed by law? I do not.
568. Do you think that it is advisable that they should be fixed by law? I am certain that it is not advisable. As it is a commercial undertaking I think that the charges should be left entirely to the owners of the tramway.
569. If the charges were not fixed by law, and if the Company were left to charge what they liked, would not the Parliament be creating a monopoly? So long as you have the opposition of the omnibuses of Sydney you cannot make a monopoly. If the omnibus charged 3d., and the tramway 4d. or 6d., the result would be that the omnibuses would quickly beat the tramway out of the field.
570. Why do the promoters suggest that the charges should be regulated by law? I do not know. That does not accord with my experience, and I have had a great deal of experience in omnibus traffic.
571. The omnibuses having been once taken off might not run again for a long time? If you authorized a tramway to be laid down you would not be giving the Company a monopoly, unless you prohibited other 'buses from running on the same road.
572. Might not the tramway charge low prices until the 'buses were run off, and then revert to high prices again? I do not think that any commercial men would do that.
573. That has been done by the Steam Companies. It is proposed by the promoters here to fix a maximum? You may fix the maximum, but it would be for the directors to determine the minimum.
574. *Chairman.*] Will it not be to the interest of the proprietors of the tramway to fix such rates as will pay them, and secure to them the public traffic? No doubt of it. They are the best judges on that point; and therefore I think it ought to be left entirely in their hands.
575. *Mr. Jacob.*] Have you not known one Steam Company drive off the boats of another Company, and when it has obtained the monopoly, revert to high charges again? I have known that to be attempted sometimes. I have known the A.S.N. Co. try to do it; but the new Company was got up, and it has paid a good dividend ever since. I do not think that any four or five sensible men of business would ever charge more than people could afford to pay, because, if they did, they would be driving business from them. We have now a monopoly to a certain extent in our several lines of 'buses, but we do not raise our fares. One day I bought all the thirty-six 'buses that were then running from the Queen's Wharf, and now we are doing the same traffic with sixteen, and we have not raised the fare. I had the option, when I was lessee of the Pitt-street tramway, to charge a higher fare than I did charge, but I did not take advantage of it.
576. You had not the monopoly of the streets? I had the monopoly by law for five years, as lessee, but I never thought of increasing the fare. All these matters very soon find their own level. A tramway will convey more people with greater safety and comfort than an omnibus can. The tramway is safer in this

J. Woods, Esq. 10 Dec., 1873.

this way: Gentlemen who drive their own vehicles know that the tramway-car must come along a certain line, and they consequently keep out of its way; but they are not so particular in keeping out of the way of an omnibus, and the chances of collision are therefore greater. During the six or seven years we had that car running, a collision never occurred to my knowledge but twice.

577. In regard to vehicles loaded with long timber, would there be any difficulty in getting out of the way? That would depend upon the width of the street.

578. Would there be danger in any street? I should say there would be in a very narrow street, but there would not be danger in any of the streets mentioned in this Bill.

579. Not even though there were double lines of tramway laid? No; because two tram-cars and a load of timber would never be likely to meet in one particular spot at the same time. The parties driving the vehicles would have sense enough to take care against that.

580. *Mr. Macintosh.*] Would there be any difficulty in keeping the macadamized part of the road level with the pavement, which would be attached as it were to the tramway? Do you mean for 2 feet outside the rail?

581. Yes? No; I do not think there would, if the metal were put down properly. I had no difficulty in keeping the outside of the old tramway in repair; the difficulty that I had to contend with was to keep the inside. When the wheel of a heavily loaded vehicle got in it could not get out, and that cut the metal up; but if the inside between the rails had been pitched, and the groove of the rail had been such as would let the wheel out, that would not have occurred. I suggested to the Government that the road should be altered in this way.

582. According to the plan exhibited here by Mr. Larsen there would not be any difficulty in keeping the road in repair for general traffic? Not the slightest. I cannot see where the difficulty could arise.

583. There would be a little difficulty where the metal joined on to the stones? If the metal is properly laid down and blinded it will macadamise in a few days. It did so against those wooden rails laid down in Pitt-street, and I do not see why it should not do so against wood or stone pitching.

584. You remember the timber laid down in Pitt-street? Yes.

585. Do you remember the kind? It seemed to me to be black-butt; I am not a judge of timber. It was either black-butt or blue gum.

586. You remember that it was very good timber in appearance? It looked very well, some of it.

587. You are aware also that it twisted about very considerably? It did, a good deal. It sprung up at the joints of the rails in many places.

588. I think that at the intersection of Bathurst-street the rails were always loose? Yes; and so they were at King-street and Market-street.

589. At all the intersections of the streets? Yes; that was because the heads of the bolts worked off,—the bolts that fastened the rails on to the longitudinal sleepers.

590. Would there be that difficulty with the rails here suggested? I do not think so. The Pitt-street tramway was constructed on an altogether wrong principle. The timber was green, and the road was not put down in the way it ought to have been.

591. When the longitudinal sleepers were laid joined together there was no room left for expansion, and the same with the rails. The hot weather caused the rails to expand, and the wet weather caused the timber to expand? Yes; and in dry weather it shrunk and twisted up.

592. From the vibration caused by the traffic there was a great deal of wear on the sides of the timber? Yes.

593. In fact the sides were worn off some of the longitudinal timbers? Yes; they were above the level of the road, and the heavy loading on the drays struck against them, causing them to give way. The transverse sleepers were not close enough together. There were little bits of iron rods put down which were not strong enough to bind the longitudinal sleepers together.

594. There were great complaints made against the Pitt-street tramway between King-street and Market-street? Yes; shopkeepers, it was said, complained that parties would not bring their carriages into that portion of the street. Messrs. Farmer, Painter, and Pope, Mr. George Hill, and two or three other parties complained. They said that ladies and gentlemen could not come to their establishments because they were obliged to leave their carriages in another street.

595. Oxford-street would not be open to the same objection? No; it is a wider street, and there are not the same class of fashionable establishments there. The traffic is of a different description.

596. The traffic along Oxford-street is simply that which belongs to the locality? Yes.

597. And the traffic along Pitt-street belongs partly to the interior of the country? Yes; it is more general.

598. You have no wish to extend the tramways proposed to be laid down in Pitt-street and George-street,—no wish to extend them north of the Town Hall? Do you speak in a commercial point of view?

599. You are one of the promoters of the Bill? Yes.

600. You do not seek by this Bill to lay down tramways in Pitt-street or George-street, north of the Town Hall? I never intended to put a tramway down Pitt-street again.

601. Or in George-street? You might go as far as Market-street. Suppose after these tramways were laid down the people saw that they were a great advantage, and desired to have them extended, the Legislature might then give them power to do so.

602. But you have no wish to obtain that by this Bill, or until further experience is gained? As far as I am individually concerned, not the slightest.

603. As to the keeping of the tramway in repair? The Company would be obliged to do that out of regard for their own interests. If they did not keep it in good repair accidents might occur, and that would not be a very profitable thing for the Company.

604. The road authorities would have the power of forcing you to keep it in good repair, according to the Bill? We should be bound to do it. The Municipal Council are so satisfied on that point that they have sent us a letter stating that they had no objection to our laying down these tramways as proposed.

FRIDAY,

FRIDAY, 12 *DECEMBER*, 1873.

Present:—

MR. JACOB, | MR. MACINTOSH,
MR. NELSON.

JOHN FITZGERALD BURNS, ESQ., IN THE CHAIR.

Mr. M'Carthy appeared as Solicitor for the Bill.

Jorgen Daniel Larsen, Esq., called in and further examined:—

J. D. Larsen, Esq. 12 Dec., 1873.

605. *Chairman.*] Will you be good enough to explain how the capital of this Company is to be raised? I propose to ask power to form a Company, with a capital of £95,000, in 9,500 shares of £10 each, with power to increase the capital to £200,000, as stated in clause 13. A capital of £95,000 would be ultimately too small, as we shall have something like 17 miles of single line at an expense of about £7,000 per mile, independently of plant, rolling stock, and other things necessary for the working of the lines when constructed.

606. I believe the promoters of this Bill have amalgamated their interests with those of the Sydney Omnibus Company? Yes, so far that it is now proposed to carry out the scheme conjointly. When you come to clause 3 I shall ask you to allow certain names to be inserted in order to carry out this arrangement.

607. You wish to insert the names of some gentlemen who are directors of the Sydney Omnibus Company? Yes.

608. What are the names? John Young, George Kiss, and John Woods.

609. Will you be prepared, immediately after this Bill is passed, to commence the construction of these tramways, and to give the public the accommodation they are intended to provide? Yes, within six or eight months. It will take some time to get out the rolling-stock and the plant. There is none to be had in the Colony of the class required. The rails, for instance, will have to be imported. There will be no delay in regard to the capital. The capital is there at once, directly the Bill is passed, to carry out the works. There may be such delay as may be caused by shipment, or something of that kind, but nothing more. For instance, we will require cars specially adapted to a hot climate, and they will require to be specially built.

610. By clause 123 the promoters of the Company are to place £1,500 in the Bank of Australasia in Sydney as security for the completion of the tramway and works, and as a guarantee of *bonâ fides?* Yes; being a stranger here, although I could have given good references in favour of my undertaking, I thought it right to make that proposal; but now that there are other gentlemen well known in Sydney, who have joined the undertaking as promoters, I will ask you to withdraw that clause altogether from the Bill. Personally I have no objection to its remaining, but those who are now associated with me do not think it ought to be required.

611. *Mr. Macintosh.*] If the amount were reduced to £1,000, to be lodged in Government debentures, on which interest would be accruing, do you think that would be an unreasonable requirement, considering the amount of valuable property in our public streets which you are to be allowed control over? I do not see anything unreasonable in it; but I should prefer to have the clause withdrawn, or the amount reduced to £1,000, to meet the wishes of the gentlemen now associated with me.

612. What clause of the Act gives a guarantee that the Company will effectually carry out the transit service? The 145th clause will give the authorities power to see that the service is effective. The Secretary for Public Works will have full power and control over the roads, and also the Transit Commissioners.

613. Is the Secretary for Public Works the superintending authority to see that you will carry out the works projected in this Bill? No; the work is to be carried on under the surveyors of the Municipalities. In cases where we cross a Government railway by a bridge the work is to be done under the Engineer-in-Chief for Railways. I have not the slightest objection to put in a provision that the work shall be carried out under the Government; but I scarcely think the Municipalities would like to hand their roads over to the Government.

614. I have observed that in the case of some of the English tramways arrangements may be made that the Tramway Company or the Municipality may have the whole control of the repairs of the road? I may call your attention to clause 131, under which arrangements may be made between the road authority and the Company for keeping the roads in repair. This clause gives the Company power to make an agreement with the Corporation to keep the whole street in repair.

615. Suppose there should be a dissolution of the Company, what guarantee do you give the public that you will place the road in the same condition as you receive it? It is scarcely likely that gentlemen having so much interest in the Company will allow it to fail; but the 145th clause protects the public in the event of a dissolution of the Company.

616. How will it affect the Gas Company? It will not affect the Gas Company in any way whatever, nor the sewers, nor the telegraph, nor anything. We are to pay all expenses and do any works that may be required under their direction, where they affect the interests of the Company. The 134th clause contains provision as to gas and water pipes and mains.

SYDNEY AND SUBURBAN STREETS TRAMWAY BILL.

APPENDIX.

[*Handed in by Jorgen Daniel Larsen, 2 December*, 1873.]

A 1.

The Town Clerk to J. D. Larsen, Esq.

Town Clerk's Office,
Sydney, 8 September, 1873.

Sir,

I have the honor, by direction of the Right Worshipful the Mayor, to inform you that the City Council having attentively considered the subject of the construction of street tramways in Sydney, as referred to in your letter of the 26th May last, have approved of the principle as established in many large cities in Europe, and will not therefore offer any obstruction to the passing of an Act authorizing the construction of lines of tramway in certain streets in the city.

I have, &c.,
CHAS. H. WOOLCOTT,
Town Clerk.

A 2.

The Mayor, Randwick, to J. D. Larsen, Esq.

Municipal Council Chambers,
Randwick, 28 November, 1873.

COPY of Resolution passed at a special meeting of the Council of this borough, held this evening, for the purpose of hearing J. D. Larsen, Esq., explain the City and Suburban Tramway Bill :—

"That the application of the intended City and Suburban Tramway Company for the establishment of a tramway within this borough,—from the Waverley boundary, in Power-street, along the eastern side of that street, the Frenchman's Road, and Avoca-street, to the High Cross, Randwick, be granted with the understanding that the traffic be continued to and from Coogee Bay, at a charge not exceeding sixpence, each way, to and from King-street, Sydney, and Randwick or Coogee Bay."

Moved by Alderman S. H. PEARCE,—
Seconded by Alderman R. B. READ. Carried unanimously.

JOHN THOMPSON,
Mayor.

GEO. B. GOUGH,
Council Clerk.

A 3.

The Mayor, Waverley, to J. D. Larsen, Esq.

Borough of Waverley,
Council Chambers,
19 November, 1873.

Sir,

I have to intimate to you that the following resolution was passed by the Council of this borough on Tuesday, 18th instant,—

Moved by Alderman Henderson ; seconded by Alderman Fletcher,—

"That this Council, at a special meeting held 18th November, 1873, having heard Mr. Larsen's views with reference to the proposed Tramway Bill now before the House, and believing such Bill to be pre-eminently suitable for the requirements of the traffic of this borough, hereby resolve that they shall give Mr. Larsen their hearty co-operation and assistance in carrying to a successful issue the said Bill."

I have, &c.,
S. DICKSON,
Mayor.

A 4.

The Council Clerk, Borough of Woollahra, to J. D. Larsen, Esq.

Council Chambers, Woollahra,
1 December, 1873.

Sir,

I have the honor to forward a copy of a resolution passed by this Council on the 25th November last, at a special meeting held on that date, pursuant to a request received from you on the 13th November, in which you request an opportunity to explain the Bill now before Parliament, asking for power to construct and work tramways in the City of Sydney and Suburbs.

The resolution passed by the Council is as follows :—

"That this Council, having heard Mr. J. D. Larsen's explanations as to the proposed street tramways, and believing that tramway travelling will be a great convenience to the public, see no reason for opposing the Bill now before Parliament."

I have, &c.,
HENRY STERIKER KILLICK,
Council Clerk, Borough of Woollahra.

[*Handed*

[*Handed in by J. H. Thomas, Esq.*, 10 *December*, 1873.]

B 1.

MEMO. FOR SELECT COMMITTEE ON THE SYDNEY AND SUBURBAN TRAMWAY BILL.

HAVING recently seen the working of different kinds of tramways in London, Brussels, Dublin, Antwerp, Paris, Milan, and Alexandria, I am of opinion that street tramways would be of immense advantage to Sydney, under the following conditions :—

1. That the most approved form of rail, such as that used in London—a section of which has been submitted to the Committee—be adopted.

2. That the rails be laid flush with the surface of the roadway on longitudinal wooden sleepers, tied across with iron rods ; and that the whole of the permanent-way be thoroughly well constructed, as everything depends upon its being faithfully laid.

3. That within the boundary of the city the space between the rails and for a distance of (say) 2 feet on either side of the tramway be "pitched" with either stone or wood ; the latter I consider preferable.

4. That the portion of the streets thus pitched be completely open to the free use of the public, except when the cars are passing.

5. That the fares be fixed by Act of Parliament.

6. That no line of tramway be permitted in a thoroughfare of less than 20 feet.

7. That no double line be allowed in thoroughfares of less than 36 feet, unless under very exceptional circumstances.

8. That the use of tramways within the boundary of the city be strictly limited to the conveyance of passengers and their limited allowance of luggage.

9. That proper regulations or by-laws be made to compel ordinary vehicles to move off the line of tramway when the cars are passing, and otherwise to prevent any obstruction to the free and uninterrupted passage of the tram-cars along the line of rail. The cars should not be allowed to stop for the taking up or setting down of passengers at the immediate intersection of streets, but made to pull up either just before or after passing the cross street.

10. It would be of great advantage to the city if some arrangement could be entered into by the Tramway Company for contracting with the Corporation for the metalling and keeping in repair the whole width of the street through which the rails are laid, as it would be both more economical and at the same time prevent any clashing between the officers of the Corporation and the Tramway Company as to what was to be done by the one or the other.

11. A plan of the proposed class of cars intended to be run should, I also think, be submitted for approval, and the number of passengers they should be allowed to carry definitely fixed.

12. Although it is not, I believe, proposed to use steam power on these tramways, I do not see that there would be any objection to its adoption. Just before my leaving England it was proposed to run one steam tram-car as an experiment. On the suburban line from Alexandria to Ramle they use steam in the day-time and horses at night.

13. The system known as "correspondence" would be found a great convenience in Sydney, as (for instance) under this system a person leaving Waverley or Randwick could take a ticket—and tickets are issued both on the tramways in England and the Continent—that would pass him on to Newtown, including the omnibus fare (if any) between the termini of the tramways. But this, if found an advantage, would as a matter of course be adopted by the Company.

14. To those keeping carriages, tramways would be of little or no advantage in Sydney, but to the man of business and working men it would, I feel convinced, be a great boon, and prove a vast benefit to the city, as it facilitates rather than interrupts the general traffic.

J. H. THOMAS, 10/12/73.

Sydney: Thomas Richards, Government Printer.—1874.

1873.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

ROADS.

(CORRESPONDENCE RESPECTING CLAIM OF RICHARD HANNAFORD FOR CONSTRUCTION OF BREDBO BRIDGE.)

Ordered by the Legislative Assembly to be printed, 10 *December*, 1873.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 17 October, 1873, That there be laid upon the Table of this House,—

"Copies of all Correspondence between the Government and Mr. Richard "Hannaford, of Braidwood, having reference to the construction of the "Bredbo Bridge, together with all Correspondence, including Minutes, "Letters, &c., relating to Mr. Hannaford's claim upon the Government in "connection with the same."

(Mr. Rodd.)

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ROADS.

No. 1.

THE UNDER SECRETARY FOR PUBLIC WORKS to MR. R. HANNAFORD.

Department of Public Works,
Sydney, 20 November, 1869.

SIR,

Your tender, not dated, for construction of a bridge over the Bredbo River, for the sum of £1,078, to be completed in six months, having been accepted, I am directed to refer you to the Commissioner for Roads for further information, and for the purpose of signing the necessary bond for the due observance of your contract.

I am, &c.,
JOHN RAE,
Under Secretary.

No. 2.

Stamp duty, 35s.

BOND.

KNOW all men by these presents that we, Richard Hannaford, of Braidwood, in the Colony of New South Wales, contractor, George Tweedie, of Braidwood, in the Colony aforesaid, Angus Weston, of Braidwood, in the Colony aforesaid, and Antony Vider, of Braidwood, in the Colony aforesaid, are held and firmly bound unto our Sovereign Lady Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, in the sum of one hundred and seven pounds sixteen shillings, of good and lawful money of Great Britain, to be paid to our said Lady the Queen, Her Heirs or Successors, to which payment, well and truly to be made, we bind ourselves, and each and every of us, jointly and severally, for and in the whole, our and each of our heirs, executors, and administrators, and every of them, firmly by these presents. £107 16s.

Sealed with our seals. Dated the 6th day of December, in the year of our Lord one thousand eight hundred and sixty-nine.

WHEREAS the above-bounden Richard Hannaford made the tender hereunto annexed, under the terms and conditions of a notice dated the sixteenth day of October now last past, and published in the New South Wales Government Gazette of the 19th day of the same month (of which notice a copy, signed by the said Richard Hannaford, George Tweedie, Angus Weston, and Antony Vider, is also hereunto annexed), and at the prices and under the stipulations in the said tender mentioned or referred to, to complete the whole of the works required in the construction of a bridge over Bredbo River, on road Queanbeyan to Cooma, in strict accordance with plan, general condition and specification, and to the satisfaction of the Commissioner for Roads: And whereas the above-bounden Richard Hannaford, George Tweedie, Angus Weston, Antony Vider, have severally agreed to become and be bound to Her Majesty, Her Heirs and Successors, for the due performance and fulfilment of the said tender within the time mentioned in that behalf, according to the terms and conditions of the said notice: And whereas the said tender has been duly accepted by His Excellency the Governor of the said Colony, on condition that this bond should be entered into by them, the said Richard Hannaford, George Tweedie, Angus Weston, Antony Vider: Now, the condition of the above-written bond and obligation is such, that if the said Richard Hannaford shall and do well and truly perform and fulfil the said tender, and the contract arising out of such tender, and the acceptance thereof as aforesaid, and all and every the terms, conditions, and stipulations thereof, within the time hereinbefore in that behalf mentioned, then this obligation to be void and of none effect, otherwise to remain in full force and virtue.

Signed, sealed, and delivered, by the above-named Richard Hannaford, in the presence of,—
A. WEBER.
R. HANNAFORD. (L.S.)

Signed, sealed, and delivered, by the above-named George Tweedie, in the presence of,—
A. WEBER.
G. TWEEDIE. (L.S.)

Signed, sealed, and delivered, by the above-named Angus Weston, in the presence of,—
A. WEBER.
ANGUS WESTON. (L.S.)

Signed, sealed, and delivered, by the above-named Antony Vider, in the presence of,—
A. WEBER.
A. VIDER. (L.S.)

Department of Public Works,
Sydney, 16th October, 1869.

BRIDGE OVER BREDBO RIVER, ON ROAD QUEANBEYAN TO COOMA.

TENDERS will be received at this Office until 11 o'clock of Tuesday, the 16th day of November, from persons willing to contract for the erection of a timber bridge over Bredbo River, on Road Queanbeyan to Cooma.

Plan, specification, and form of tender, may be seen at the Office of the Commissioner for Roads, Sydney, and at the Police Offices, Queanbeyan, Cooma, and Goulburn.

Tenders to be addressed to the Under Secretary for Public Works, Sydney, and to be marked outside, "Tender for Bredbo Bridge."

JOHN SUTHERLAND.

R. HANNAFORD.
ANGUS WESTON.
A. VIDER.
G. TWEEDIE.

THESE

THESE are the general conditions and specification attached referred to in our Bond to Her Majesty, dated the 6th day of December, 1869.

ANGUS WESTON.
A. VIDER.
G. TWEEDIE.
R. HANNAFORD.

A. WEBER, witness.

DEPARTMENT OF ROADS AND BRIDGES.

Specification of Work required for the construction of a Bridge over the Bredbo River, on the Road Cooma to Queanbeyan.

GENERAL CONDITIONS.

Works. 1. The work for which tenders are to be made, and to which this specification refers, comprises the providing of all materials, tools, labour, scaffolding, implements, workmanship, and every other thing requisite for the full and proper completion of all the and all other work required in the construction of a bridge over the Bredbo River, on the road Cooma to Queanbeyan, in accordance with the plans and the specification, and to the entire satisfaction of the Engineer for Roads.

Tenders. 2. The tenders to state the gross amount for which the contractors will be prepared to complete all the works shown on drawings, and specified. A schedule of prices is to be attached to the tender, by which any alteration or addition, or deduction, ordered by the Commissioner for Roads shall be measured and allowed for; and no such alteration, addition, or deduction shall in any way vitiate or set aside the contract.

Schedule of prices. 3. Prices for each description of work named in tender, must be filled in, and quantities monied out at respective prices, and the total is to agree with the lump sum named in the body of tender.

Tender to contain time and sureties. 4. At the foot of every tender there must be a memorandum signed by the person tendering, and two other responsible persons as sureties, agreeing to be answerable for the due performance of contract in the event of the tender being accepted, and undertaking in that event that they will execute a bond at the Office of the Crown Solicitor in Sydney, or at the Police Offices, Cooma or Queanbeyan, within thirteen days from notification of acceptance, in the penal sum of one-tenth of the amount of tender, for securing such performance; any tender not complying with these requirements will be rejected.

Extras. 5. No extra work to be paid for without the sanction of the Commissioner for Roads, and the production of an order, in writing, for its execution, signed by the officer in charge of the works; and an account must be forwarded to the Commissioner each fortnight, until the completion of the work, stating the quantity and cost of extra work done; in default thereof, the claim for such extra work shall be null and void. The price for any work not included in schedule is to be determined on previous to its execution, and set forth in the order for such work.

Measurements. 6. The measurements to be made according to the actual dimensions, notwithstanding any general or local custom to the contrary.

Time. 7. The work to be completed and the bridge ready to be opened to the public in five months from date of bond, under a penalty of three pounds per week, for each and every week that shall elapse after the expiration of said time before works are completed.

Non-fulfilment of contract. 8. Should the Engineer for Roads be at any time dissatisfied with the mode of proceeding, or at the rate of progress of the works, or any part thereof, the Commissioner shall have full power to make use of all labour or materials which he may deem necessary; the costs of such labour and materials to be deducted from any money that may be then due, or may hereinafter become due, to the contractor. And should the contractor fail to proceed in the execution of, and to complete the works, in the manner and at the rate of progress required by the Engineer, the Commissioner shall have full power to cancel the contract, so far as relates to the works remaining to be done; and all sums of money that may be due to the contractor, together with all implements in his possession, and all sums of money named as penalties for the non-fulfilment of the contract shall be forfeited to the Commissioner, and the amount shall be considered as ascertained damages for breach of contract.

Power to dismiss men. 9. The Engineer or other authorized officer to have the power of immediately dismissing any agent or workman employed by the contractor, and of having removed off the works, even if fixed, any timber, materials, plant, or implements he may consider unfit or insufficient for the purposes intended, or at variance with the meaning and intention of this specification; the cost of such removal to be paid by the contractor.

Clearing of site. 10. Previous to commencement of work, all trees on the site likely to do any damage to the bridge, by falling or interfering in any way, are to be cut down stump high, or root felled, as will be directed, and burnt or removed from vicinity of bridge.

Works to be set out. 11. The position of the bridge will be set out for the contractor, but he must satisfy himself of its accuracy; and the contractor will have to lay down, close to the bridge, according to the instruction of the officer in charge of the works, a platform with a full size drawing of one truss and its bracing, and have all the details of the framing prepared therefrom.

Discrepancies. 12. The forms and dimensions of the different portions of the work are shown generally in the drawings; but where any discrepancy exists between the dimensions as indicated by scale and those marked in figures, the figures are to be considered as correct, and are to be taken, in all cases, in preference to the measurement by the scale attached; and if there should likewise be any discrepancy between the figures, or dimensions, or the form of construction, or the material, as indicated in the drawings, and the dimensions and material given in the specification, the directions of the specification shall be adopted; and in all cases of defective description, or of any ambiguity, the explanation given by the Engineer shall be binding on the contractor; also, anything contained in the drawings, or in the specification, shall be equally binding as if it were contained in both.

13. As this contract is for the entire completion of bridge, it is expressly to be understood that all bolts, screws, rivets, washers, keys, pins, spikes, and all minor parts which may not be shown on the drawings, or mentioned in the specification, but which may reasonably and obviously be considered requisite for the proper completion of the work, are to be provided by the contractor, and included in his tender.

Risks. 14. The contractor to be liable to all risk from floods or other accident during the erection of the bridge, which is to be delivered up perfect and in good order.

Payments. 15. Payments to be made once a month as the work proceeds, on the certificate of the superintending officer, countersigned by the Engineer for Roads, in the proportion of eighty per cent. of the work actually executed, and the remaining twenty per cent. will be paid after the Engineer shall have certified that the whole of the works have been completed to his satisfaction; and the obtaining such a certificate shall be a condition precedent to the contractor having any claim or cause of action in respect of any work done or materials provided, to the payments from time to time to be made hereunder, or to the final payment upon completion of the contract, and in no other way.

16. All moneys due on account of contract will be paid to the credit of contractor in Bank of New South Wales, or such other bank as contractor may request.

17. The contractor to attend constantly on the work, or employ a properly authorized agent to represent him; any order to whom will be considered as given to contractor himself.

NOTE.—The piles in approach spans are to be 14 inches diameter, with wales and braces 9 inches x 3 inches as per drawing and schedule of quantities, and not as in specification.

To be attached to specification, "Bredbo Bridge."

BRIDGE OVER BREDBO RIVER, ROAD QUEANBEYAN TO COOMA—SPECIFICATION.

Design. The bridge to consist of two trussed spans of 65 feet each, from centre to centre of piers, with two spans of 25 feet each and one span of 20 feet, in approaches thereto, the landward of 25 span having an inclination of 1 in 27; the roadway to have clear width of 14 feet between trusses and handrails.

Timber. The timber employed to be ironbark blue or red gum, box, or other approved colonial hardwood; all to be of the best description, sound, straight, free from shakes, sap wane, gum veins, cores, or other defects, to have clean sharp arrises, and to be of the full dimensions shown or specified.

The

The whole of the smithwork to be of the best English iron; threads of bolts to be deep, strong, and clean cut, nuts to fit accurately; all screw-bolts to have an ½-inch washer under head and nut, the end of bolt to project half a diameter beyond nut when screwed up; no bolt to be welded in its length. Every piece of iron to be used in the construction of the bridge, wrought or cast, to be thoroughly heated and dipped in linseed oil before fixing. Threads of suspension bolts to be at least 12 diameters in length, in other bolts to be 4 diameters.

Castings. The patterns for cast-iron shoes are to be made with due allowance for shrinkage of the castings, and to be submitted for approval previous to being used. Castings to be of the best grey cold blast pig iron, free from air-holes, cement stopping, plugging cracks, or other defects, and shall be inspected at the foundry by an officer of the department before being forwarded to the works.

Abutments and piers. The piers to main spans to have each four bearing piles 12 x 12, arranged in pairs, as shown in drawing, with two spur piles 12 inches diameter, carrying a wale 12 x 12, in centre pier 31 feet long, and in other piers 27 feet long, to be stayed by a pair of 12-inch x 12-inch braces down stream, and a lingle 12 inches x 12 inches up stream, with cutwater and down stream strut 12 x 12, framed between piles, 12 x 10 strut and cutwater, the whole bolted together by ¾-inch bolts, cleats 12 inches x 4 inches, shaped as shown on top of down stream strut and cutwater, housed 1 inch into their sides, and fastened thereto by a ¾-inch bolt and ½ round spike 7 inches long, to butt truly against face of piles, and under capsills; piers of approaches to have each three piles 12 x 12 driven 6 feet 6 inches apart, from centre to centre, to be stayed by a pair of wales 10 x 4 and diagonal braces 10 x 4 secured to piles and capsills by ¾-inch bolts. Abutments to have four piles each of round timber 14 inches diameter, a squared capsill 12 x 12, with round timber wings 12 inches diameter, notched over ends and secured by a strap 2½ inches x ½ inch 5 feet long with ¾-inch bolts to capsill and outer pile, the heels being sunk 6 feet into the ground. The landward side of abutments and wings to be sheathed with 4-inch planks spiked to piles and wings with 7-inch spikes, two at each intersection; planks to be close, and the lowest one to be at least 1 foot below natural surface of ground at back of piles; ends of girders to be included in the sheathing.

Pile. Piles in piers to be squared above ground 12 inches x 12 inches, to be shod with wrought-iron shoes of approved pattern, weighing not less than 30 lbs., to be driven not less than 12 feet, but further if they do not stand the test of four blows from a 25-cwt. ram falling 10 feet under which they shall drive more than ¼ an inch, or an equivalent test, to be determined by the engineer. All depths driven beyond 12 feet will be paid for as extra, at schedule rates, and anything short of that depth will be deducted from amount of contract in like proportion. The greatest care must be taken in pitching and driving the piles to ensure their true perpendicular and squared position. Piles to be pitched 3 feet longer than necessary to drive, to test depth to allow of the heads being cut off perfectly sound at levels given by officer in charge of the works, and whilst being driven are to have a wrought iron ring 4 inches x 2 inches accurately fitted on their heads, to prevent injury in driving.

That portion of piles to be driven, as well as all timber under or in contact with the ground, to be charred thoroughly, mortices in wales and tenons on spur piles to be charred with red-hot irons, spur piles and piles in abutments to be of round timber 14 inches diameter; in every other respect to be shod, driven, and charred as specified for pier piles, sound clean cut tenons on all pile heads 8 inches x 4 inches x 4 inches.

Capsills. Capsills to main piers to be 12 x 12 square and 18 feet long, to approach pier to be 12 x 12 square and 16 feet long, and to abutments 12 x 12 square and 21 feet long. Capsills to be carefully morticed and bear truly on pile heads, to which they shall be secured by ¾-bolts through tangs of holding-down bolts, over piers and by straps as before specified in abutments with ¾-bolts.

Corbels. Landward corbels of trussed spans to be 15 x 12, 13 feet 6 inches long, and central corbels 15 x 12, 18 feet long, to be caulked 1 inch over capsills, ½ inch being taken out of each, and secured thereto by 1¼-inch tang-bolts passing through corbel stringer, and butting-blocks with ¾-inch bolts through pile and capsill washer, 4 x 4 x ½ under nut, as shown in drawing.

Two blocks, 12 x 12 x 12 long, and two 12 x 12 x 2 feet long, to carry false capsill and false bearings for girders, to be seated ½ an inch on to capsills of main spans, the two longer ones secured by ¾-inch driven bolts 12 inches long, in addition to holding-down bolts of girders.

False capsills to be 13 x 12, seated over and bearing upon blocks on landward capsills, and secured thereto by four ¾-inch bolts, passing through approach girders, false sill blocks, and capsill, as shown in drawing.

False bearing for cross girders between butting blocks to be 12 x 6 feet long, and 11 feet long, notched over blocks or capsills and bolted to inside of stringer by six ¾-bolts and ten ¾-inch bolts respectively.

Stringers. Stringer for two main spans to be 142 feet in length, 12 x 12, composed of three members, 12 x 4, scarfed only where shown on plan, at suspension joints, and securely bolted together by ninety-six ¾-inch bolts in each stringer, including bolts through false bearing.

Straining beams to be 12 x 12, 23 feet long, principals 12 x 12, 17 feet 6 inches long. Butting blocks 12 x 12, 10 feet long at ends, and 9 feet central, end ones being joggled on to upper surface of stringer, as shown, and secured by two 1-inch bolts passing through stringer and corbel, in addition to holding down bolts; ends of butting blocks and stringers to be neatly dubbed off to a semi-circle, as shown; ends of straining-beam and principals to be accurately fitted into cast-iron shoes, at shoulders and heels, the ends being throughly coated with Peacock's patent paint, No. 4; heels of principals to be secured by two 1-inch bolts through springing blocks, stringer and corbel, having washers, 4 x 4 x ½, under heads and nuts.

Braces and counter-braces, 9 x 8 x 8 x 8, respectively, as shown in drawing; counter-braces being carefully fitted and tenoned into braces at intersection, and housed at the top, full-sized and tenoned into the underside of straining-beam; heads of braces to be stump-tenoned into straining beams and principals, and heels of all trussing to be stump-tenoned into upper surface of stringer, bearing truly against and stump-tenoned into main cross girders, short post and block, and springing block carefully fitted under principals, as shown; suspension rods to be 1½ iron, with washers of wrought-iron, 8 x 5 x ⅝ under heads and nuts; the suspension rods to have 15 inches threaded, those on principals being levelled, as per detail sketch; the short post being bored for the passage of the rod.

Cross girders. The main cross girders in each truss to be 10 x 12, 22 feet 6 inches long, girders under posts, and at junction of floor with approaches, to be 12 x 8, the former 18 feet long, and the latter 14 feet.

The remaining cross girders all to be 12 in. x 5 in. and 18 feet long, except those at heels of principals, projected for post strut and those between heels of trusses on false bearing, the former being 19 feet 6 inches long, and the latter 14 feet; cross girders to be notched an inch over stringer and false bearings, and shall bed truly thereon.

Approach girders. Outer girders of approaches to be of hewn timber, squared 12 x 12 on three sides, and scarfed over piers with 2 feet 6 inch-scarfs, secured by post-bolt; inner girders to be of round timber, 14 inches diameter, over-topping each other 3 feet at capsills, and checked one to the other to connect by a bolt 2 feet long; girders to be securely notched over capsill, 1 inch to be taken out of each, the gradient being carefully bored through the seatings on capsills of inclined bags; outer girders to be secured by two ⅞-inch screw tang bolts, one on each side of pile, with ¾-bolts through piles, cap, and braces; inner girders to be held down by ¾-inch bolts, as shown, through capsills. At abutments, all girders held down by ¾-inch bolts to capsill, upper surface of inner girders to be dressed off smooth, level with surface of outer girders, leaving an 8-in. bearing for flooring planks.

Floor. The floor of two main spans to consist of 3-inch planks laid diagonally on cross girders and spiked thereto with ¾ rosehead decknails, 6 inches long, the points being well gagged, two spikes at each intersection with girders, to be sheathed with a skin of two-inch planks, diagonally laid in reverse to following planks, and secured thereto by Ewbank's 5-inch spikes, one at every 18 inches of planks, driven from side to side of plank alternately. Floor of approach-spans to be of 4-inch planking, laid square across bridge, and secured to girders by ½-inch spikes 7 inches long, jagged 3 inches from point, two at each intersection with girders. The planks used in the whole deck and sheathing to be not more than 10 inches or less than 6 inches in width, and whether laid diagonally or otherwise to run the entire width of the bridge in one length; the planks through which posts are to be carefully morticed, shall be picked stuff, 12 inches wide, and project 1 foot on each side of bridge; all spikes shall be drifted down ¼ of an inch, and the planks, which shall be close laid, adzed off to a fair and smooth surface.

Handrail. Posts to be 6 x 4, those over principals to be secured thereto by two angle-irons, with four 4-inch wood screws in each, and strutted by a strut 4 inches x 2½, housed into projecting cross girder, well spiked, and buds mouthed to post; posts over butting sill to be mortised accurately 4 x 4 through them and secured with a skew spike; remaining posts to be morticed carefully, full size, through flooring planks, and secured by a ¾ iron pin, clenched over a ruff on each side, 1½ square inch, ⅛ thick, and secured to sides of girders by ¾-inch bolts, those over piers being tenoned into capsills; top rail 4 x 4, laid arris uppermost in notches cut on top of posts, secured thereto by hoops of 2-inch x ¼-inch iron, with wood screws 3 inches long, lower rail 4 inches x 3 inches, secured to each post, over which it shall be halved by two 3-inch wood screws; scarfs in rails to occur only over posts.

All

Tarring.

All the timber throughout the entire substructure of bridge to the level of upper surface of deck, including the bottom and edges of flooring boards, to receive three coats of kerosene tar, the first coat to be laid on hot, the last coat on top of deck to be well intermixed with clean sharp sand. All joints and butting surfaces of this portion of the structure to be well payed with hot kerosene tar before fixing; all interstices being filled therewith.

All the superstructure of bridge, trusses, posts, and handrail to be carefully framed and stopped and thoroughly coated three times with Peacock's patent paint, white composition being used for the last coat, the first coats being worked with No. 4 composition copper-colour; the same being used for paying all joints, interstices, mortices, &c., during the erection of this portion of the bridge. All ironwork hoops, straps, washers, bolts, &c., to be well coated twice with black varnish.

A schedule of quantities is attached for contractor's guidance, but he must satisfy himself of its accuracy, for which the Commissioner will not hold himself responsible. In all matters relating to this contract not herein specified the contractor shall be bound by the general conditions hereunto annexed.

SCHEDULE OF QUANTITIES.

Quantities.	Description of Work.	Price.	Unit.
	Rock excavation	.....	per cubic yard.
	Earth excavation	.....	,,
348 lineal ft.	Pile, for portion in ground, including both driving and timber	.....	per lineal foot.
259 ,,	Round timber in piles, over ground or beams, 12″ and 14″ diamr.	.....	,,
251 ,,	Round timber, squared on three sides	.....	,,
615 cubic ft.	Hewn timber generally, and in piles over ground	.....	per cubic foot.
	Sawn timber	.....	,,
1,291 ,,	Sawn timber, framed and planed	.....	,,
1,191 ,,	Sawn timber in flooring (spikes included), wales, braces, and abutment lining	.....	,,
	Slabs 4″ thick (including spikes)	.....	per 100 superficial feet.
2,608 lbs.	Smith-work in bolts, straps, &c., fixed	.....	per pound.
540 ,,	Pile shoes, fixed	.....	,,
1,715 ,,	Iron castings, fixed	.....	per hundredweight.
	Lead	.....	per pound.
2,383 sup. yds.	The best kerosene tar, three coats	.....	per superficial yard.
298 ,,	Paint, Peacock's patent, three coats	.....	,,
	APPROACHES.		
	Earth-work for embankment	.....	per cubic yard.
	Hard sandstone for pitching	.....	,,
	Metal broken to a 2½-inch gauge	.....	,,
	Gravel	.....	,,
	Turfing	.....	per superficial yard.

DEPARTMENT OF ROADS AND BRIDGES.

Tender for Bredbo River Bridge.

hereby propose to execute the whole of the works required for the construction of bridge over Bredbo River, in strict accordance with the specification and plans, and to the entire satisfaction of the Commissioner for Main Roads, or other authorized officer, and to complete the same within six months after signing the contract, for the sum of one thousand and seventy-eight pounds, and do hereby agree that any addition, deduction, or alteration shall be valued at the undermentioned rates, or at a price to be agreed upon at the time, and added to or deducted from the above amounts, as the case may be.

Details of bulk sum and Schedule of Prices for Valuation of Increase or Decrease.

Quantities.			Amounts. £ s. d.
	Pile-driving, timber in ground	per lineal foot	0 3 6
	Round timber, including piles above ground	,, ...	0 2 6
	Half-round timber	,, ...	.....
	Round timber, adzed on side	,, ...	0 3 0
	Do. do. sides	,, ...	.....
	Hewn timber	per cubic foot	0 3 6
	Sawn timber	,, ...	0 4 6
	Sawn timber, planed and framed	,, ...	.....
	Sawn timber, in flooring planks (spikes included)	,, ...	0 4 9
	Slabbing, including spikes	per 100 superficial feet	.....
	Smith-work, in bolts, straps, washers, fish-plates, etc., fixed	per lb.	0 0 6
	Pile shoes, fixed	,, ...	0 0 6
	Iron castings, as per drawing	per cwt	2 7 0
	Lead	per lb.	.....
	Kerosene tar, three coats, including stopping and filling	per superficial yard	0 1 3
	Genuine white lead in oil, three coats, including stopping and filling	,, ...	0 1 3
	Rock excavation, including removal to bank	per cubic yard	
	Earth excavation, including removal to bank	,, ...	
	inch ballast, as per specification	,, ...	
	Metal, gauge	,, ...	
	Turfing	per superficial yard	
		£	1,078 0 0

The prices in the preceding schedule include all labour, materials, tools, and workmanship of every kind necessary for the full and perfect completion of the work, to the entire satisfaction of the Commissioner for Main Roads, or other authorized officer.

To the Under Secretary for Public Works.

(Name) RICHARD HANNAFORD,
(Address) Braidwood.

Should

Should the foregoing tender be accepted, we, the undersigned, do hereby agree to be responsible for the due performance of the contract; and we undertake, within ten days from the date of the notification of the acceptance of the said tender, jointly and severally to execute and deliver, at the Office of the Commissioner for Roads in Sydney, a bond to Her Majesty, in the penal sum of £110, for securing such performance.

(Name) Messrs. TWEEDIE & WESTON,
(Address) Braidwood.
(Name) Mr. VIDER,
(Address) Braidwood.

To intending Sureties.

Notice is hereby given, that the full penalties will be enforced in case of default.

Notice to Tenderers.

When two or more persons send in a joint tender, the name of each must be set forth therein, the word Co. must not be used, and all names must be written in full.

No tender in any way informal will in future be taken into consideration.

A separate tender must be sent in for each separate contract.

Every tender to be carefully and legibly filled up in accordance with schedule, and addressed under cover as follows :—

Tender for

The Under Secretary for Public Works,
Sydney.

No. 3.

Mr. J. Turner to The Under Secretary for Public Works.

Braidwood, 30 November, 1869.

Sir,

I am directed by Mr. Hannaford, contractor for the Bredbo Bridge, to respectfully request that you will furnish him with the name of the Superintendent referred to in your notification of acceptance of tender; also, if consistent with custom, to arrange for the bond to be signed in Braidwood.

I am, &c.,
JOHN TURNER,
pro Mr. R. Hannaford, contractor,
Braidwood.

Mr. Hannaford's tender was accepted on the 20th ultimo, and he was then referred to the Commissioner for Roads for further information, and for the purpose of signing his bond. Mr. Bennett—B.C., 1/12/69, J.R.

Mr. Wickham, has not the bond been sent to Braidwood?—W.C.B., 4/12/69.

Yes, on the 29th ultimo, to Mr. Weber.—F.J.W., 6/12/69.

Under Secretary, B.C.—W.C.B., 6/12/69. May be so informed.—J.R., 10/12/69.

Mr. Hannaford.—11/12/69. Roads, to be placed with other papers.—B.C., 11/12/69, J.R.

No. 4.

The Under Secretary for Public Works to Mr. R. Hannaford.

Department of Public Works,
Sydney, 11 December, 1869.

Sir,

In reference to your letter of the 30th ultimo, I have the honor, by direction of the Honorable the Secretary for Public Works, to inform you that the bond to be entered into by yourself and your sureties for the construction of the bridge over the Bredbo River has been forwarded to Mr. Road Superintendent Weber for execution.

I have, &c.,
JOHN RAE.

No. 5.

Telegram from Mr. Road Superintendent Philben to The Commissioner and Engineer for Roads.

Bombala, 5 January, 1870.

Hannaford, contractor for Bredbo Bridge, has written to me for instructions; I have not yet received the usual papers from office.

Telegram.—6/1/70.

No. 6.

Telegram from The Commissioner and Engineer for Roads to Mr. Road Superintendent Philben.

Merrimbula, 6 January, 1870.

Hannaford's papers were signed at Braidwood; plan and specification can be obtained at Police Office, Cooma; copy of tender by to-night's post—no further instructions required.

No. 7.

No. 7.

TELEGRAM from MR. ROAD SUPERINTENDENT PHILBEN to THE COMMISSIONER AND ENGINEER FOR ROADS.

Cooma, 19 February, 1870.

THE contractor has one load of timber at Bredbo, but will not be prepared to commence pile-driving for a fortnight. I met him there by appointment yesterday. I will leave for Nimitybelle to-day.

No. 8.

TELEGRAM from MR. ROAD SUPERINTENDENT PHILBEN to THE COMMISSIONER AND ENGINEER FOR ROADS.

Cooma, 16 February, 1870.

I HAVE returned here from Bredbo. Contractor has nothing there yet, but says he will meet me on Friday.

Mr. Wickham, please have the usual letter written to contractor.—W.C.B., 21/2/70.
Mr. R. Hannaford, 22/2/70.

No. 9.

THE COMMISSIONER AND ENGINEER FOR ROADS to MR. R. HANNAFORD.

Department of Public Works,
Office of Commissioner and Engineer for Roads,
Sydney, 22 February, 1870.

SIR,

Mr. Philben having reported the very unsatisfactory progress made by you on your contract for Bredbo Bridge, I have to inform you that unless you at once proceed and expedite the completion of the work, your contract will be cancelled, and the Crown Solicitor will be instructed to take immediate steps for the recovery of the amount of the bond from yourself and sureties.

I am, &c.,
WILLIAM C. BENNETT,
Commissioner and Engineer.

No. 10.

MR. R. HANNAFORD to THE COMMISSIONER AND ENGINEER FOR ROADS.

Braidwood, 26 February, 1870.

DEAR SIR,

Having received your letter dated 22nd, I have to inform you that we begun at Christmas at the bridge. We had hard work to find suitable timber for the purpose. I had to make ten miles of road in the bush to get it: we have to draw it about 28 miles. I have three teams drawing timber from the bush. I shall begin to drive the piles as quick as possible. I shall put as many men as I possibly can on the Bredbo Bridge to work, as soon as I get sufficient timber to begin.

I remain, &c.,
R. HANNAFORD.

Inform that there will be no remission of fine, under any circumstances.—W.C.B., 28/2/70.
R. Hannaford, 2/3/70.

No. 11.

THE COMMISSIONER AND ENGINEER FOR ROADS to MR. R. HANNAFORD.

Department of Public Works,
Office of Commissioner and Engineer for Roads,
Sydney, 2 March, 1870.

SIR,

Referring to your letter of 26th ultimo, respecting progress made in erection of Bredbo River Bridge, I have to remind you that there will be no remission of fines for non-completion within contract time, however occasioned.

I am, &c.,
F. J. WICKHAM,
(For Commissioner and Engineer).

No. 12.

No. 12.

Extract from letter, dated 12th February, 1870, from Messrs. Heney & Spring, of Cooma.

"When is the bridge at the Bredbo to be commenced? Winter is coming on, and the people are grumbling at the unnecessary delay occasioned in the construction of this most important work."

Referred to my Honorable Colleague the Minister for Works.—B.C., 21/3/70. Dan. Egan.

Richard Hannaford's tender was accepted for the erection of this bridge on the 19th November last, for £1,078. Mr. Bennett, for report.—B.C., 1/4/70, J.R.

On the 22nd February last the Superintendent reported that one load of timber only was on the ground; the contractor was then informed that unless greater progress were made, the contract would be cancelled and the penalties of the bond enforced. No further complaint has reached this office.—For the Commissioner, F. J. Wickham. 4/4/70. Under Sec., B.C. Inform Postmaster General.—J.S., 4/4/70. The Secretary to the General Post Office.—6/4/70.

No. 13.

The Under Secretary for Public Works to The Secretary to the General Post Office.

Department of Public Works,
Sydney, 6 April, 1870.

Sir,

In reference to your B.C. of the 21st ultimo, on the subject of the erection of the bridge over the Bredbo River, I am directed by the Honorable the Secretary for Public Works to inform you that Mr. Richard Hannaford's tender was accepted for the erection of this bridge, on the 19th November last, for £1,078; but on the 22nd February the Road Superintendent for the district reported that only one load of timber was on the ground. The contractor was then informed that unless greater progress was made, the contract would be cancelled and the penalties of the bond enforced. No further complaint has reached this office.

I have, &c.,
JOHN RAE.

No. 14.

Mr. Road Superintendent Dooner to The Commissioner and Engineer for Roads.

Bredbo Bridge, May, 1870.

Sir,

I have inspected the progress being made with this contract. The pile engine is on the site, and four abutment piles, but no progress has been made with the driving. The contractor promised to commence driving this week.

The contractor says that he has a large quantity of timber in the bush, but that he cannot get it in, as all the creeks and rivers are up. The Bredbo River has been up several times during the past two months, but it runs down very quickly.

A smith is employed making the pile-shoes and bolts on the ground, and the contractor intends to have the suspension bolts made here also. I think this is objectionable; the suspension bolts, at all events, should be made in Sydney.

The general progress made since I came to the district is very slow.

I have to request a copy of the bill of quantities and schedule of prices for this contract.

I have, &c.,
P. DOONER.

Mr. Dooner to instruct contractor accordingly. These bolts could not be properly made on the spot. Instructed contractor accordingly.—G.P., 26/5/70. Mr. Wickham, send this.—W.C.B., 6/5/70. Sent.—F.J.W. Mr. Dooner.—B.C. Noted.—G.P., 30/5/70.
File.—W.C.B., 10/6/70.

No. 15.

Road Superintendent's Report.

Bredbo Bridge.

The late floods have made a great alteration in the width of the river at site of bridge; the bank on the Cooma side has been washed away for a width of 142 feet, carrying away one of the telegraph poles.

The highest flood mark is 21 feet over bed of river at centre, and I have sent an iron bar 15 feet through sand and gravel in bed of river.

The width from bank to bank is now 248 feet, and bank on Cooma side is liable to be washed away by next floods, as it appears to be sand in layers. A section of site is thus.* ** Vide* Appendix A.

I will plot these to scale, and send tracing by next post.

The contractor built a boat as directed, 8 ft. 6 in. by 3 ft. 6 in. by 1 ft. 6 in., at cost of £10; it can be used in flood time to convey the mails across.

The timber supplied for this bridge is being used at the Umeralla.

A cask of kerosene tar is on the ground; but it appears more like lubricating oil than the tar I have seen used. I have instructed the contractor to have a sample inspected in Sydney with the suspension bolts, and that without your sanction I could not allow it to be used.

It is of a pale greenish tint, and not black like ordinary tar.

GEORGE PHILBEN.
Cathcart, 13/7/70.

Put with Bredbo papers. Re-submit when Mr. Philben's plot of section is received.

No. 16.

TELEGRAM from MR. ROAD SUPERINTENDENT PHILBEN to THE COMMISSIONER AND ENGINEER FOR ROADS.

Cooma, 28 September, 1870.

THE distance between bank and bank at proposed site Bredbo is 240 feet, and 120 feet additional will extend bridge to high ground.

The banks are sound stiff clay.

The flood was 15 feet over the bed of river. An iron bar sank freely 14 feet in sand; must get longer bar to find depth. The road will be about 2 miles longer, and through land recently selected,—about 40 chains. I will send sketch by post from Cathcart.

River, and think a site about 2 miles up stream may do. I will measure and ascertain requisite details to-morrow, and telegraph from Cooma. Umeralla bridge works completed, except hand-rails. Evans behind time with road repairs near Queanbeyan.

No. 17.

ROAD SUPERINTENDENT'S REPORT.

Bredbo River Bridge.

SIR,

Having examined the Bredbo River for a considerable distance up stream of the site of proposed bridge, with the view of finding a narrower one, I have the honor to report that at a point about 2 miles up stream appears to be a suitable site. The banks are stiff clay, and not so liable to be washed away as at present site, but the centre and bed of river is loose fine sand. I had a bar 14 feet sunk easily in the sand, and the contractor has had two bars of iron welded together, which he informs me he sunk 29 feet in centre of river; and that at 66 feet from the bank the bar went down 27 feet 6 inches, and would sink 1 inch to 1½ inch at each jump.

Should this site be approved of, the road to it will pass through a piece of land recently selected but not yet fenced in, although partly under cultivation. The road will also pass over two creeks, now dry, where approaches and crossings will be required, but not expensive ones.

I find that the extraordinary high floods in the Bredbo River at the present crossing and at site of bridge were caused by the floods in the Murrumbidgee running up the Bredbo a considerable distance and backing up its waters. In consequence, the flood level over bed of river is 6 feet less at this than at the first site surveyed near the telegraph line.

As the road by the proposed site will be about 2 miles longer than by present crossing-place, the traffic will not go to the bridge unless at flood times. A local sketch will be thus.*

*Vide Appendix B.

The contractor has only just completed Umeralla Bridge; he has commenced making a bush road to take out timber for Bredbo, and will not be prepared, he says, to commence pile-driving for three weeks.

I have, &c.,
GEORGE PHILBEN.
Cathcart, 4/10/70.

Telegraph to Mr. P.—Will there be any objection on the part of the public to the change in site of bridge—will the selectors object? Telegram, 10/10/70.

No. 18.

TELEGRAM from THE COMMISSIONER AND ENGINEER FOR ROADS to MR. ROAD SUPERINTENDENT PHILBEN.

Cooma, 10 October, 1870.

BREDBO Bridge.—Will there be any objection on the part of the public to the change in site—will the selectors object?

No. 19.

TELEGRAM from MR. ROAD SUPERINTENDENT PHILBEN to THE COMMISSIONER AND ENGINEER FOR ROADS.

Bombala, 10 October, 1870.

BREDBO Bridge.—I think there can be no objection on the part of the public to the change in site. The selector may object, but I have not seen him yet. Application should perhaps be made to the Lands Department.

No. 20.

No. 20.

MR. ROAD SUPERINTENDENT BUNDOCK to THE COMMISSIONER AND ENGINEER FOR ROADS.

Bombala, 10 January, 1871.

SIR,

I enclose for your information a section of Bredbo River, showing levels of the bank and deck of bridge, in order that you may decide upon the gradient of the approaches.

The distances upon the section correspond with those on Mr. Philben's section. The ground has no side slope, and X. S. are not necessary.

I purpose on next visit to lay out and section a line from bridge on to old road, on the south side of Bredbo, in continuation of present section. The material for south approach might be taken from a hill about 20 chains from the bridge, so as to benefit the road. If you think this too far, material might be got on south side, just beyond flood-level. Material from the hills would be most binding and solid to resist floods. The embankments—approaches—should be here, I think, straight.

There is abundance of stone in the vicinity, though not of the hardest kind.

The levels may not be quite accurate, as the wind was blowing strongly. I knocked some of Mr. Philben's pegs into the ground a little, which will make some difference.

I am, &c.,
W. F. BUNDOCK.

No. 21.

TELEGRAM from MR. ROAD SUPERINTENDENT BUNDOCK to THE COMMISSIONER AND ENGINEER FOR ROADS.

Bombala, 14 January, 1871.

WILL you allow Hannaford a trifle for timber on ground? He wishes to make up advance to £300. Value work fixed, £234.

No. 22.

MR. R. HANNAFORD to THE COMMISSIONER AND ENGINEER FOR ROADS.

Braidwood, 24 January, 1871.

SIR,

Respecting the bridge over the Bredbo River, I do not know the length of the spans to put the timber down to fit them. I should have to load it again, and take it across the river, which would be nearly a mile. The bottom being so very deep, I could not get piles in that district long enough; they would have to be 55 feet long or more.

I have been informed by the Superintendent that the Engineer for Roads was to be there four months ago. Please send me answer whether he is coming or not. I have been going up and down a great many times, at a considerable expense, this last four months. Please answer this letter by the return of post, as I am waiting here for it, having just returned from there.

I remain, &c.,
R. HANNAFORD,
Contractor.

Inform—I hope to visit the ground by the 10th February; and that, even if the site were fixed, he could have done no work, on account of the floods.—W.C.B., 31/1/71. Wrote, 1/2/71.

No. 23.

THE COMMISSIONER AND ENGINEER FOR ROADS to MR. R. HANNAFORD.

Department of Public Works,
Office of Commissioner and Engineer for Roads,
1 February, 1871.

SIR,

In reply to your letter of 24th ultimo, respecting Bredbo Bridge, I have to inform you I hope to be on the ground myself by 10th February. If, however, site had been fixed, you could not have done any work, on account of the floods.

I am, &c.,
WILLIAM C. BENNETT,
Commissioner and Engineer.

No. 24.

MR. R. HANNAFORD to THE COMMISSIONER AND ENGINEER FOR ROADS.

Bredbo River, 18 February, 1871.

SIR,

I received your letter on the 3rd instant, to meet you at the river on the 10th of this month. I came up according to your orders. I have been staying up here for this last ten days and you have not arrived, therefore I cannot stay any longer, for I expect the Superintendent of the works of the Gaol every day in Braidwood to inspect the work done there.

Sir,—

Sir,—You will oblige me by sending a telegram on Monday when you will leave Sydney for Bredbo, that I can meet you there, as it puts me to heavy expenses to be going up and down so many times, and so often deceived. I am losing all the fine weather. I could have gone on with the work for the last five or six months, only waiting for the site where to commence.

Mr. Philben informed me two months before Christmas that he expected you up daily. I have five teams drawing in the timber, and if I do not get the site I must discharge them. I cannot get men to be putting them on to work one week and discharge them the next, on account of not knowing where to commence work.

Sir, I remain, &c.,
R. HANNAFORD.

No. 25.

MR. R. HANNAFORD to THE COMMISSIONER AND ENGINEER FOR ROADS.

Braidwood, 21 February, 1871.

DEAR SIR,

Please answer my letter dated 18th, whether you intend to give me the site or not for the Bredbo Bridge. I have now five teams drawing in timber, and not knowing which side of the river to put it—it will cost a great expense to shift it. I am obliged to keep a blacksmith there to mend the chains, as it is 20 miles to a blacksmith's shop. I took men up with me, depending that you was coming up, and kept them for ten days and had to discharge them.

You mention about the floods. We have not had any for six months but what I could have gone on with the bridge. I have lost a great deal there, and I don't think the Government is acting anything but right by me to have kept me so long idle.

I have been informed by Mr. Philben that you were coming time after time for this last six months. I have kept teams there all the while doing nothing; now it is coming on winter we shall have snow and frost up there before I begin.

Please send me answer directly by telegram—it is making a fool of me going on this way.

I have been going up and down this last six months, staying there four or five days at a time; it has cost me more than the labour part of the bridge would cost.

I remain, &c.,
R. HANNAFORD.

Telegram sent that Commissioner is now in the district.—F.J.W., 22/2/71.
Arranged on the ground.—W.C.B., 13/3/71.

No. 26.

MR. R. HANNAFORD to THE COMMISSIONER AND ENGINEER FOR ROADS.

Braidwood, 22 March, 1871.

Bredbo Bridge.

DEAR SIR,

The three weeks is up that I was to get the plans by this time. Please let me know whether the plans is to be sent here at Braidwood or at the Superintendent's, Mr. Philben. I am at such an expense that I can't stand it any longer. I have to pay men's expenses up and down—they will not come up here without I pay them. I have been promised by the superintendent this last seven or eight months that the site should be given.

It is unreasonable to keep a man here waiting so long. I have lost more by the bridge than it is worth. If I had kept the Government as long as they kept me, I should have lost my contract, besides my plant, and fined my sureties.

Please answer this by telegram, as I am waiting here. I shall leave on Friday for the bridge. This is the eighth time since Christmas, and nothing done.

I remain, &c.,
R. HANNAFORD.

Telegram—sent plan to Bredbo on Monday last.—F.J.W., 23/3/71.

No. 27.

TELEGRAM from THE CHIEF CLERK, ROADS DEPARTMENT, to MR. R. HANNAFORD.

23 March, 1871.

PLANS sent to Bredbo, *viâ* Micalago, on Monday last.

No. 28.

TELEGRAM from MR. ROAD SUPERINTENDENT PHILBEN to THE COMMISSIONER AND ENGINEER FOR ROADS.

Bombala, 24 March, 1871.

THE section for Bredbo was on the site you pointed out. Your minutes on Bombala to Merimbula Road not yet received. Can I let brushing, ballasting, and draining at Yellow Waterhole, at £8 per chain? It will be desirable to send boat to Buckley's, and arrange with Barnes or some one to work it. Inquiries about it being made in Cooma last week.

No. 29.

TELEGRAM from MR. ROAD SUPERINTENDENT, PHILBEN, to THE COMMISSIONER AND ENGINEER FOR ROADS.

Queanbeyan, 13 April, 1871.

IN first plan for Bredbo there were 25 spans and one 20 ft. span; the timber to suit was supplied, but in last tracing received these spans are 30 ft. This will leave timber on contractor's hands, unless you allow him to substitute two spans of 25 ft. and one of 20, instead of the two 30 spans shown on tracing. A reply—Urgent.

No. 30.

ROAD SUPERINTENDENT'S REPORT.

Bombala, 13 June, 1871.

SIR,

The contractor is anxious to have an advance of £300 as soon as possible.[1] The value of the work fixed and in place at present is about £234, in addition to which he claims to have upon the ground 18 cwt. of iron, 100 gallons tar, 6 tins of paint, and 2,500 cub. feet of sawn and hewn timber. Permission was given to Hannaford to use the timber already provided when new design was sent up, so that instead of two spans of 30 ft. he has one span of 20 ft. and two of 25 ft. on the south bank.[2] It was intended by Mr. Philben that for these short spans the original design should be adhered to and corbels dispensed with, but Hannaford did not understand this, and, when I passed up in May, was preparing to put on some of these corbels. I would have stopped him then, but a certain height had been given him for the bridge, and the abutment piles would not admit of reaching this without corbels, so I did not like to interfere. After reaching Bombala, I consulted with Mr. Philben, and sent a telegram to Hannaford to use the corbels on north side only; but he had then got some girders in place and notched for the keys, so have let them remain.

The only corbels I can omit on south side are the short one which would would adjoin trusses.

I regret I was not more prompt in directing Hannaford; but in the confusion of taking over charge it partly escaped me, and going down the mountain more suddenly than I expected I was too late.

I directed Hannaford to use 1-in. bolts through girder, corbel, and cup, and $\frac{7}{8}$-in. bolts to ends of corbel.[3]

The abutment, two approach piers and one main pier are driven on south side, and Hannaford is shifting the pile machine to north side. The river piers will be hard to drive in the winter.

[4] I have taken some levels, and given Hannaford the flood-level right across to work off. There is no B.M. shown on new elevation; but assuming Mr. Philben's B.M. on rock north side as 50 ft. over datum, the flood level as shown by Hannaford is right, 42·48.

The top of south abutment cap is 43·88.
" first approach pier " 44·18.
" second " " 44·50.
main pier caps " 43·88.

The incline on the 70-ft. south approach is therefore 1 in 70. The flood level is not very regularly drawn on new design, but appears about half-way up cap, so that the bridge will be 0·90 higher than plan. The height of south abutment above the ground is 9 ft. 4 in. to level of deck at north side; if I give an incline of 1 in 30 it will be 8 ft. 9 in. On north side the main level pier will be close to the river bank, some 5 ft. above the water level; [5]this is likely to give way with the driving, when the wale and spur piles would show some 5 ft. above ground. If it is desirable to obviate this by carrying the wale at same level as at piers in the stream, new braces, counter-braces, &c., and a longer wale must be provided, and those now on hand rejected, to contractor's loss.

I have no specification, and the one supplied to Hannaford is illegible.[6]

I have just received your telegram directing me to send the plan and keep a copy, but I have no instruments or appliances here to do so if I had time.

In the plan I have,* the outside of the 15-in. corbel is flush with outside of tie-beam. At the Fish River, in a similar truss, the centre of corbel is made to coincide with centre of tie-beam; shall I do the same here?[7]

* *Vide* Appendix D.

Will you permit the substitution of at least 1-in. bolts for the $\frac{7}{8}$-in. bolts to main piles and wales, as they pass through three 12-in. timbers, and support the long wale from sagging?[8] At Jugiong Creek there are $1\frac{1}{8}$-in. bolts to the 12-in. x 6-in. wales, and that would seem a suitable size here, as there is no notching to relieve the bolts of the weight.

I find the value of the work now fixed at the Bredbo to be about £234. I have sent telegram to know if you will permit me to return something for timber on ground to make up £300.

I am much inconvenienced at the Bredbo, as there is no inn anywhere for 7 and 14 miles.[9] If you wish me to reside there at all, you might allow me to get a little place put up of bark, to serve as an office and to sleep in; I think it would cost £5. The driving will hardly be complete this winter, if there are floods. I have not succeeded in seeing a pile tested there yet, as I have come at times when they were not driving or beginning. Last time Hannaford kept a pile for me and the chain broke, and I could not delay, having 14 miles to go.[10]

I am, &c.,
W. F. BUNDOCK.

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[1] Mr. Bundock instructed to send in voucher for £300. Posted on 30th June.

[2] Hannaford is evidently putting in as much timber as possible. Mr. Bundock is much to blame in not having stopped this, which will spoil bridge and increase cost; it would have been better to have put on an extra headslock. Nothing of the kind shall occur now I have control over the work.

Had it not been for the notches cut in girders for the keys, I would have removed the corbels again.

A new site and design have been adopted, of which a rough tracing sent to Hannaford is the only plan. I will forward tracing of original bridge which I have, but it will be of no use as a reference for levels.

[3] Yes. Noted.

[4] Mr. Bundock has the only drawing; I have nothing to compare his statements with; he *must* either send drawing of it or the original to Sydney. Copy of the specification will be sent to him. Received.

[5] No; we can fill in stone to the present level. Seen.

[6] Copy will be sent. Received.

[7] Yes, if there is no obvious reason to the contrary. Noted.

[8] Yes, by all means. It is a mistake to put ⅝ bolts in such a position. Noted. Will direct Hannaford at once.

[9] Noted. This will be a good place for maintenance men. Miller was asking for a hut, and it will be a great convenience to myself.

[10] You must see those piles; those accidents are often on purpose to prevent check.—W.C.B., 17/6/71.

Noted. I will take steps to see these piles tested on my next visit. In this case, at least, it was a *bonâ fide* mishap. Hannaford is above such scheming, I think.—W.F.B., 1/7/71.

No. 31.

MR. ROAD SUPERINTENDENT BUNDOCK to THE COMMISSIONER AND ENGINEER FOR ROADS.

Bombala, 28 September, 1871.

Bredbo Bridge.

SIR,

I enclose voucher for £200 for Hannaford. I have not returned for any work not fixed, except the tie-beam, which is framed and bolted and placed on deck of the south approach ready for launching.

I did not mark the timber as instructed; when I came to do so the punch was not ready, and, as the Umeralla stone pier was complete, I thought that would be sufficient security for the advance upon the work not fixed. Hannaford is now driving in the river-bed; he had eleven piles to drive when I passed. No camber is mentioned, but I suppose three inches will suffice.[1]

In specification kerosene tar only is required. I would recommend that coal tar be used for top of deck; [2]with kerosene tar the planks will be as slippery as glass, especially in frosts.

At Jugiong Bridge I think you amended the specification by putting a top coat or two of coal tar over kerosene. I should fear the coal tar would not adhere very well over kerosene, but as I do not know, only presume to make the suggestion in case the combination has not been tested.

I am, &c.,
W. F. BUNDOCK.

File.—W.C.B., 20/9/71.

[1] Yes. Noted. [2] Appd.—Might use coal-tar for the last coat all over. In some places the combination was done very well. There should be a good deal of pitch with the coal tar.—W.C.B., 2/10/71.

Noted.—W.F.B., 5/10/71. W.C.B., 12/10/71.

No. 32.

TELEGRAM from MR. ROAD SUPERINTENDENT BUNDOCK to THE COMMISSIONER AND ENGINEER FOR ROADS.

21 November, 1871.

As Michalago deviation is not surveyed, and Bredbo Bridge will not be completed this year, can I lay out some of money at Cooma?

No. 33.

MR. ROAD SUPERINTENDENT BUNDOCK to THE COMMISSIONER AND ENGINEER FOR ROADS.

Bombala, 24 October, 1871.

SIR,

I forward by this post a copy of the tracing sent to Hannaford. I have marked upon it in *green* the depth of the pile-driving, also the deck level of south approach.

I think the bridge is about 9 inches higher than in plan, but as the flood-level is drawn unevenly, it is not easy to tell exactly.

All the piles are driven except five in the north *river* pier. One pile is driven there 25 feet. When I left on the 19th the truss for the first span was ready for fixing.

On the 18th I went with the Jingeras to visit the saw-pits. These are situated about 30 miles from the bridge, near the head of Jerrabat Gully, on the falls for the Shoalhaven. The timber is messmate, or a species of stringy-bark, with upper limbs like a gum. No other timber is found there, and none at all on the falls for Murrumbidgee, except a white gum. The timber is not, I fancy, of the best, but there is no other. The fault is that it opens in the sun, especially at the ends; some of the timbers cut last year for the trusses are full of sun-cracks. I have been in doubt whether to throw them out, or, as the timber is otherwise sound, to retain them and trust to the painting to preserve them from further injury; they are the best seasoned pieces.[1]

Hannaford complains of the loss he is put to by the delay in using these timbers. I am of course aware that this is no reason for using injured timber in the bridge; though Hannaford may be entitled to compensation for delays and alterations.

With reference to tarring, Hannaford says he bought a ton of kerosene tar, and must use it before getting any other.[2]

With

With reference to suspension rods, I found the smith, for convenience of threading them, was beating each one and bending it to a right angle, and when it was finished, straightening it out again. Would you consider this treatment injurious?[3] I have stopped this. Would you reject the rods so treated?

I should wish for your opinion as to the necessity for short corbels at the riverward ends of beams in north approach span.[4] The whole span is 30 feet, but there are corbels on north abutment, which reduces the unsupported length to 24 feet. If corbels are put at the other end, the false capsill must be lowered, and the block under it removed; the corbels will then rest on the false capsill, and the 8″ x 12″ cross-girder (under ends of truss-flooring) might rest on their ends. The beams are in place now without corbels at riverward ends.* * *Vide* Appendix E.

I forward a return for £100 for Hannaford.

I am, &c.,
W. F. BUNDOCK.

W.C.B., 30/10/71. File.—W.C.B., B.C., 20/11/71.

[1] Retain them by all means; they are better seasoned than any other you are likely to get. Noted.
[2] Appd. Noted.
[3] Most decidedly; it spoils the iron. Noted.
[4] Corbels are not required. Noted.—W.F.B., 13/11/71.

No. 34.

MEMO. FOR MR. MORELL.

THE tracing you have sent me of Bredbo Bridge elevation is of no use. I want the working drawing which I sent to Sydney. There is only an obliterated tracing in hands of contractor for my guidance. I will return tracing of elevation when I have marked some levels on it.

W.F.B.—Bombala, 11/12/71.

Mr. Morell,—To be attended to immediately.—W.C.B., 16/12/71.
Plan herewith.—V.G.D., 16/12/71.

No. 35.

MR. ROAD SUPERINTENDENT BUNDOCK to THE COMMISSIONER AND ENGINEER FOR ROADS.

Bombala, 25 November, 1871.

Report on the Bredbo Bridge.

WHEN I last visited this bridge, on the 20th, there were still four piles to drive in the north river pier, I had the down stream spur pile tested with a 10-foot fall of the 25 cwt. ram (when driven 24 feet) and it went 1½ inch to the blow. The trusses are up in the south span and the cross girders fixed. In framing the tie-beam I find it not possible to adopt the lengths given on plan, as that was intended for two spans only; I will, however, take care and have the joints well broken, which I suppose is all that is required.

I see no mention in the specification of any fastenings to the head and heel of struts to trusses and main x girders. Would you think it well to secure the struts (at head by a small bolt and at heel by an anchor strap) as in margin * to keep the trusses from hanging inwards. * *Vide* Appendix F.

I have no plan of the bridge, having sent mine to Sydney; will you direct its return to me. I enclose a return for £150 for Hannaford; he has about eight men on the work itself, and will probably be finished early in January.

W. F. BUNDOCK.

Pile was driven 2 feet further, or 26 feet into ground, on to solid foundation..

This is a great deal too much for a pile to go. What does Mr. Bundock intend to do? What depth is this pile? He seems to take this very easily. The pile I think must be drawn in Mr. Bundock's presence.

No joint near suspension bolts. Noted.—The joint shown on attached sketch is according to plan, and is the weakest point in the tie-beam. Noted.—These struts are spiked on according to plan. Yes—as is usual. Mr. Morell to send.—W.C.B., 29/11/71.

Particulars noted on plan and tracing, returned to Mr. Bundock.—G.A.M., 5/12/71.

Mr. Morell has returned me my copy of tracing sent Hannaford, of the altered design and section, but it is useless to me. I want the working drawing which was taken away from me. Hannaford's copy is destroyed.—W.F.B., 20/12/71.

Will Mr. Morell send what is wanted.—W.C.B., 27/12/71. I really do not know what Mr. Bundock requires; I now send him the only drawing we have or ever have had of such bridge.—W.C.B., 29/12/71. To be returned at once, as Mr. B. has copy.

Two tracings of the Bredo Bridge have been sent me within a few days. I will retain one and return that signed by contractor.—W.F.B., 3/1/72. It was this tracing I was asking for. File.—W.C.B., 7/11/72.

No. 36.

No. 36.

MR. ROAD SUPERINTENDENT BUNDOCK to THE COMMISSIONER AND ENGINEER FOR ROADS.

Queanbeyan, 26 February, 1872.

Bredbo Bridge.

SIR,

This bridge is approaching completion—the trusses being up and part of the decking on. Each pair of trusses has been made by a different carpenter. The first were very indifferently made, and I find that one of the short posts under rafter is an inch too short nearly. I had hoped that the screwing up would have rectified this, but find that it will not. Will you have the post replaced, or will it be sufficient to plank up with iron wedges?

* *Vide* Appendix G.

On margin is sketch* of proposed ironwork in straps and bolts to the struts to straining beams and x girders, so that struts may act as ties to prevent trusses leaning inward. The strut must be placed a little off the centre of x girder, to allow the ¾ bolt at top to pass the suspension rod.

Will you please let me know at once if you approve of the above; and if not, have sketch sent me of what you prefer. Bolts through the strut will allow them to be taken out when it is required to screw up trusses.

I am, &c.,
W. F. BUNDOCK.

Replace post of course. When the trusses get loose it will be worse.
Mr. Wells to send sketch of usual arrangement.—W.C.B., 28/2/72.
Finding that sketch of straps had not been sent before, I have sent it.—G.A.M., 7/2/72.
Mr. Bundock will be in Sydney, when I will see him on this—W.C.B., 25/3/72.

No. 37.

MR. ROAD SUPERINTENDENT BUNDOCK to THE COMMISSIONER AND ENGINEER FOR ROADS.

Bombala, 10 April, 1872.

Bredbo Bridge.

SIR,

This bridge is approaching its completion; only about 20 feet of the 2″ sheathing remain unlaid, the tarring and sanding of the deck is being proceeded with, also the tarring and screwing up the substructure. The trusses have two coats of paint, and the hand-rail one. The job is a little rough, but is tolerably faithfully done.

The joints of the trusses are closer than I expected, and the work would have been very well but for the error I reported from Queanbeyan, which is unaccountable, as all the trusses were framed and fitted to the beam as it lay on the approach deck over the full-size drawing I had laid down, and the bolts were set out perfectly square with beam compass. It is only in the north span that the bolts are out of plumb, as in attached sketch, which shows in red figures the deflection of the road in the 5 feet between under sill of straining beam and top of x girder. I do not see how to remedy it without taking down the whole truss, which, as the decking is on and most of the sheathing, will be costly.

Perhaps, to compensate for undue strain on the suspension rods, it would suffice if they were larger, say 2″ dr. Holes in shoulder-shoes would need enlarging in this case, but as your telegram states, I will shortly, I hope, see you personally on the subject; meantime I shall tell Hannaford not to proceed further with that span.

† *Vide* Appendix H.

I have asked once or twice about the fastenings for head and heel of struts to straining beam and cross girder as in margin, and once sent sketch showing proposed bolts and straps, but have had no reply. What was proposed was something as in margin.† There are three struts to each truss, or in all eighteen. Perhaps it would suffice to secure those at shoulder only, and spike on the six central struts. I will send in a return for Hannaford, as his work will warrant an advance.

I am, &c.,
W. F. BUNDOCK.

Mr. Bundock does not report the more serious deviation in plan of alignment of bridge.—W.C.B., 23/4/72. No; I don't know why I did not. I did not consider that so important at the time, and as I was going to see the Commissioner personally on the subject in a few days, it made but little difference.—W.F.B., 25/5/72. File.—W.C.B., 29/5/72.

No. 38.

MR. ROAD SUPERINTENDENT BUNDOCK to THE COMMISSIONER AND ENGINEER FOR ROADS.

Billylingera, 16 May, 1872.

Bredbo Bridge.

SIR,

‡ *Vide* Appendix I 1.

I enclose you a diagram‡ showing the deflection from line of the trusses; from which you will see that the centre span stands bodily 3″ up stream, and a further deviation of 2″ there is caused by the bridge being 2″ wider there than at ends. I do not see how to alter this. The corbels are spiked on to the capsills§ and cannot be moved, and if the tie-beam is to be moved over on the corbels all the bolts through butting block must come out and fresh holes be bored for them, and I fear the timbers will be much injured in extracting the bolts. Hannaford has not men or materials on the ground to make alterations as yet, so no time will be lost by again referring the matter to you.

§ *Vide* Appendix I 2.

The blunder is not very apparent to a non-professional eye, and I don't think the stability of the bridge can be improved by the proposed alteration wrenching the timbers and bolts.

The

The extras on Hannaford's contract amount to about £600, exclusive of the iron-work (wrought iron), which I have not yet measured up—say £1,700 in all for the work. I find that the southern approach shown on section given me at the office is 1 in 18·5, not 1 in 20, and this seems rather steep, and I would propose that the approach be extended another 30 feet, which would give a grade of 1 in 23. I am unable to give you the cubic quantity, as I do not know the width proposed. Hannaford is, I believe, about to proceed to Sydney to see you. If you still think bridge must be altered, a telegraphic message to Cooma will find me quickest.

I am, &c.,
W. F. BUNDOCK.

The matter must remain—so now it will be a permanent stigma on the department and the officer superintending, as well as the contractor.

I very much regret this disfigurement, and am in fault for not having examined the alignment of corbels. The piles are all pretty fairly driven (except the north river pier, where they are a little up stream); and as the abutments and approaches were complete before the trusses were built, I did not conceive a mistake of the kind possible to a tradesman. The Commissioner must make allowance for the distance this work is from my head quarters and the extent of ground I have to travel. I could not exercise a proper supervision. In all I find I have been thirty times at bridge.

Approved if it ends in better ground.—W.C.B., 18/5/72. Noted. I will at least make this slope 1 in 20 as on north side. Telegram sent Mr. Bundock.—Do as you propose with approaches; trusses must remain as they are. Received.—W.F.B., 25/5/72.

No. 39.

(Diagram showing deflection of trusses. *Vide Appendix* I'.)

No. 40.

MR. ROAD SUPERINTENDENT BUNDOCK to THE COMMISSIONER AND ENGINEER FOR ROADS.

Cooma, 20 May.

SIR,

I enclose you herewith two sections* of bridge sites over the dry creek near Bredbo Bridge. * *Vide* Appendix J.

The downstream section is on the most direct line for a road, and the upstream section is most on line with the bridge, necessitating less turn. It does not matter which is adopted if a bridge is to be built—they are only a few chains apart.

The bottom is composed of large pebbles and sand, but I think piles will drive (say) 12 feet.

Hannaford will be in Sydney on Wednesday, and if a sketch of bridge proposed was given him he could tender at once. As his pile machine is on ground, he could do it cheaper than others. There is no timber remaining from Bredbo.

I also send a section of an old crossing over this creek which could be cut down (as shaded pink) and metalled with little expense; the only drawback being the probability of the bottom wearing deeper. Still, a bridge could be put in eventually, and for a year or two the bottom repaired with stone. Probably 1 chain metalling will suffice.

I am, &c.,
W. F. BUNDOCK.

Mr. Dowling to plot to an eight scale, the upstream section.—W.C.B., 22/5/72.
Section herewith.—V.G.D., 27/5/72.

No. 41.

(Sections—creek north of Bredbo. *Vide Appendix* J.)

No. 42.

MR. ROAD SUPERINTENDENT BUNDOCK to THE COMMISSIONER AND ENGINEER FOR ROADS.

Bombala, 25 May, 1872.

Extras—Bredbo Bridge.

SIR,

I forward herewith a list of extra work at this bridge, in excess of plan and specification, amounting in all to £654 14s. 6d., bringing the total cost up to £1,732 14s. 6d.

As the iron-work was made from time to time, as required, I was not always able to weigh it, so have made use of a list of the weights of similar bolts at the Fish River, which I have kept by me, and have taken the remainder from the tables.

Hannaford's iron must have been full gauge, as what I weighed exceeded the weight of that by Russell & Co. for Fish River and tabular weight also.

I have written to different contractors for tenders for approaches, and hope to get them underway soon.

I am, &c.,
W. F. BUNDOCK.

File.—W.C.B., 29/5/72.

No. 43.

MR. ROAD SUPERINTENDENT BUNDOCK to THE COMMISSIONER AND ENGINEER FOR ROADS.

Queanbeyan, 13 June.

Bredbo Approaches.

SIR,

* *Vide* Appendix K[1].

I enclose herewith a plan* showing the position of proposed bridge at Bredbo, over the dry creek there. I have marked on it the position of the sections I sent you from Cooma. The up stream section is rather the narrowest, and the down stream is a little more direct, but the difference in position is not very important, only 4½ chains in (say) 50 chains.

Hannaford offers to build a bridge of 25 ft. span and 14 ft. wide without tarring, for £110. I would advise the acceptance of this. I sent telegram to-day, as he must know at once before he removes his plant. Bridge to have four round beams 14 in. diameter, piles driven (say) 12 or 10 ft., and painted hand rail.

† *Vide* Appendix K[2].

As whatever section may be taken, one bank of the creek will be nearly vertical, the piles must be driven at foot of bank (see sketch† in margin) on one side of gully or the other, and the backing, if of slabs, will be eventually undermined by the lowering of the bed of creek. I propose sheet-piling the abutments, by driving a row of piles 10 in. or 12 in. diameter between the main piles, and some 6 ft. below the bed of creek.[1]

By this time the defective straining beam at Bredbo has been replaced. I sent word to Hannaford to remove the rafter which was so much weathered, but my letter did not reach the Bredbo till Hannaford had started for the new straining beam. I examined the end of the rafter yesterday, the shoe having been removed, and it was quite sound, so permitted it to remain.[2]

Hannaford should complete his contract this week.

I am in *doubt* what to do about the approaches. Bradbury tendered at 1s. for earth, and 5s. 4d. metal, and I telegraphed that I would accept. On my way here I saw Roddan, who had tendered at 1s. 6d. for earth, and he offered to do all in rubble at the same rate. I should prefer rubble myself, but did not know if you would do so, so sent a telegram, and hoped an answer here, but have none. The rubble will be cheapest of the two, as metal can be dispensed with, and the quantity can be I suppose less, giving a batter of only 1 to 1, say as under:—

Say 1,300 yards earth-work at 1s.	£65	0	0
100 cub. yards metal at 5s. 4d.	26	13	0
	£91	13	0
Say 1,200 cub. yards rubble at 1s. 6d.....	£90	0	0

In section of approaches given at the office to me, a mistake has been made of about 1 ft. in the height of south abutment of Bredbo, so that a grade of 1 in 20[3] requires approach 15 ft. longer than shown, and quantity of earth-work is much in excess of that estimated in office. I telegraphed to Broadbury to meet me at Bredbo, but I have heard nothing of him except that he went up there some days ago expecting to meet me.[4] Roddan tendered without seeing the place, and perhaps may find a difficulty in getting sufficient stone handy to make incline 1 in 20. Perhaps less will suffice, as it will be solid, say 1 in 18; rubble approach with rough batter walls built up (incline 1 to 1), and the top spawled over and blinded,[5] should be lasting and immovable by any floods.

With regard to timber used in the small bridge, it must be of "messmate," as is the Bredbo Bridge. No other can be got or has been got anywhere up here.[6] Messmate is not gum, but rather a sort of stringy bark; in planks and handrails it stands well, but all large pieces open. Hannaford's timber is better, I think, than that got at "Count-a-Guinea." Round timber also appears to stand well.

You will receive this letter on Saturday. Please reply by telegraph that day, if you have not done so before, about Hannaford and Roddan's tenders, or I will lose the chance of arranging either matter.[7] I will be at Cooma on Saturday night.

Your obedient servant,
W. F. BUNDOCK.

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[1] I presume this is included in price. I have already authorized the acceptance of Hannaford's tender. Includes sheeting. Telegram received.

[2] Approved. Noted.

[3] 1 in 18 will do. Noted.

[4] There must be no delay; winter is on now, and bridge must be passable. Let to Roddan.

[5] Yes. Noted.

[6] Can't be helped. Seen.

[7] Another telegram sent; all these matters replied to in the affirmative before; telegrams sent to the stations from which questions were asked, unless directed to the contrary; this message to Cooma this day at 10 a.m.—W.C.B, 15-6-72.

File.—W.C.B., 24-6-72.

No. 44.

(Plan showing proposed site for bridge over dry creek north of Bredbo Bridge. *Vide Appendix* K[1].)

No. 45.

No. 45.

MR. ROAD SUPERINTENDENT BUNDOCK to THE COMMISSIONER AND ENGINEER FOR ROADS.

Cooma, 17 June.

Bredbo Bridge.

SIR,

This bridge is complete all but the screwing up of a few bolts, and a coat of paint to straining beam just put in. Hannaford asks for an advance to within £50 of what is due to him, say £350. Please let me know if I can return for this, as he will want funds to carry on the works. I have let him the small bridge complete for £110. I have not made out specification until I learn if you approve of the sheet piling.[1]

On examination of the two bridge sites, I find that the upper one, though less direct, is the best ground, and the channel is straighter there.[2] This gully has deepened very much in the last two years, and as the bed is still 17 ft. above that of the river, with no rock showing, it may deepen still more.

Approaches to main bridge are let to Roddan; he tendered for the rubble-filling without seeing the place, and I am not sure that 1,239 cub. yards can be got within a reasonable distance (the above being the quantity with batters 1 to 1). I have arranged to give him £100 for rubble approaches, and £96 10s. for earth and metal, the latter being at the rate of Bradbury's tender, the lowest I have received = 1,350 cubic yards earth at 1s., 100 cubic yards metal at 5s. 4d.; being 1½ cubic yards to lineal yard, and 75 lineal yards blinding at 6d.[3] As you did not express any decided preference for rubble, I did not feel justified in offering more than £100 for it. The fair value of earthwork is 1s. 3d. per cubic yard or £113 for approaches so constructed. I could have tied Roddan to stone filling, but did not see the use of doing so if it really is not to be had in vicinity, and it would not pay to cart it any distance.

Approaches to be completed in six weeks.

I am, &c.,
W. F. BUNDOCK.

---

[1] I have approved of it long ago. Pray do not delay. Is there any difference in cost?

[2] I will write at once to Hannaford to place his timber on upper site.

[3] Mr. Bundock really must spare me this mass of unnecessarily complex detail. Is Roddan's price lower than Bradbury's? Mr. Bundock.—B.C.

Same rate for earthwork. Was in hopes the Commissioner would have expressed some opinion on the relative values of rubble and earthwork approaches to guide me. Hy. Broadbury had started with his teams when I let the approach to Roddan. I missed his letter. He claims to have purchased drays for the work. I have no other work to let him on this road.

I can see nothing for it but to try and arrange with Roddan, and let Bradbury do the work; he is a most troublesome man, but if he does it you must insist on its being carried out in the most minute detail. Really, Mr. Bundock's indecision and reluctance to use his own judgment, after so many years' experience, is (to say the least of it) provoking.—W.C.B., 6-7-72. Mr. Bundock.

There was no indecision in the affair. Not seeing Broadbury, I, to prevent delay, let work again to Roddan (Broadbury was actually on road at time). Roddan has transferred work, and so matter ends satisfactorily.—W.F.B., 17-7-72.

No. 46.

MR. HANNAFORD to THE SECRETARY FOR PUBLIC WORKS.

Braidwood,
12 October, 1872.

SIR,

1st. In December, 1869, my tender was accepted for building a bridge over the Bredbo River. The dimensions were 200 feet long, 13 feet high in the centre, 1 foot elevation at the north-west end and 4 feet 6 inches at the south-east end, and a certain place was indicated close to which the bridge was to be erected. I examined the river; ascertained the nature of the work to be performed; sent in a tender for £1,078; and in the beginning of January, 1870, I was ordered to put down the timber and get ready to commence work.

2nd. As there was no blacksmith's shop within 20 miles of the place where the work was to be performed, I built one on the spot, also huts for my workmen, and carried to the same place a large quantity of timber,—two tons of iron, one ton of tar, a pile-driving machine, and other necessary articles. I cut the piles according to contract, and was ready to commence work in February, 1870.

3rd. The site of the bridge was set out by Mr. Dooner, in March, 1870, when he sent written instructions to raise the bridge 2 feet above the level shown on the plan, for which he stated I should be paid at the contract schedule rates. In pursuance of these instructions I cut fresh piles; the piles already cut were useless, and, as will be shown hereafter, the dimensions and position of the bridge were entirely altered, so that I could not claim the 2 feet extra as promised. I used up as many of the piles afterwards as I could, both in the bridge and in other work, but six were entirely useless and left in the bush.

4th. In May, 1870, in consequence of floods having washed away the banks of the river, I was ordered by Mr. Philben to discontinue building the bridge, and I was then employed in making some repairs to the Umeralla Bridge, which I finished in September, 1870, and in the same month I met Mr. Philben by appointment to survey another place for the proposed Bredbo Bridge. We tried the depth of the river, and Mr. Philben said he thought that site would do, but he gave me no instructions about the bridge, and I waited for these instructions from the last week in September to 16th December, 1870, a period of twelve weeks, during which time I was offered a contract to build a chapel, which I was obliged to refuse, having undertaken to build this bridge; I was also obliged to pay a man wages to take care of my blacksmith's shop, huts, stores, and materials, and my bullocks and horse teams were also kept idle.

5th.

5th. On the 16th December, 1870, I received instructions to get the timber on the second site proposed by Mr. Philben, and to proceed with the trusses. I drew 18,000 feet of timber to the site in question, but did not proceed with the trusses, as to do that work I should have been compelled to hire men from a distance of 50 miles at least, and the work would only take three weeks to complete as soon as the site was marked out. I completed the drawing of the 18,000 feet of timber about the middle of January, 1871, and was ready to commence work.

6th. I wrote Mr. Bennett on the 24th January, telling him I had the timber on the ground, and had been waiting ever since September to commence the work. In reply, he wrote that he hoped to be on the ground by 10th February, adding, if the site had been fixed I could not have done any work on account of the floods. In reply to this, I beg to state that there had been no floods since I was stopped working in May, 1870.

7th. In consequence of this last letter I hired two men from Braidwood, a distance of about 70 miles, and two from Umeralla, a distance of 20 miles, and they arrived on the ground on the 10th February (the day named by Mr. Bennett); Mr. Bennett not having arrived, I wrote Mr. Philben on the 16th February, informing him that Mr. Bennett had not arrived; that I had teams in the bush drawing timber, and that I should have to discharge the men I had hired to build the bridge, as I could not afford to pay them for doing nothing. I wrote Mr. Bennett on the 18th February, complaining of the delay, and informing him that there had been no weather to stop the work for six months, and that I should be obliged to discharge the men. Mr. Bennett not having replied, I wrote again on the 21st February, and received a telegram from the Chief Clerk of Roads on 22nd February, 1871. Mr. Bennett arrived on the 24th February, 1871, and chose the site (but did not set it out) which was three-quarters of a mile from the second spot pointed out by Mr. Philben, and to which he had ordered me to deliver the timber, consequently I had to remove the timber from the first site—my blacksmith's shop and materials, pile-driving machine, and other tools; this took me about three weeks.

8th. I got the plans about the 25th March, 1871, and was then quite ready to proceed with the work, but Mr. Philben did not arrive to set out the site of the bridge till the 13th or 14th of April, and I did not receive orders to commence work till the 17th April, causing a loss of time to myself and men of three weeks at least.

9th. The new plan was entirely different from the first one (see 1st paragraph). The dimensions were 300 feet in length, 19 feet high in centre, 9 feet 6 inches elevation south-west end, 8 feet 6 inches north-west end; corbels were to be put in the approach spans instead of girders laying on the capsills. This not only made a difference in the measurement of the timber but in the labour—for according to the first contract and first plan, I could run the timber nearly on a level with a horse, and according to the third site and second plan shear-legs had to be fixed, and blocks and ropes used, and men employed to hoist the timber, causing a considerable difference in labour. The long piles being 45 feet instead of 30 feet, I was obliged to raise the pile-driving machine nearly 12 feet in the river, and I had water to contend with, whereas I had scarcely any in the first contract; this caused a great deal of extra expense; iron had also risen in price during the above-mentioned delays, and the timber having been cut so long before it was used required a good deal of extra labour.

10th. In consequence of these various delays, the work was not commenced till 17th April, 1871, and the winter came on; a flood occurred on the 29th April; another on the 9th May; a third on the 21st May, and a fourth on the 28th May, and three more between that time and the latter end of July, which prevented my drawing the long piles till the latter end of October, 1871. Consequently, eight men, two teams, and myself, for upwards of five months were doing next to nothing, as the piles were required to be driven before any other work could be performed.

11th. Annexed hereto is an account showing simply the actual losses sustained by me in consequence of the various delays and other matters above set out—also, the extra amount of timber used in consequence of the dimensions of the bridge being much greater than at first stated and contracted for. I am advised that, as the bridge actually built was of different dimensions and erected in a totally different place from the site first pointed out, and that as erecting the bridge at such last place, owing to the greater quantity, depth, and rapidity of the stream, caused much more labour and expense, I am entitled to consider the first contract at an end, and send in a bill for building the bridge without reference to the first contract. If I did so, I should make the estimate much higher in proportion than the amount of the original contract.

I therefore forward the annexed account as extras, without prejudice to any claim or right I may have, in case such account is disputed.

I have, &c.,
R. HANNAFORD.

I wish to see Mr. Wells with drawings and papers relating to this bridge.—W.C.B., 8/11/72.

No. 47.

COMMISSIONER'S REPLIES to HANNAFORD'S STATEMENTS.

1st paragraph.—That the dimensions of the bridge were increased in the case, but Hannaford has been paid the measurement; an extra span was added, and the piles were slightly longer, but no expense more than proportionate to the schedule price was incurred by him.

2nd.—The contractor states that he had on the site a large quantity of timber, 2 tons of iron, 1 ton of tar, a pile-driving machine, and other necessary articles, and had to cut the piles according to contract, and was ready to commence work in February, 1870. On the 19th February, Mr. Philben telegraphs—"Contractor has one load of timber, and will not be ready to commence driving for a fortnight"; having met contractor there by agreement on the 18th. Mr. Dooner reports, on or about the 6th of May, when, according to contract, bridge should have been completed, that "the pile-engine and four short piles for abutment were on the ground, but no progress made with driving; the contractor promised to commence this week. The contractor says that he has a large quantity of timber in bush, but that he cannot get it in, all the creeks and rivers being up. The general progress made since I came to the district is very slow."

Ten

Ten days previous to this occurred the first of the great floods, which so widened the river as to make it imperative to select a new site. Those floods rendered it necessary to remove Mr. Dooner to Cowra without any delay, and Mr. Philben did not get over from Riverina and to the bridge until 13th July. It was not possible to avoid this delay. Mr. Philben reported on the date that the floods had made a great alteration in width of river at site of bridge, and that the sandy bottom was all alive in flood; tenders were on

invited for iron cylinders and carriage of same, but were found too expensive, and Mr. Philben was instructed to examine for another site; he telegraphed on 28th September that an eligible site existed 2 miles up stream, and that the contractor had only completed Umeralla Bridge, and was making a bush-track to bring out timber for Bredbo Bridge, when he would be ready to commence pile-driving in three weeks from the 4th October, 1870, or about 25th October, 1870. A telegram was sent Mr. Philben on the 10th October, the day of receipt of his written report in office, for further information, and replied to by him on same day. Hannaford was then instructed to proceed with obtaining the timber and the framing of the trusses, and that the site would be finally determined on when I visited the locality, which I was not able to do until the 24th February, 1871, when I determined on the site, and Hannaford was directed to proceed with the work, and could have proceeded without any delay, as he had plans sufficiently detailed to work from, and could have set the bridge out himself, and might have been all this time preparing the timber and iron for the trusses. Hannaford then claims to be paid for the time his men were alleged to have been kept idle from April to October, 1871, by floods, when he was no doubt doing as much work as any other person, and had the work been on the original site he would have been much worse impeded by the back water from the Murrumbidgee. He also claims to set aside the contract, as the site was changed, and additions made to bridge; but he has, by accepting payment and acting under the contract, admitted it; and as the first infringement of the contract was his, he has no equitable claim whatever in consideration for delay; he has been fully allowed all the measurement, and he was twelve months from admitted date of commencement, instead of five, in completing bridge, without being fined. I recommend that he be written to, offering him without prejudice:—

	£	s.	d.
The balance of measurement	100	10	0
Cost of removing stores	30	0	0
Piles wasted	3	0	0
Additional cost of iron (at the very outside, £10 per ton) for 2 tons 6 cwt.	27	0	0
	£160	10	0

W.C.B, 2/4/73.

Inform.—J.S., 2/4/73. R. Hannaford, 9/4/73. Roads, for information.—J.R., 9/4/73. File.—W.W.

No. 48.

THE UNDER SECRETARY FOR PUBLIC WORKS to MR. R. HANNAFORD.

Department of Public Works,
Sydney 9 April, 1873.

SIR,

The Secretary for Public Works having referred your letters of 17th and 22nd ultimo, together with your previous correspondence relating to your claim for work, &c., on account of Bredbo Bridge contract, removal of site, &c., I am directed to offer you, without prejudice, the following sums in full of all demands, viz.:—

	£	s.	d.
The balance measurement	100	10	0
Cost of removing stores	30	0	0
Piles wasted	3	0	0
Additional cost of iron, &c.	27	0	0
	£160	10	0

Requesting your early reply—

I have, &c.,
JOHN RAE.

No. 49.

MR. HANNAFORD'S BILL OF EXTRAS.

To W. Bennett, Esq.

Account of Items done at the Bredbo Bridge.

		£	s.	d.
1.	Six piles rendered useless in consequence of alterations in contract ...	3	0	0
2.	Self, loss of time from last week in September to 16th December, at £3 per week	36	0	0
	Wages to men taking care of tent, blacksmith's shop, machinery, tools, stores, at £1 10s. per week	18	0	0
	Loss of time of ten bullocks, ten horses, and waggon, at £4 per week ...	48	0	0
3.	Wages of four men from January 10th to February 24th, waiting for Mr. Bennett	18	0	0
	Loss of time self, during period	6	0	0
	Do. two teams	10	0	0
	Suvrs. time	4	0	0

		£	s.	d.
4.	Removing to the third site	10	0	0
	Do. blacksmith's hut and machinery to the same place	20	0	0
5.	Loss of time self, three weeks from 25th March to 17th April, 1871 ...	9	0	0
6.	Raising pile-driving machine 12 feet higher	40	0	0
	Extra cost of shear-legs, blocks, and men's labour	40	0	0
7.	Extra time and labour caused by extra depth and strength of stream ...	10	0	0
8.	Cambering girders, per written orders	40	0	0
9.	Difference between price of two tons of iron and four more used when contract entered into, and the price it had risen during the delay	10	0	0
10.	Extra labour in working, painting; caused by timber having been cut a long time, that is from date of order to time of using	30	0	0
	To wages of eight men, 21 weeks, at an average of £2 10s. (420) say £2 3s.	280	0	0
	Ten bullocks at £3 per week (63s.) say £2 3s.; self, loss of time, £3 per week	42	0	0
		£674	0	0

Extra timber in consequence of addition of first contract :—

Piles in the ground, 344 feet at 3s. 6d.	60	4	0
Hewn timber, 580 cubic feet at 3s. 6d.	101	9	0
Sawn timber, including spikes (617) at 4s. 9d.	146	10	0
Half-round timber (66) at 3s.	9	18	0
Round timber (160) at 2s. 6d.	20	0	0
Sawn timber only (403) at 4s. 6d.	90	13	0
„ „ planed and framed (231) at 4s. 3d.	47	19	6
Tarring, 1,460 superficial yards, at 1s. 3d....	91	6	3
Painting, 155 „ at 1s. 3d....	9	13	9
Iron casting, 7⅜ cwt., at 4s. 7d.	17	4	8
Wrought-iron, 2,200 lbs., at 6d.	55	0	0
	647	18	2
	674	0	0
	£1,321	18	2

No. 50.

COMMISSIONER'S REMARKS ON THE BILL.

1. The piles will be allowed, if they can be handed to Superintendent, £3.

2. Claims £102 from last week in September to 10th December, for loss of time for self, bullocks, and watchman. This was waiting for the Government to decide on what steps should be taken. Had Mr. Hannaford carried out his contract in the first instance, he would have had the bridge nearly completed by the time first flood occurred (26 April, 1870), the original time for completion being 6th May, so that Mr. Hannaford is doubly liable for this amount—firstly, as a flood risk; secondly, as it arose from his not fulfilling his contract.

3. Hannaford claims £38 for waiting for me. There was no necessity for his doing so; he was, from the first, informed that a telegram would be sent him a few days before he was to commence, and it was not necessary that he should have a number of men to wait to receive instructions.

4. These two items it was proposed to allow Hannaford; he was offered them in letter.

5. A claim for his own loss of time from date when I determined on site to date when he states he received instructions to go on. This, I think, should not be allowed, as he could have proceeded with the work without delay after site was determined on by me, and there was plenty of work to be done preparing trusses and carting timber; and works of this sort were done, though he states he was doing nothing.

6. Hannaford demands £40 for raising pile-engine, and for 6 feet addition to height of shear-legs. This, I think, was amply paid for by the additional length of driving, and of piles out of ground. The labour in pitching or handling a 25-feet pile or 30-feet is little more than handling a 25 or 40 feet, and is more than paid for by the extra schedule quantity.

7. Hannaford claims £10 for extra depth and strength of stream. The new site was 2¼ miles above the old one. The stream was, of course, smaller in volume, and if it was extra deep must have had less velocity, or the contrary; and the site being more remote from the junction, was much less exposed to the Murrumbidgee floods.

8. Cambering girders is in the contract. He might as well claim for carting the timber or any other indispensable part of contract.

9. Difference between cost of iron when contract was taken and when executed. As Hannaford states he had 2 tons of iron on ground in February, 1870, this can only apply to the excess over that. The whole of the iron in contract amounted to 4 tons 7 cwt., so that Hannaford could not possibly claim this amount on more than 2 tons 7 cwt., which might be allowed if he would consent to sign receipt in full. The amount would be £27.

10. The extra labour in working is very doubtful. I am inclined to think that though the timber was hardened with the seasoning—that, not being soddened with sap, it worked and took the paint better than when fresh.

11. Hannaford claims for wages of men delayed by floods from May to October, 1871, when no doubt they were framing the trusses and getting up the timber; and as this delay originated with himself, from his not carrying out his contract, I do not think the claim should be entertained.

The whole of these claims are nearly on a par with that for cambering, the absurdity of which is patent.

Hannaford ought to consider himself well off that he was not fined £3 a week for all time delayed beyond the five months contracted for.

WILLIAM C. BENNETT.

No. 51.

MR. R. HANNAFORD to THE COMMISSIONER AND ENGINEER FOR ROADS.

Braidwood, 11 November, 1872.

SIR,

You would oblige me by answering this letter, stating whether my bill that I brought to Sydney, and gave into the office, has been paid in or not to J. S. Bank.

By doing the above you would oblige.

I remain, &c.,
R. HANNAFORD.

Re-submit with papers.—W.C.B., 12/11/72. Is there any letter from Mr. Hannaford on this?—W.C.B., 12/11/72.

No. 52.

MR. R. HANNAFORD to THE COMMISSIONER AND ENGINEER FOR ROADS.

Braidwood, 19 November, 1872.

SIR,

I wrote to you—but did not get answer—about my bill of the Bredbo Bridge. I have waited a long time, and would like to know when it will be paid, or I will have to see further about it.

By answering the above you would oblige,—

Your obedient servant,
R. HANNAFORD.

Inform that the matter is being attended to, and a reply will be received in a few days.—W.C.B., 27/11/72. Mr. R. Hannaford, 28/11/72.

No. 53.

THE COMMISSIONER AND ENGINEER FOR ROADS to MR. R. HANNAFORD.

Department of Public Works,
Office of Commissioner and Engineer for Roads,
Sydney, 28 November, 1872.

SIR,

In reply to your letter of 19th instant, referring to your claim for work done at Bredbo Bridge, I have to inform you that the matter is being attended to, and that you will receive a reply in a few days.

I have, &c.,
F. J. WICKHAM,
(For the Commissioner and Engineer).

No. 54.

MR. R. HANNAFORD to THE COMMISSIONER AND ENGINEER FOR ROADS.

Braidwood, 17 December, 1872.

SIR,

Having waited a long time for an answer, I am compelled to write to you again to answer by the return of post whether my bill has been paid or not.

By so doing you would oblige,—

Your obedient servant,
R. HANNAFORD.

Wr. Wells to see me on this on Monday.—W.C.B., 20/12/72.

No. 55.

No. 55.

MR. R. HANNAFORD to THE SECRETARY FOR PUBLIC WORKS.

Braidwood,
21 December, 1872.

SIR,

I delivered a bill for the Bredbo Bridge about three months ago. I have written several times, and got one answer, dated 28th of November, informing me I should hear from them, respecting the claim for work done, in a few days, but have not got an answer yet. The details of the claim is in the Commissioner's office. After waiting so long you will oblige me to see it paid.

From your humble servant,
R. HANNAFORD.

Roads, for report.—B.C., 23/12/72. J.R.
I will attend to this as soon as possible; the man is paid all but a small balance.—W.C.B., 24/12/72.
Under Secretary. B.C., W., 27-12.
Inform, 28/12/72.—J.R.
Mr. R. Hannaford (See letter of 7/1/73), 2/1/73. Roads, B.C., 2/1/73.

No. 56.

MINUTE PAPER—ROADS DEPARTMENT.

WITH reference to Hannaford's claim for extra payment, Bredbo Bridge, the case stands thus: his statement is correct as to first place, but the clause as to extras enabled us to alter same at schedule rates.

The six piles stated to be useless, if otherwise right, can be purchased at price stated, and be used in the vicinity.

In May, 1870, the river at proposed site having been washed to double the width by flood, it was determined to change site; but, to compensate Hannaford for delay, he was given other work at the Umeralla Bridge at his Bredbo rates. This kept him and his men employed until he could go on at Bredbo, and used a good deal of the timber. There were other small works also given to him.

With reference to the loss of time complained of, it was chiefly caused by floods, indeed the whole change was caused by floods, and the 14th clause of general conditions throws all this risk on contractor.

All the extra work has been measured, and Hannaford has been paid £1,604. There is still according to measurement £100 10s. due to him. In addition to this amount, I think he should receive the £30 claimed by him for removing plant and shops.

Hannaford cannot set aside the contract; he proceeded with the work under it, and we have his written receipts for several payments on account, thereby admitting himself the contract, and the general conditions give power to increase or decrease quantities of work without vitiating contract.

Hannaford has been dealt with very tenderly, on account of the delays, no fines have been inflicted, and he got several other works in the vicinity to keep him going.

He might be informed to this effect,—that £130 10s. 10d., being £1,734 in all, will be paid him on his signing receipt in full.

Under Secretary, B.C. W.C.B., 30/12/72.
Approved.—J.S., 31/12/72.
Mr. Hannaford. 8/1/73. Commissioner for Roads.—B.C., 8/1/73. J.R.

No. 57.

THE UNDER SECRETARY FOR PUBLIC WORKS to MR. R. HANNAFORD.

Department of Public Works,
Sydney, 7 January, 1873.

SIR,

In reply to your letter of the 1st ultimo and previous correspondence, requesting payment of balance for extras, &c., on account of your contract for the erection of Bredbo Bridge, I am directed by the Secretary for Public Works to inform you that the sum of £130 10s. 10d. (*i.e.*) £100 10s. 10d. balance due in accordance with measurement, and the sum of £30 as claimed by you for compensation for removal of plant, &c., will be paid on your signing a final voucher in full of all demands on account of the contract in question.

I have, &c.,
JOHN RAE.

No. 58.

MR. R. HANNAFORD to THE CHIEF CLERK, ROADS DEPARTMENT.

Braidwood,
7 January, 1873.

SIR,

I have written so many times and only got one answer, which was to say I was to get answer in two or three days. It is now months, and I have not got it yet.

It was the same by the Bredbo Bridge: I was to get the site in a month, and it went for nearly a year.

If I don't get answer by Thursday, I shall hand my bill to Mr. Greville to put before the Ministry, and if not settled shall try legal means.

I remain, &c.,
R. HANNAFORD.

No. 59.

E. GREVILLE, ESQ., M.L.A., to THE SECRETARY FOR PUBLIC WORKS.

Sydney, 15 March, 1873.

DEAR SIR,

I enclose a note received from Mr. Rd. Hannaford, by which you will perceive how anxious he is that you should adjudicate at your earliest convenience on his case.

Yours faithfully,
EDW. GREVILLE.

Mr. Bennett, please consider this matter well and see me with respect to it.—J.S., 17/3/73.

[*Enc'osure.*]

Mr. R. Hannaford to E. Greville, Esq., M.L.A.

Braidwood, 12 March, 1873.

Sir,

I write to thank you for the trouble you lately took on my behalf in using your influence with the Hon. Minister for Works so that my claim upon the Government might be brought to a settlement. I trust the matter will now be concluded without more delay, and that the hon. gentleman having thoroughly investigated my case will award me such a compensation as will prevent any further trouble.

I am, &c.,
R. HANNAFORD.

No. 60.

MR. R. HANNAFORD to THE SECRETARY FOR PUBLIC WORKS.

Braidwood, 17 March, 1873.

SIR,

I expected answer to my claim by this time. I have waited for this money years, and I think it was time it is settled.

You would oblige me by answer by the return of post.

No more at present from

Your humble servant,
R. HANNAFORD.

Mr. Bennett,—see previous letter.—J.S., 19/3/73. Roads.—B.C., 19/3/73. J.R.

No. 61.

MR. R. HANNAFORD to THE SECRETARY FOR PUBLIC WORKS.

Braidwood, 22 March, 1873.

SIR,

I am rather surprised that my letter was not answered about my bill. If it is not answered and settled by the return of post I must try other means. It is not months, but years since the delay occurred, and the interest and other expenses is worth more than one-third of the money.

Hoping I shall receive an answer,—

I remain, &c.,
R. HANNAFORD.

Mr. Bennett,—to say what is to be done in this matter.—J.S., 24/3/73.

No. 62.

MR. R. HANNAFORD to THE UNDER SECRETARY FOR PUBLIC WORKS.

Braidwood, 19 April, 1873.

SIR,

In reply to yours of 9th instant, offering the sum of £160 10s. as payment in full of all demands, I beg respectfully to state I cannot accept the same.

I will thank you to pay the sum of £100 10s., the amount due me, being "balance of measurement," to my credit at the Australian Joint Stock Bank, Sydney; the balance, "cost of removing and extras," I must allow to stand over for further consideration.

I am, &c.,
R. HANNAFORD.

Roads, for report.—B.C., 22/4/73, J.R. I do not think it would be safe to pay, unless Hannaford first signs the usual receipt in full. The C. Sr. should be consulted.—W.C.B., 28/4/73. Under Sec., B.C. What is the real point to be submitted to the Crown Solicitor.—J.R., 2/5/73. The point is this:—Hannaford wants to be paid the undisputed items without signing receipt in full. Can we not withhold payment until he signs such receipt;—will doing so invalidate receipt?—W.C.B, 2/5/73. Under Sec., B.C. Crown Solicitor.—B.C., 3/5/73, J.R.

No. 63.

THE CROWN SOLICITOR to THE UNDER SECRETARY FOR PUBLIC WORKS.

Crown Solicitor's Office,
Sydney, 26 June, 1873.

Hannaford's Contract.

SIR,

I have the honor to return herewith the papers forwarded to me, with cheque for £100 10s., and request that you will be pleased to submit to the Hon. the Minister for Works that there is not sufficient reason for requiring me to make this payment to the contractor.

The only question is whether Mr. Bennett should take a simple receipt for the amount paid, or insist upon having a receipt specifying that such payment is in full of all demands. It is usual and very expedient to require that the final receipt should state that it is in full of all demands, but all that can be legally required is a receipt for the sum actually paid, as I have already advised. If the contractor thinks fit to sign a receipt in full discharge, I do not think that the fact of his having been kept out of his money until he so signed would invalidate it. Of course it is open to him to refuse to sign such a receipt, and to sue for the amount which he claims to be due to him; in which case, unless a formal tender has been made to him of the balance admitted to be due, and upon his suing that sum is paid into Court, he will, as I have stated in my previous letter, recover the costs of the action, although the Jury may find that the objection raised by the department to the payment of the extras is well-founded.

The question for Mr. Bennett to decide is really whether he will pay the amount admitted to be due to the contractor, taking a simple receipt, and run the risk of the contractor bringing an action for the further sum claimed; or refuse to pay the balance admitted by him to be due, at the risk of the contractor refusing to sign a receipt in full of all demands, and suing the Government for that balance and the additional sum he claims.

I have, &c.,
JOHN WILLIAMS,
Crown Solicitor.

Mr. Bennett,—with cheque for £100 10s.—B.C., 27/6/73, J.R. Under the circumstances, I presume the safest course will be to pay and take the ordinary receipt.—W.C.B., 27/6/73. Under Secy.—B.C. Noted, 27/6/73. Approved.—J.S., 27/6/73. Cheque for £100 10s. paid to Mr. Weber's credit. Mr. Weber and Mr. Hannaford advised.—F.J.W., 28/6/73.

No. 64.

THE CROWN SOLICITOR to THE UNDER SECRETARY FOR PUBLIC WORKS.

Crown Solicitor's Office,
Sydney, 18 June, 1873.

SIR,

I have the honor to return the papers relating to Mr. Hannaford's contract, and to state that, although it is very desirable that you should obtain a receipt in full discharge of all demands, you have no legal right to refuse payment until such a receipt is given to you. You are entitled to require a receipt for the amount paid, but whether that is a full payment depends of course upon the state of the account. You have no legal right to demand an acknowledgment that any sum you may think fit to pay is received in full discharge, when in truth the contractor still claims that a further sum is due to him.

Withholding payment will not, as suggested by Mr. Bennett, invalidate the receipt, for, I suppose, if the payment is withheld, that is, not made, there will be no receipt; but the contractor may sue, and, there being an admitted balance due, is sure to recover his costs, even if the Jury find that the extras ought not to be paid for.

I have, &c.,
JOHN WILLIAMS,
Crown Solicitor.

Mr. Bennett,—to see.—B.C., 19/6/73, J.R. I did not contemplate a receipt without payment. I asked if withholding payment until contractor signed, or what is the same, consented to sign receipt in full, would render such receipt in full invalid. Perhaps the best course now would be to send the amount to the C. S. to pay, and take such receipt as he may think fit.—W.C.B., 19/6/73. Under Sec.—B.C. Noted, 20/6/73. Approved.—J.S., 23/6/73. Mr. Bennett.—B.C., 24/6/73, J.R. Send voucher with cheque in advance to the Under Sec., for transmission to Crown Solicitor.—W.C.B., 26/6/73. Cheque for £100 10s. herewith. Cheque and voucher herewith.—P.H.F., 26/6/73. Under Sec.—B.C. Forward to Crown Solicitor.—J.R. Crown Solicitor.—B.C., 26/6/73, J.R.

No. 65.

TELEGRAM from MR. ROAD SUPERINTENDENT WEBER to THE COMMISSIONER AND ENGINEER FOR ROADS.

Braidwood, 4 July, 1873.

MR. Hannaford declines signing voucher for £100 10s. for balance of account for contract, Bredbo Bridge, and will only sign voucher for payment on account of contract. The payment has not been made, waiting for instructions.

If Hannaford will sign the usual receipt the money can be paid. Voucher herewith.—W.C.B., 4/7/73. Mr. Weber.—B.C. Receipt forwarded.—A. WEBER, 10/7/73.

No. 66.

(Section of creek north of Bredbo. *Vide Appendix* L.)

No. 67.

VOUCHER FOR FIRST ADVANCE.

Bredbo Bridge. (V. 45–71.)

Series B.—Contingency Form No. 9. DEPARTMENT OF ROADS AND BRIDGES. Pay Voucher No. 1864.

H.

Head of Service [As specified in the Appropriation Act of 187 .] Payable from Vote of £ : : Item No. of Appropriation Act of 187 .

[(*Departmental Reference*) *No.* Cooma to Queanbeyan Road, Cooma District.]

ABSTRACT of Payments to Contractors and others employed as herein described, from the of to the 30th of June, 1871.

Names.	Locality. Nature and quantity of work done by each individual or party to be here stated.	No. of contract or task.	Rate.	No. of full working days.	Amount.	Total.	We, the undersigned, hereby acknowledge to have received from the Commissioner for Roads, the sums set down opposite to our several names, being in full of our demands respectively, for the services specified in this Abstract.	Date of payment, and by whom paid.	Witness.
	Bredbo Bridge.					£ s. d.			
R. Hannaford...	1st advance on account	...	...	...	.....	300 0 0	A. J. S. Bank, Sydney		

We hereby certify that the amount, three hundred pounds shillings and pence, charged in this voucher, as to computations, castings, and rates, is correct; that the persons therein named have fully and fairly performed the work contracted for by them; and that the day labourers have been employed for the time stated against their respective names, and at the current rate of wages; and that the expenditure is duly authorized in terms of the Audit Act.

Overseer. W. F. BUNDOCK, Superintendent.

Bredbo Bridge. (Vou. 45–71.)

DEPARTMENT OF PUBLIC WORKS. I.

Cooma to Queanbeyan Road.

Cooma District, Division.

RETURN showing the amount and value of Work done on this Division, from to the 30th June, 1871.

No. of contract.	Name of contractor.	Date of last measurement, or completion of work.	Date of present measurement, or completion of contract.	Total amount of contract.	Total value of work executed to this date.	Amount already advanced on account.	Amount of advance now recommended.
		1870.	1871.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
	R. Hannaford	6 January ...	30 June.....	1,078 0 0	1,078 0 0	.....	300 0 0
	Total of task-work for the			*			

NOTE * The total amount of task-work sanctioned for the to be inserted here.

Details

Details of Measurements of the above work, as stated in the fourth column.

No of contract.	Description of work.	Dimensions.		Quantity.	Price.	£ s. d.
	Piles driven on south bank	4 abutment piles, 16 ft. in ground	= 64 0			
	„ „	3 piles in 1st approach pier, 16 0	= 48 0			
	„ „	3 piles in 2nd approach pier, 17 0	= 51 0			
	„ „	6 piles in main land pier 18 0	= 108 0	271 lin. ft.	3/6	47 8 6
	Hewn timber	4 main piles, 11 0 x 12 x 12	= 44 0			
		1 capsill 21 0 x „ x „	= 21 0			
		2 capsills 16 0 x „ x „	= 32 0			
		2 capsills 18 0 x „ x „	= 36 0			
		4 corbels 7 6 x „ x „	= 30 0			
		8 corbels 11 0 x „ x „	= 88 0	251 cub. ft.	3/6	43 18 6
	Hewn on three sides	2 outer girders, next abut. of 22 0	= 44 0			
	„ „	2 „ „ 2d span of 26 0	= 52 0	96 lin. ft.	3/-	14 8 0
	Round timber	2 inner girders of 33 0	= 44 0			
	„ „	2 „ „ of 26 0	= 52 0			
	„ „	4 abutment piles above ground of 6 0	= 24 0			
	„ „	3 1st pier piles „ „ of 8 0	= 24 0			
	„ „	3 2d pier piles „ „ of 8 0	= 24 0			
	„ „	2 heads of spur-piles	= 2 0			
	„ „	2 wing pieces, of 20 0 each	= 40 0	210 lin. ft.	2/6	26 5 0
	Sawn timber, spikes included.	In planking of 2 spans 45 0 x 16 0 x 4 in.	=	240 cub. ft.	4/9	57 0 0
	Smithwork	In pile-shoes fixed, 16 shoes of 30 lbs.	= 480 lbs.			
	„	12 bolts to corbel cap and girder end washer of 17 lbs.	= 204 „			
	„	20 bolts to end of corbels of, say 14 lbs.	= 280 „			
	„	2 hoop-straps to wings of, say 28 lbs.	= 56 „			
	„	4 bolts to hoop-straps of 3½ lbs.	= 14 „	1,034 lbs.	...	
	Timber on ground unfixed.	In planking, sheathing, trussing, beams, piles, corbels, &c.		2,500 cub. ft.	1/4	166 13 4
						381 10 4
		Less 20 per cent., say		.....	...	81 10 4
		First advance, total		.....	...	300 0 0

We hereby certify that the above return is a fair and correct statement of the contract to which it refers, and that the above measurements were made by

Overseer. Road Superintendent.

Hannaford has written the note handing over the timber on ground, on condition of this advance of £300 and payments as the work progresses.

Please advise by telegraph when the money can be paid, as I believe he is in want of it.—W.F.B., 30/6/71.

The Commissioner for Roads, Sydney.

No. 68.

VOUCHER FOR SECOND ADVANCE.

1869. £1,700.

Series B.—Contingency Form No. 9. DEPARTMENT OF ROADS AND BRIDGES. Pay Voucher No. 2,550.

H.

Head of Service. Payable from Vote of £ : : Item No. of Appropriation Act of 187 .

[As specified in the Appropriation Act of 187 .]

[(*Departmental Reference*) *No.* 99/71. Bredbo Bridge, Cooma District.]

ABSTRACT of Payments to Contractors and others employed as herein described, from the 30th of June to the 30th of September, 1871.

Names.	Locality. Nature and quantity of work done by each individual or party to be here stated.	No. of contract or task.	Rate	No. of full working days.	Amount.	Total.	We, the undersigned, hereby acknowledge to have received from the Commissioner for Roads, the sum set down opposite to our several names, being in full of our demands respectively, for the services specified in this Abstract.	Date of payment, and by whom paid.	Witness.
R. Hannaford...	*Bredbo Bridge.* Second advance on account of contract for erection of the Bredbo Bridge.	...	...	...	.....	£ s. d. 200 0 0	A. J. S. Bank.		

We hereby certify that the amount, two hundred pounds shillings and pence, charged in this voucher, as to computations, castings, and rates, is correct; that the persons therein named have fully and fairly performed the work contracted for by them; and that the day labourers have been employed for the time stated against their respective names, and at the current rate of wages; and that the expenditure is duly authorized in terms of the Audit Act.

W. F. BUNDOCK,
Superintendent.

Overseer.

DEPARTMENT

DEPARTMENT OF PUBLIC WORKS.

Road. I.

Bredbo Bridge, District, Division.

RETURN showing the amount and value of Work done on this Division, from 30th June to the 30th September, 1871.

No. of contract.	Name of contractor.	Date of last measurement, or completion of work.	Date of present measurement, or completion of contract.	Total amount of contract.	Total value of work executed to this date.	Amount already advanced on account.	Amount of advance now recommended.
		1871.	1871.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
	R. Hannaford	30/6	30/9	1,078 0 0	548 1 6	300 0 0	200 0 0
	Total of task-work for the			*			

NOTE * The total amount of task work sanctioned for the to be inserted here.

Details of Measurements of the above work, as stated in the fourth column.

No. of contract.	Description of work.	Dimensions.			Quantity.	Price.	£ s. d.
	Work fixed and	detailed in first advance.....			.....	...	214 17 0
	Piles driven	4 abutment piles, 12 feet each	=	48 0			
	"	6 main piles, 16 ft. ; 2 spur piles, 22	=	140 0			
					188 lin. ft....	3/6	32 18 0
	Hewn timber	4 piles, 11′ x 12 x 12, north pier	=	44 0			
	"	2 caps, 18 x do do. do	=	36 0			
		1 cap, 21 x 12 x 12, north abutment	=	21 0			
		4 corbels, 7′ 6″ x 12″ x 12″	=	30 0			
		12 blocks, 12″ x 12″ & 12″ x 24″	=	20 0			
		2 false caps, 14 x 13″ x 12	=	30 4			
		2 main wales, 28 feet e.	=	56 0			
		4 corbels, 13 6 x 15″ x 12″	=	67 6			
		6 braces and counter-braces, say		120 8			
					425 cub. ft.	3/6	74 7 6
	Hewn on two sides	2 outer girders, 31′ 6″, and 2 of 26′ 6″			116 lin. ft....	3/-	17 8 0
	Round timber	4 south abutment piles, 5 ft. each	=	20 0			
	"	2 inner girders, 31 6, & 2 of 26 6	=	116 0			
					136 lin. ft....	2/6	17 0 0
	Sawn timber, spikes included	One span, 25, & one of 30′ = 55′ x 16′ x 4′	=	293 4			
		Backing, 9′ x 35′ 0 x 4	=	105 0			
					398 cub. ft.	4/9	94 10 6
	Sawn timber, framed	Two halves of tie-beam framed, 142 x 12″ x 12″			142 " " .	4/6	31 19 0
	Tarring	Main piles, 88 ft. x 4 0	=	352 0			
	"	Capsills, 146 x 4 0	=	584 0			
	"	Small corbels, 148 x 4 0	=	592 0			
	"	Main wales and braces, 176 x 4 0	=	704 0			
	"	Main corbels, 54 x 4 6	=	243 0			
	"	Block under false cap	=	104 0			
		False caps, 28 0 x 4′ 2″	=	116 8			
		Piles and wings, 134 x 3′ 6″	=	469 0			
		Round timber in beams, 424 x 4	=	1,696 0			
		Inner surfaces of one tie-beam	=	568 0			
		Under side of deck, 100′ x 16′	=	1,600 0			
		Sides and edges of backing, 27 x 35	=	945 0			
				7,973 8	say 886 sp. yd.	1/3	55 7 6
	Smith-work	12 pile-shoes of 30 lbs. each	=	360			
		4 bolts, 1½ dr. to main wales, @ 17 lbs.	=	68			
		¾ bolts to head & intersection of main braces	=	38			
		74 small bolts to stringer, 1′ x ¾ d.	=	161			
		22 bolts, 1 6 x ¾ to do. do.	=	66			
		8 bolts, 1″ diameter and 4 feet long	=	95 lbs.			
					788 lbs.	6	19 14 0
							548 1 6
		Less first advance			.....	...	300 0 0
							248 1 6
		Less 20 per cent., say			.....	...	48 1 6
		Second advance.....		Total...	.....	... £	200 0 0

We hereby certify that the above return is a fair and correct statement of the contract to which it refers, and that the above measurements were made by

Road Superintendent.

Overseer.

No. 69.

No. 69.

VOUCHER FOR THIRD ADVANCE.

Series B.—Contingency Form No. 9. DEPARTMENT OF ROADS AND BRIDGES. Pay Voucher No. 2,730.

H.

Head of Service Payable from Vote of £ : : Item No. of Appropriation Act of 187 .

[As specified in the Appropriation Act of 187 .]

[(*Departmental Reference*) *No.* 111/71. Bredbo Bridge, Cooma District.]

ABSTRACT of Payments to Contractors and others employed as herein described, from the 30th of September to the 23rd of October, 1871.

Names.	Locality. Nature and quantity of work done by each individual or party to be here stated.	No. of contract or task.	Rate.	No. of full working days.	Amount.	Total.	We, the undersigned, hereby acknowledge to have received from the Commissioner for Roads, the sums set down opposite to our several names, being in full of our demands respectively, for the services specified in this Abstract.	Date of payment, and by whom paid.	Witness.
	Bredbo Bridge.					£ s. d.			
R. Hannaford...	Third advance on contract.	...	...	...	.....	100 0 0	A. J. S Bank		

We hereby certify that the amount, one hundred pounds shillings and pence, charged in this voucher, as to computations, castings, and rates, is correct; that the persons therein named have fully and fairly performed the work contracted for by them; and that the day labourers have been employed for the time stated against their respective names, and at the current rate of wages; and that the expenditure is duly authorized in terms of the Audit Act.

Overseer. Superintendent.

DEPARTMENT OF PUBLIC WORKS. I.

Bredbo Bridge.

District, Division.

RETURN showing the amount and value of Work done on this Division, from 30th September to the 23rd October, 1871.

No. of contract.	Name of contractor.	Date of last measurement, or completion of work.	Date of present measurement, or completion of contract.	Total amount of contract.	Total value of work executed to this date.	Amount already advanced on account.	Amount of advance now recommended.
				£ s. d.	£ s. d.	£ s. d.	£ s. d.
	R. Hannaford	30/9	23/10	1,078 0 0	704 14 10	500 0 0	100 0 0
	Total of task-work for the			*			

NOTE * The total amount of task-work sanctioned for the to be inserted here.

Details

Details of Measurements of the above work, as stated in the fourth column.

No. of contract.	Description of work.	Dimensions.	Quantity.	Price.	£ s. d.
	Pile-driving	In 33 piles driven to date	562½ lin. ft.	3/6	98 8 9
	Hewn timber	In piles above ground = 177·8 cub. ft.			
	,,	Capsills fixed = 182·0 ,,			
	,,	Corbels to truss spans = 125·0 ,,			
	,,	Braces to truss piers = 160·3 ,,			
	,,	2 wales, each 28 feet = 56·0 ,,			
	,,	False cap and blocks = 50·4 = 899′ 3″			
			899½ cub. ft.	3/6	157 7 4
	Hewn on three sides—14″ x dr. 12″.	23·4, 27·4, 25·9, 33·0—two of each length	219 lin. ft.	3/-	32 17 0
	Round timber	In piles to piers and abutments = 105· 0			
	,,	Inner girders = 213·10			
	,,	2 wing pieces fixed = 40· 0 = 358·10			
			359 lin. ft.	2/6	44 17 6
	Sawn timber, spikes included.	105′ 0″ x 16′ 0″ x 4 in decking = 560·0			
		7 0 x 21 0 x 4″ in wings = 49·0			
			609 cub. ft.	4/9	144 12 9
	Sawn timber framed	In tie-beam—142 x 12 x 12 = 142·0			
	,,	4 main rafters—17·6 x 12″ x 12″ = 70·0			
	,,	2 straining beams—23·0 x 12″ x 12″ = 46·0			
	,,	Braces (12·6 and 7·6) = 40·0 x 9″ x 8″ = 20·0			
	,,	Counter-braces and posts = 31 x 8 x 8 = 14·0			
	,,	2 butting blocks—10′ x 12″ x 12″ = 20·0			
			312 cub. ft.	4/6	70 4 0
	Tarring	As detailed last advance	886 sup. yards	1/3	55 7 6
	Smith-work	Previously detailed 1,822 lbs.			
	,,	5 pile-shoes of 30 lbs. 150 ,,			
			1,972 lbs.	-/6	49 6 0
	Iron castings	In 24 shoes and 12 bevil washers	22 cwt.	47/-	51 14 0
					704 14 10
		Less 20 per cent., say			104 14 10
					600 0 0
		Less two previous advances			500 0 0
		Third advance.....Total			100 0 0

We hereby certify that the above return is a fair and correct statement of the contract to which it refers, and that the above measurements were made by

Overseer.

W. F. BUNDOCK,
Road Superintendent.

No. 70.

VOUCHER FOR FOURTH ADVANCE.

Bredbo Bridge, 1869.

Series B.—Contingency Form No. 9. DEPARTMENT OF ROADS AND BRIDGES. Pay Voucher No. 2,956.

H.

Head of Service Payable from Vote of £ : : . Item No of Appropriation Act of 187 .

[As specified in the Appropriation Act of 187 .]

[*(Departmental Reference) No.* Queanbeyan to Cooma Road, District.]

ABSTRACT of Payments to Contractors and others employed as herein described, from the 23rd of October, to the 23rd of November, 1871.

Names.	Locality. Nature and quantity of work done by each individual or party to be here stated.	No. of contract or task.	Rate.	No. of full working days.	Amount.	Total.	We, the undersigned, hereby acknowledge to have received from the Commissioner for Roads, the sum set down opposite to our several names, being in full of our demands respectively, for the services specified in this Abstract.	Date of payment, and by whom paid.	Witness.
	Bredbo Bridge.					£ s. d.			
R. Hannaford...	Fourth advance on contract	.....	.....	.....	.....	150 0 0	A. J. S. Bank, Sydney.		

We hereby certify that the amount, one hundred and fifty pounds shillings and pence, charged in this voucher, as to computations, castings, and rates, is correct; that the persons therein named have fully and fairly performed the work contracted for by them; and that the day labourers have been employed for the time stated against their respective names, and at the current rate of wages; and that the expenditure is duly authorized in terms of the Audit Act.

Overseer.

W. F. BUNDOCK,
Superintendent.

DEPARTMENT

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DEPARTMENT OF PUBLIC WORKS. I.

Queanbeyan to Cooma Road.

Cooma District, Division.

RETURN showing the amount and value of Work done on this Division, from 23rd October to the 23rd of November, 1871.

Contract.	Name of contractor.	Date of last measurement, or completion of work.	Date of present measurement, or completion of contract.	Total amount of contract.	Total value of work executed to this date.	Amount already advanced on account.	Amount of advance now recommended.
		1871.	1871.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Bredbo Bridge.	R. Hannaford	23 October...	23 November	1,078 0 0	862 6 10	600 0 0	150 0 0
	Total of task-work for the			*			

NOTE * The total amount of task-work sanctioned for the to be inserted here.

Details of Measurements of the above work, as stated in the fourth column.

Contract.	Description of work.	Dimensions.		Quantity.	Price.	£ s. d.
Bredbo Bridge.	Pile-driving	Already returned	562 6			
	,, ...	Down stream spur north river pier.....	24 6	587 lin. ft.	3/6	102 14 6
	Hewn timber	Already returned	899 3			
	,, ...	Wales and braces to south river pier ...	92 6			
	,, ...	Butting-blocks	38 0	1029·9 cub. ft.	3/6	180 4 1
	Sawn timber.....	Already returned	312 0			
	,, ...	Tie-beam framed, 80 x 12 x 12	80 0			
	,, ...	Braces and counter-braces of one truss	34 0			
	,, ...	False bearing for x girders, 34′ x 12″ x 6″	17 0			
	,, ...	3 x. girders 22·6 x 12″ x 10″ ..... =	56 3			
	,, ...	2 of 18·0 and 2 of 14·0 x 12″ x 8″ ..... =	42 8			
	,, ...	14 of 18·0 and 4 of 14·0 = 308 x 12″ x 5 =	128 4			
	,, ...	2 x. girders of 19·6 x 12 x 5 ..... =	16 3			
	,, ...	Straining beam 28, 2 rafters..... =	58 0	744½ cub. ft.	4/6	167 10 3
	Hewn on three sides	As previously returned		219 ,,	3/–	32 17 0
	Sawn timber, spikes included.	,, ,, ...		609 ,,	4/9	144 12 9
	Round timber	,, ,, ...		359 lin. ft.	2/6	44 17 6
	Tarring.....	Previously detailed = 79·73′ 8″				
	,, ...	Piles and caps, river pier, 126 x 4 ..... =	584 0			
	,, ...	Wale, braces, and counter-braces 1329 x 4 =	531 0			
	,, ...	Main corbels 36′ x 15″ x 12 = 36 x 4′ x 6 =	162 0			
	,, ...	Inner surfaces of tie-beam 80 x 4 ..... =	320 0			
	,, ...	Butting-blocks 38′ 0″ x 12″ x 12′ ..... =	152 0			[67 10 0]
				1,080 sup. yd.	1/3	72 0 0
	Painting	2 straining beams and rafters, 116 ft. x 4 =	464 0			
	,, ...	8 braces, 80 ft. 2′ 10″ ..... =	226 8			
	,, ...	8 counter-braces and posts = 62 x 2′ 8″ —	165 4			
				95 ,,	1/3	5 18 9
	Iron-castings	In 24 shoes and 12 washers		22 cwt.	47/–	51 14 0
	Smith-work wrought	Already returned	1,972 lbs.			
		Pile shoe, 30 lbs. bolts to tie-beam 80 lbs. ...	110 ,,			
		10 suspension rods of 35 and 26 lbs.....	314 ,,	2,396 lbs.	6d.	59 18 0
						862 6 10
		Less three advances to date		.....	...	600 0 0
						262 6 10
		Less percentage, say		.....	...	92 6 10
		Fourth advance .....Total		.....	...	150 0 0

We hereby certify that the above return is a fair and correct statement of the contract to which it refers, and that the above measurements were made by

Overseer. Road Superintendent.

No. 71.

No. 71.

VOUCHER FOR FIFTH ADVANCE.

Bredbo Bridge, 1869.

Series B.—Contingency Form No. 9. DEPARTMENT OF ROADS AND BRIDGES. Pay Voucher No. 130

H.

Head of Service Payable from Vote of £ : : Item No. of Appropriation Act of 187 .

[As specified in the Appropriation Act of 187 .]

[(*Departmental Reference*) *No.* 151. Queanbeyan to Cooma Road, District.]

ABSTRACT of Payments to Contractors and others employed as herein described, from the 23rd of November to the 27th of December, 1871.

Names.	Locality. Nature and quantity of work done by each individual or party to be here stated.	No. of contract or task.	Rate.	No. of full working days.	Amount.	Total.	We, the undersigned, hereby acknowledge to have received from the Commissioner for Roads, the sums set down opposite to our several names, being in full of our demands respectively, for the services specified in this Abstract.	Date of payment, and by whom paid.	Witness.
	Bredbo Bridge.					£ s. d.			
R. Hannaford ...	Fifth advance on account of contract ..	...	...	...	.....	50 0 0			

We hereby certify that the amount, fifty pounds shillings and pence, charged in this voucher, as to computations, castings, and rates, is correct; that the persons therein named have fully and fairly performed the work contracted for by them, and that the day labourers have been employed for the time stated against their respective names, and at the current rate of wages; and that the expenditure is duly authorized in terms of the Audit Act.

Overseer.

W. F. BUNDOCK,
Superintendent.

Bredbo Bridge, Voucher.

DEPARTMENT OF PUBLIC WORKS. I.

Queanbeyan to Cooma Road.

Cooma District, Division.

RETURN showing the amount and value of Work done on this Division, from 23rd November to the 27th December, 1871.

No. of contract.	Name of contractor.	Date of last measurement, or completion of work.	Date of present measurement, or completion of contract.	Total amount of contract.	Total value of work executed to this date.	Amount already advanced on account.	Amount of advance now recommended.
		1871.	1871.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
	Richard Hannaford.....	23/11.....	27/12.....	1,078 0 0	993 2 7	750 0 0	50 0 0
	Total of task-work for the			*			

NOTE * The total amount of task-work sanctioned for the to be inserted here.

Details of Measurements of the above work, as stated in the fourth column.

No. of contract.	Description of work.	Dimensions.		Quantity.	Price.	£ s. d.
		Bredbo Bridge.				
		Already returned		.....	...	862 6 10
	Pile-driving	Remaining piles, north Paiti River		125 lin. ft.	3/6	21 17 6
	Hewn timber	In piles, north pier, &c., 73 8 x 12 x 12	= 73′ 8″			
		Braces and corbels—				
		Wale to N. R. Riv.	= 31 0			
		Capsills, 2 of 18 x 12″ x 12″	= 36 0			
		Corbels, 18 x 15″ x 12″ x 1′	= 39 0			
				245½ cub. ft.	3/6	42 19 3
	Sawn timber	In straining beams and principals	= 58 0			
		Braces and counter-braces of	= 68 0			
		In tie-beam 272 less returned before	= 50 0			
				176 cub. ft.	4/6	39 12 0
	Tarring	Wales, braces, piles and caps of N.R.	= 826 0			
		Corbels = 36 0 x 4 6	= 162 0			
		Tie-beam, say 50′ x 4″ sup.	= 200 0			
				132 sup. yd.	1/3	8 5 0
	Painting	One truss, as in advance No. 4		48 sup. yd.	1/3	3 0 0
	Iron-work	Bolts in middle half between	= 180 lbs.			
		5 pile shoes @ 30 lbs.	= 150 lbs.	.....	6d.	15 2 0
		10 suspension bolts	= 374 lbs.			
						993 2 7
		Less 20 per cent., say	193 2 7			
		Four previous advances	750 0 0			
				.....	...	943 2 7
		Fifth advance	Total	.....	£	50 0 0

We hereby certify that the above return is a fair and correct statement of the contract to which it refers, and that the above measurements were made by

Overseer. Road Superintendent.

No. 72.

VOUCHER FOR SIXTH ADVANCE.

1869.

Series B.—Contingency Form No. 9. DEPARTMENT OF ROADS AND BRIDGES. Pay Voucher No. 200.

H.

Head of Service, Bredbo Bridge, payable from Vote of £ : : Item No. of Appropriation Act of 187 .

[As specified in the Appropriation Act of 187 .]

[(*Departmental Reference*) *No.* Road, District.]

ABSTRACT of Payments to Contractors and others employed as herein described, from the 27th of December, 1871, to the 24th of January, 1872.

Names.	Locality. Nature and quantity of work done by each individual or party to be here stated.	No. of contract or task.	Rate.	No. of full working days.	Amount.	Total.	We, the undersigned, hereby acknowledge to have received from the Commissioner for Roads, the sums set down opposite to our several names, being in full of our demands respectively, for the services specified in this Abstract.	Date of payment, and by whom paid.	Witness.
	Bredbo Bridge.					£ s. d.			
R. Hannaford..	Sixth advance on account of contract.	...	...	...	.....	115 0 0	A. J. S. Bank, Sydney		

We hereby certify that the amount, one hundred and fifteen pounds shillings and pence, charged in this voucher, as to computations, castings, and rates, is correct; that the persons therein named have fully and fairly performed the work contracted for by them, and that the day labourers have been employed for the time stated against their respective names, and at the current rate of wages; and that the expenditure is duly authorized in terms of the Audit Act.

W. F. BUNDOCK,
Superintendent.

Overseer.

Voucher

Voucher 7–72.

DEPARTMENT OF PUBLIC WORKS. I.

27/1/72. *Bredbo Bridge Road.*

District, Division.

RETURN showing the amount and value of Work done on this Division, from to the 24th January, 1872.

No. of contract.	Name of contractor.	Date of last measurement, or completion of work.	Date of present measurement, or completion of contract.	Total amount of contract.	Total value of work executed to this date.	Amount already advanced on account.	Amount of advance now recommended.
				£ s. d.	£ s. d.	£ s. d.	£ s. d.
	R. Hannaford	27/12/71	24/1/72	1,078 0 0	1,143 16 8	800 0 0	115 0 0
	Total of task-work for the			*			

NOTE * The total amount of task-work sanctioned for the to be inserted here.

Details of Measurements of the above work, as stated in the fourth column.

No. of contract.	Description of work.	Dimensions.		Quantity.	Price.	£ s. d.
	Pile-driving, timber included	.....	′ ″	691′ 2″ lin. ft.	3/6	120 19 1
	Hewn timber	In piles squared above ground	239 4			
	,, ...	In 12 capsills, 12″ x 12″	218 0			
	,, ...	In 8 corbels, 11 ft., and 8 of 7′—6 x 12″ x 12″	148 0			
	,, ...	In 8 corbels to truss spans, 15″ x 12″	157 6			
		4 wales to trusses of 31 and 28 feet	118 0			
		2 false caps, 14″ x 13″ x 2″	30 4			
		8 blocks 2 ft. and 4 of 1 ft. x 12″ x 12″	20 0			
		Braces and counter-braces to main piers	231 7			
		3 small blocks to	3 9			
				1,166½ cub. ft.	3/6	204 2 9
	Hewn on two sides only ...	In outer approach, as per 111/71 voucher		219 ,,	3/-	32 17 0
	Round timber	In piles above ground =	109 0			
		Inner approach girders =	213 10			
		Wing pieces, say	40 0			
				362′ 10″ cub. ft	2/6	45 7 1
	Sawn timber (spikes included).	In decking, 105′ x 16′ x 4				
		At abutment 7 x 21 x 4				
				609 cub. ft.	4/9	144 12 9
	Sawn timber.....	In two tie-beams (207 ft. end)	414 feet			
		2 butting blocks 10 ft. and 2 of 9 ft =	38 ,,			
		8 wales and braces to small pier =	25 ,,			
		False bearings 6 x girder 6″ x 12″ =	32 ,,			
		6 x G of 22′, 6′ x 12″ x 10 =	112′ 6″			
		7 x G of 12″ x 8″ =	106′ 0″			
		28 x G of 18 feet x 12″ by 5″ =	210′ 0″			
		40 of 19 6 and 8 of 14′ 0″ x 12″ x 5″ =	79′ 6″			
				1,017 cub. ft.	4/6	228 16 6
	Sawn timber, framed and planed.	5 straining beams 12 rafters =	348 0			
		12 braces of 12′ 6″ and 12 of 7′ 6″ =	120 0			
	,, ,,	12 counter-braces and 12 posts of 3′ 0″ =	82 8			
				550⅝ cub. ft.	4/6	123 18 0
	Iron castings	In 32 shoes and 12 washers.....	lbs.	22 cwt.	47/-	51 12 0
	Smith-work	38 pile shoes of 30 lbs. =	1,140 0			
		8 bolts 3″ x 1½ to main wales =	136 0			
		3 bolts 3′ x ¾ to brace and counter-brace	18 0			
		24 bolts to piles, braces and blocks, main piers	96 0			
		208 bolts 1 ft. by ¾″ to tie-beam =	572 0			
		72 1·6 x ¾ to tie-beam and false bearing	216 0			
		18 long suspension bolts of 38 lbs.	684 0			
		12 short suspension bolts of 29 lbs. =	348 0			
		48 washers 8 x 5 x ⅝ =	312 0			
		10 bolts 3′ by 1″ to corbels, caps, and beams ..... =	112 0			
		4 hoops to abutments, say =	100 0			
				3,734 lbs.	6d.	93 7 0

No. of contract.	Description of work.	Dimensions.		Quantity.	Price.	£ s. d.
	Tarring	Square piles, caps, main wales, and braces ..... =	3,228 0			
		Round timber in approach girders =	1,728 0			
		Small corbels and blocks = 168 x 4 =	672 0			
		Ends of caps, corbels, blocks, and wales =	88 0			
		2 false caps, 14′ x 13′ x 12′ =	100 0			
		Corbels to main pier, 126′ x 4′ 6″ =	567 0			
		Round timber in piles and wings =	490 0			
		Backing, 9 x 35 x 3 =	945 0			
		Inner surfaces of tie-beam, 414 x 4 =	1,656 0			
		Butting block, 76 x 12″ x 12″ =	304 0			
		6 x G 22′, 6′ x 12″ x 10″ =	495 0			
		7 x G 18 x 14 x 12″ x 8 =	380 0			
		40 x G of 19, 6, 18 x 14 x 12″ x 6″ =	1,966 0			
		Wales and braces to small piers =	269 0			
		sup. ft.	1,288 0	=1,432 s. yd.	1/3	89 10 0
	Painting	Straining beam and rafters = 348 x 4 =	1,392 0			
		Braces 9″ x 8″ = 240 x 2·10″ =	588 0			
		Counter-braces and posts, 18 6 x 2′ 8″ =	496 0			
		sup. ft.	2,476 0	=276 sup. yd.	7½d.	8 12 6
						1,143 16 8
		Less 20 per cent., say		.....	...	228 16 8
						915 0 0
		Less five advances to 27th December		.....	...	800 0 0
		Sixth advance ..... Total		.....	... £	115 0 0

We hereby certify that the above return is a fair and correct statement of the contract to which it refers, and that the above measurements were made by

Overseer.

W. F. BUNDOCK,
Road Superintendent.

No. 73.

VOUCHER FOR SEVENTH ADVANCE.

Bredbo Bridge, 1869.

Series B.—Contingency Form No. 9. DEPARTMENT OF ROADS AND BRIDGES. Pay Voucher No. 339. H.

Head of Service [As specified in the Appropriation Act of 187 .] Payable from Vote of £ : : Item No. of Appropriation Act of 187 .

[(*Departmental Reference*) *No.* 14/71. Cooma to Queanbeyan Road, Cooma District.]

ABSTRACT of Payments to Contractors and others employed as herein described, from the 24th of January to the 29th of February, 1872.

Names.	Locality. Nature and quantity of work done by each individual or party to be here stated.	No. of contract or task.	Rate.	No. of full working days.	Amount.	Total.	We, the undersigned, hereby acknowledge to have received from the Commissioner for Roads, the sums set down opposite to our several names, being in full of our demands respectively, for the services specified in this Abstract.	Date of payment, and by whom paid.	Witness.
	Bredbo Bridge.				£ s. d.	£ s. d.			
R. Hannaford	Seventh advance on account of contract	...	...	...	.....	261 0 0	A. J. S. Bank, Sydney.		

We hereby certify that the amount, two hundred and sixty-one pounds shillings and pence, charged in this voucher, as to computations, castings, and rates, is correct; that the persons therein named have fully and fairly performed the work contracted for by them, and that the day labourers have been employed for the time stated against their respective names, and at the current rate of wages; and that the expenditure is duly authorized in terms of the Audit Act.

Overseer.

W. F. BUNDOCK,
Superintendent.

DEPARTMENT

DEPARTMENT OF PUBLIC WORKS.

I.

Road.

District, Division.

RETURN showing the amount and value of Work done on this Division, from to the 18 .

No. of contract.	Name of contractor.	Date of last measurement, or completion of work.	Date of present measurement, or completion of contract.	Total amount of contract.	Total value of work executed to this date.	Amount already advanced on account.	Amount of advance now recommended.
		1872.	1872.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
	R. Hannaford	24 January...	29 February.	1,078 0 0	1,176 0 0	915 0 0	261 0 0
	Total of task-work for the			*			

NOTE * The total amount of task-work sanctioned for the to be inserted here.

Details of Measurements of the above work, as stated in the fourth column.

No. of contract.	Description of work.	Dimensions.		Quantity.	Price.	£ s. d.
		Bredbo Bridge.				
	Pile-driving	As already detailed		691½ cub. ft.	3/6	120 19 1
	Hewn timber	„ „		1,166½ „	3/6	202 2 9
	Hewn on two sides	„ „		219 „	3/-	32 17 0
	Round timber	In piles, girders, wings, and as detailed		362½ „	2/6	45 7 1
	Sawn timber, spikes included.	In approach dec. = 105′ x 14′ x 4″ =	490 0			
	„ „ „ „ ...	Sheathing south abutment, 7 x 21 x 4 =	49 0			
	„ „ „ „ ...	Deck of truss ..... 195′ x 14′ x 3″ =	682 6			
	„ „ „ „ ...	Sheathing trusses ..... 100 x 14 x 2″ =	233 4			
				1,454 „	4/9	345 6 6
	Sawn timber only „ ...	2 tie-beams, 207′ x 12′ x 12″ =	414 0			
	„ „ „	8 butting blocks and 8 false bearings for X girders =	112 0			
	„ „ „	9 X girders of 22·6 x 12 x 10″ =	168 9			
	„ „ „	6 X G of 18 and 3 of 14′ x 12″ x 8″ =	100 0			
	„ „ „	42 X G of 18, 6 of 19·6, 12 of 14·0 x 12″ x 5″ =	434 7			
				1,229½ „	4/6	276 12 0
	Sawn timber, framed and planed.	6 straining beams of 23·3 x 12 x 12 =	139 6			
	„ „ „ „ ...	12 main rafters of 17·6 x 12″ x 12″ =	210 0			
	„ „ „ „ ...	Braces, 12 of 12′ 5″ and 12 of 7′ 1″ = 234′ x 9″ x 8″ =	117 0			
	„ „ „ „ ...	Counter brace, 12 of 12·2 x 8″ x 8″ Y =	84 9			
	„ „ „ „ ...	12 posts of 2·7, and 12 blocks of 14″ x 8″ x 8 =	551 3			
				551 „	4/6	123 19 6
	Tarring	As previously detailed	12,888 sup. ft.			
	„	Truss dect. 195 x 14 x 3	8,190 „			
		Sheathing 100′ x 14 x 3	4,200 „			
			25,278 cub. ft.			
				2,808 sup. yds.	1/3	175 0 0
	Iron castings.....	In shoes and bevil washers		22 cwt.	47/-	51 14 0
	Smith-work w. enr. forgings	As detailed last advance		3,734 lbs.	6d.	93 7 0
						1,469 4 11
				Less 20 per cent., say		293 4 11
						1,196 0 0
						915 0 0
				Total.....£		261 0 0

We hereby certify that the above return is a fair and correct statement of the contract to which it refers, and that the above measurements were made by

Overseer.

Road Superintendent.

No. 74.

VOUCHER FOR EIGHTH ADVANCE.

Bredbo Bridge.

Series B.—Contingency Form No. 9. DEPARTMENT OF ROADS AND BRIDGES. Pay Voucher No. 78.

H.

Head of Service Payable from Vote of £ : : Item No. of Appropriation Act of 187 .

[As specified in the Appropriation Act of 187 .]

[(*Departmental Reference*) *No.* 24. Road, District.]

ABSTRACT of Payments to Contractors and others, employed as herein described, from the 29th of February to the 31st of March, 1872.

Names.	Locality. Nature and quantity of work done by each individual or party to be here stated.	No. of contract or task.	Rate.	No. of full working days.	Amount.	Total.	We, the undersigned, hereby acknowledge to have received from the Commissioner for Roads, the sums set down opposite to our several names, being in full of our demands respectively, for the services specified in this Abstract.	Date of payment, and by whom paid.	Witness.
	Bredbo Bridge.					£ s. d.			
R. Hannaford...	Eighth advance on contract.	...	...	...	.....	128 0 0	A. J. S. Bank, Sydney		

We hereby certify that the amount, one hundred and twenty-eight pounds shillings and pence, charged in this voucher, as to computations, castings, and rates, is correct; that the persons therein named have fully and fairly performed the work contracted for by them, and that the day labourers have been employed for the time stated against their respective names, and at the current rate of wages; and that the expenditure is duly authorized in terms of the Audit Act.

W. F. BUNDOCK, O.C.,
Superintendent.

Overseer.

DEPARTMENT OF PUBLIC WORKS. I.

No. 24. Road.

District, Division.

RETURN showing the amount and value of Work done on this Division, from 29th February to the 30th March, 1872.

No. of contract.	Name of contractor.	Date of last measurement, or completion of work.	Date of present measurement, or completion of contract.	Total amount of contract.	Total value of work executed to this date.	Amount already advanced on account.	Amount of advance now recommended.
				£ s. d.	£ s. d.	£ s. d.	£ s. d.
	R. Hannaford	29 Feb.	31 Mar.....	1,078 0 0	1,629 10 3	1,176 0 0	128 0 0
	Total of task-work for the			*			

NOTE * The total amount of task-work sanctioned for the to be inserted here.

Details

Details of Measurements of the above work, as stated in the fourth column.

No. of contract.	Description of work.	Dimensions.	Quantity.	Price.	£ s. d.
		Bredbo Bridge.			
		Detailed in 7th advance	.....	...	1,469 4 11
	Hewn timber in cutwaters	12·2 x 17·6 x 17·6 11·8 = 48·10 x 12″ x 12″			
	Do struts to do	4·2 x 5·11 5·2 4·4 = 19·7 x 12″ x 12″			
	Do down stream struts	12·8 x 18·1 x 18·2 x 11·11 = 50·10 x 12″ x 12″			
			119¼ cub. ft.	3/6	20 17 4
	Round timber in wing	pieces to north abutment 2 x 19·0.....	38 lin. ft.	2/6	4 15 1
	Sawn timber, spikes included.	Truss sheathing 95′ x 14′ x 2″ =221·8			
	Do do	Planking wings, south abutment 8′ x 14′ x 4″= 37·4			
	Do do	,, wings, north abutment 6·6 x 13″ x 4″= 28·2			
	Do do	,, piles north abutment =22 x 6″ x 4″= 44·0			
	Do do	Between girder end, &c. =18′ x 2′ x 4″ x 2 = 24·0			
			355 cub. ft.	4/9	84 6 3
	Sawn timber.....	In top rail = 423·2 x 4 x 4 = 47·0			
		Bottom rail, 347 x 4″ x 3″ = 28·11			
		Struts to abutment posts and rafters, &c. = 7·3			
		48 handrail posts = 248·4 x 6″ x 4″ = 41·4			
		18 struts to trusses, 6′ 3″ x 6″ x 4″ = 20·5			
			145 cub. ft.	4/6	32 12 6
	Painting	Top rail, 423·2 x 1·4 =564·0			
		Bottom rail, 347·0 x 1·2″ =404·0			
		Handrail posts, 214′ x 1′ 8″ =356·0			
		Straining beams and rafters =1,392·0			
		Braces, 234′ x 2′·10″ =663·0			
		Counter-braces and posts, 445·0 =3,824′			
			425 sup. yds.	10/-	17 14 2
					1,629 10 3
			£ s. d.		
		Less seven advances to date	1,176 0 0		
		D. 20 per cent. of contract.....	325 10 3		
					1,501 10 3
		Eighth advance..... Total ...	.....	...	128 0 0

We hereby certify that the above return is a fair and correct statement of the contract to which it refers, and that the above measurements were made by

W. F. BUNDOCK,
Road Superintendent.

Overseer

No. 75.

VOUCHER FOR BALANCE OF CONTRACT.

1873.

Series B.—Contingency Form No. 9. DEPARTMENT OF ROADS AND BRIDGES. Pay Voucher No. H.

Head of Service . Payable from Vote of £ : : Item No. of Appropriation Act of 187 .

[As specified in the Appropriation Act of 187 .]

[(*Departmental Reference*) *No.* Queanbeyan to Cooma Road, District.]

ABSTRACT of Payments to Contractors and others employed as herein described, from the of to the of , 187 .

Names.	Locality. Nature and quantity of work done by each individual or party to be here stated.	No. of contract or task.	Rate.	No. of full working days.	Amount.	Total.	We, the undersigned, hereby acknowledge to have received from the Commissioner for Roads, the sums set down opposite to our several names, being in full of our demands respectively, for the services specified in this Abstract.	Date of payment, and by whom paid.	Witness.
	Bredbo Bridge.					£ s. d.			
R. Hannaford...	Balance on ac. contract.....	...	...	...	.....	100 10 0	.....	.....	.....

We hereby certify that the amount, one hundred pounds ten shillings and pence, charged in this voucher, as to computations, castings, and rates, is correct; that the persons therein named have fully and fairly performed the work contracted for by them, and that the day labourers have been employed for the time stated against their respective names, and at the current rate of wages; and that the expenditure is duly authorized in terms of the Audit Act.

Overseer. Superintendent.

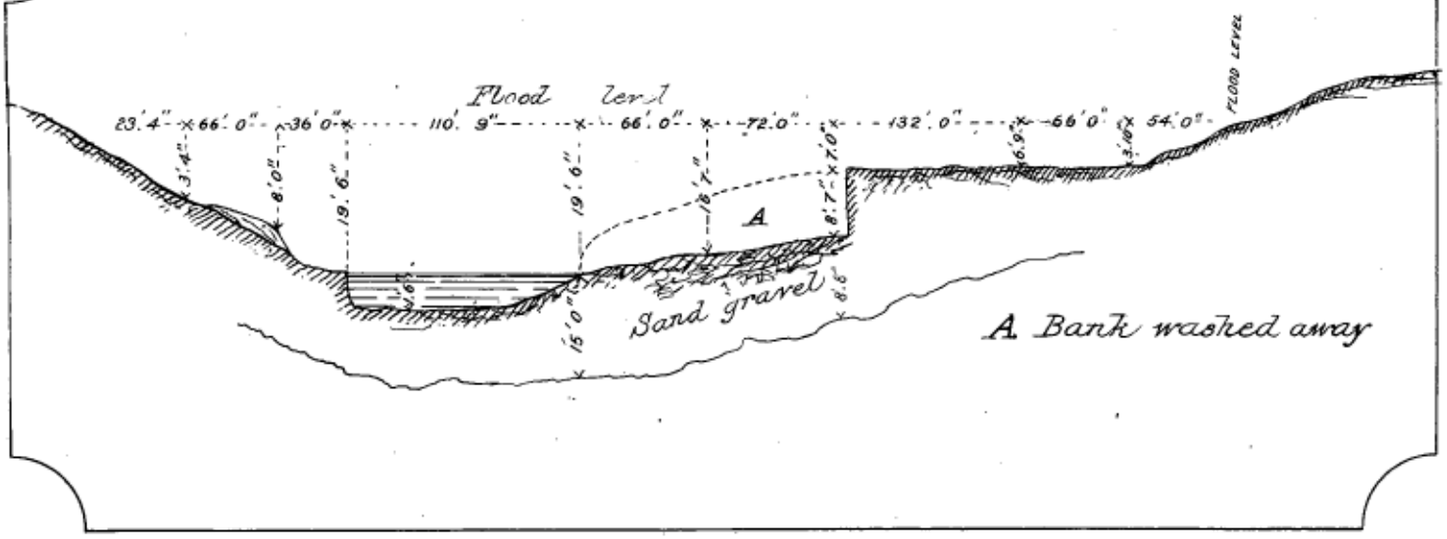
[Diagrams.]

Sydney: Thomas Richards, Government Printer.—1873.

[3s.]

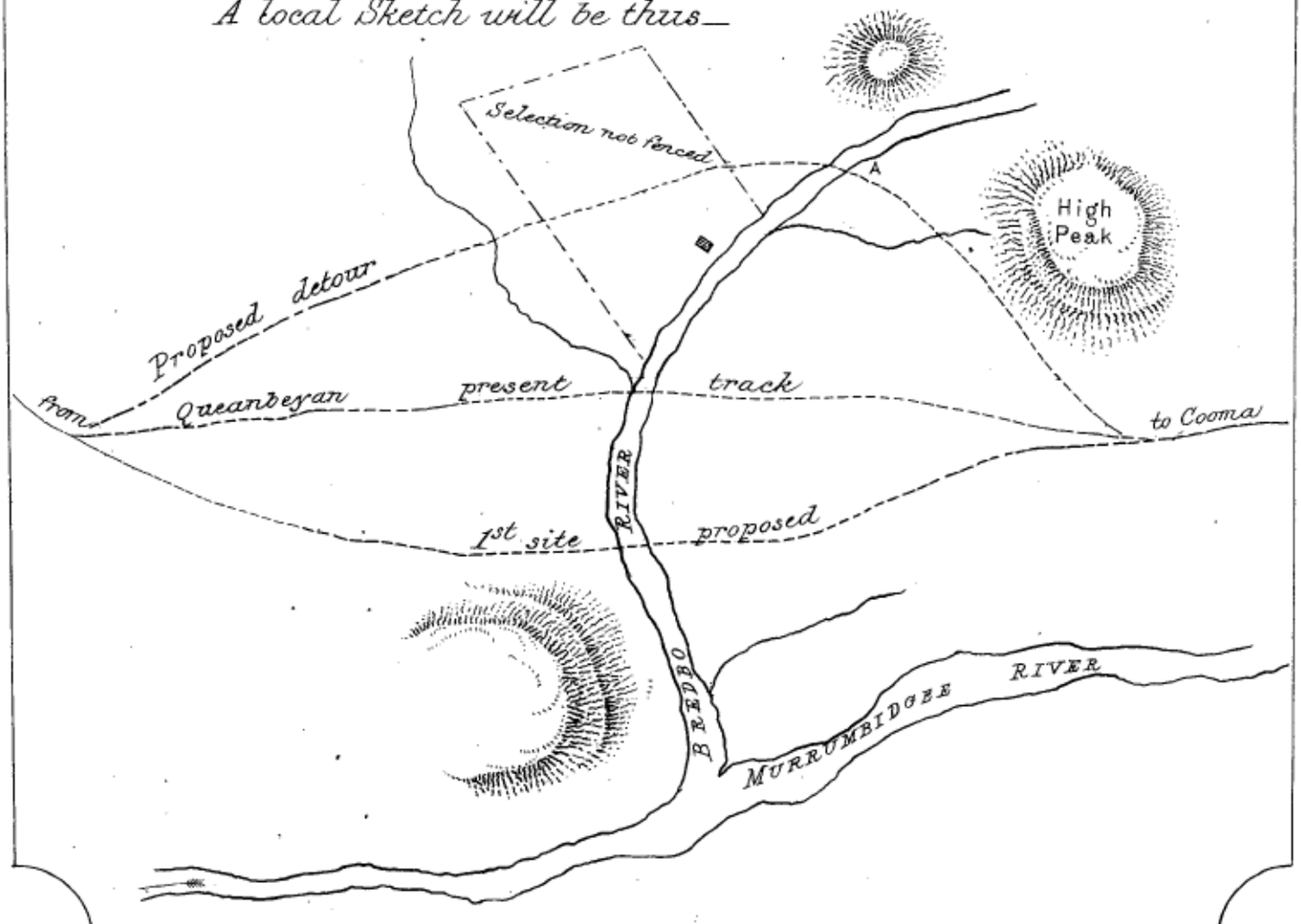
70/2498

APPENDIX A.



APPENDIX B.

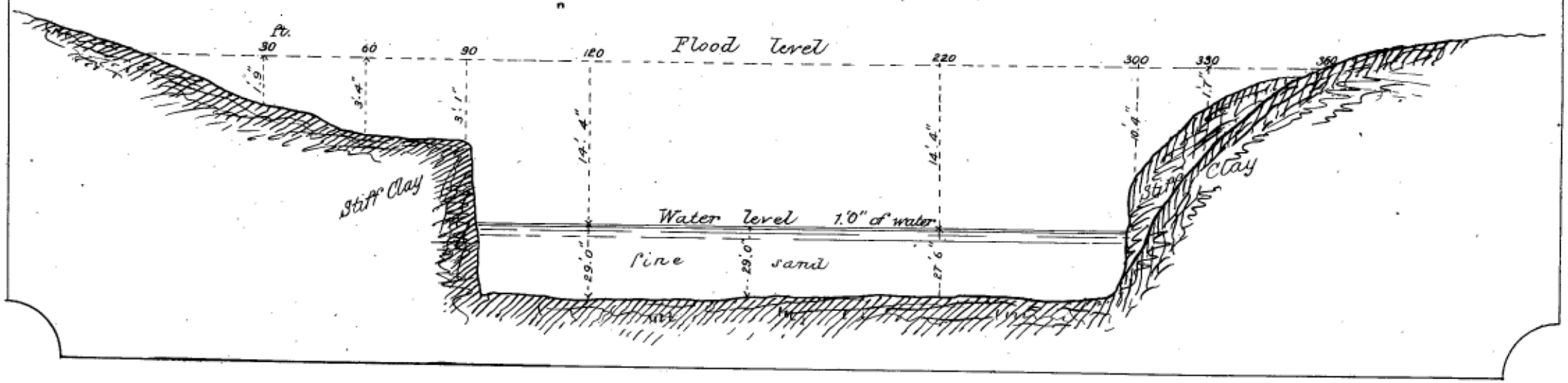
A local Sketch will be thus—



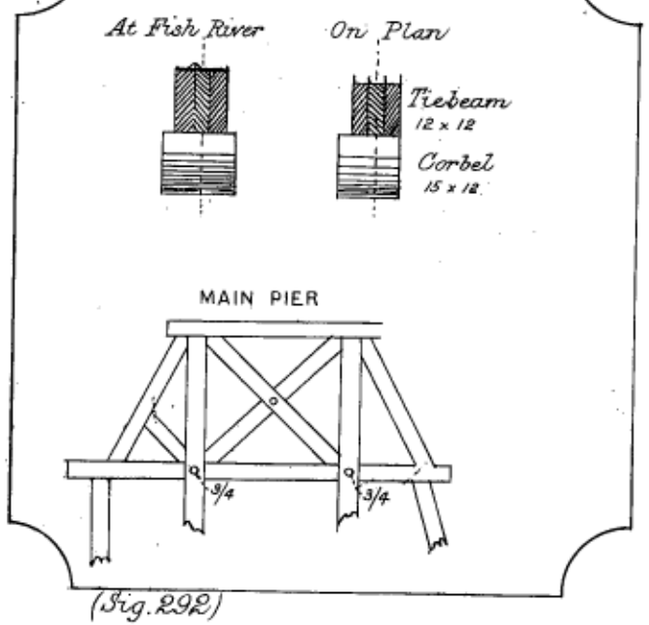
(Sig. 292)

Section at A.

APPENDIX C.



APPENDIX D.



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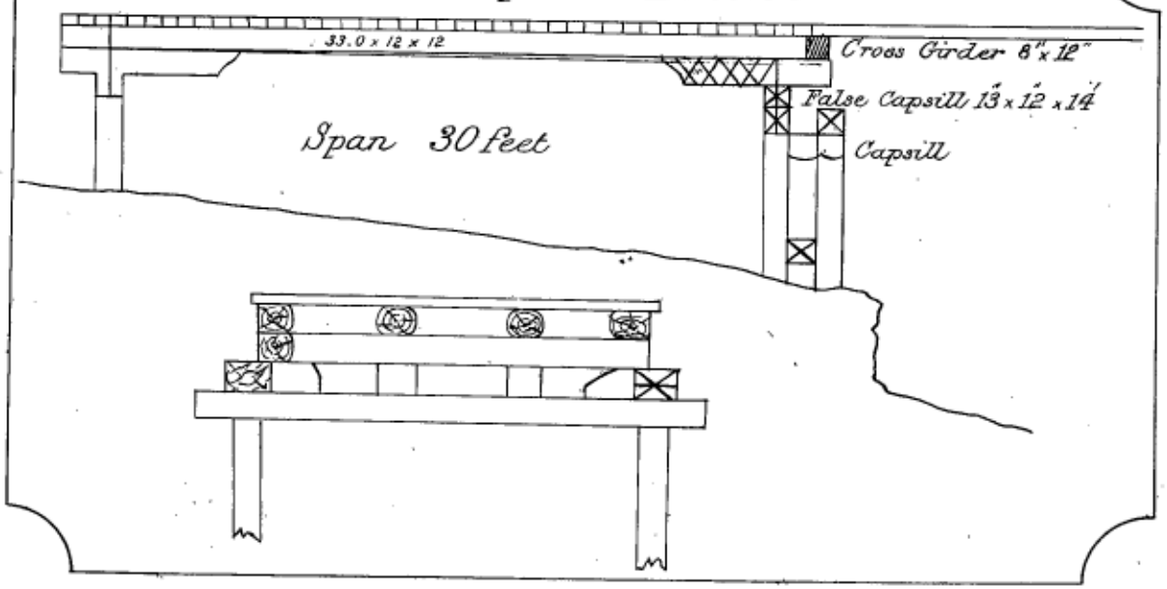
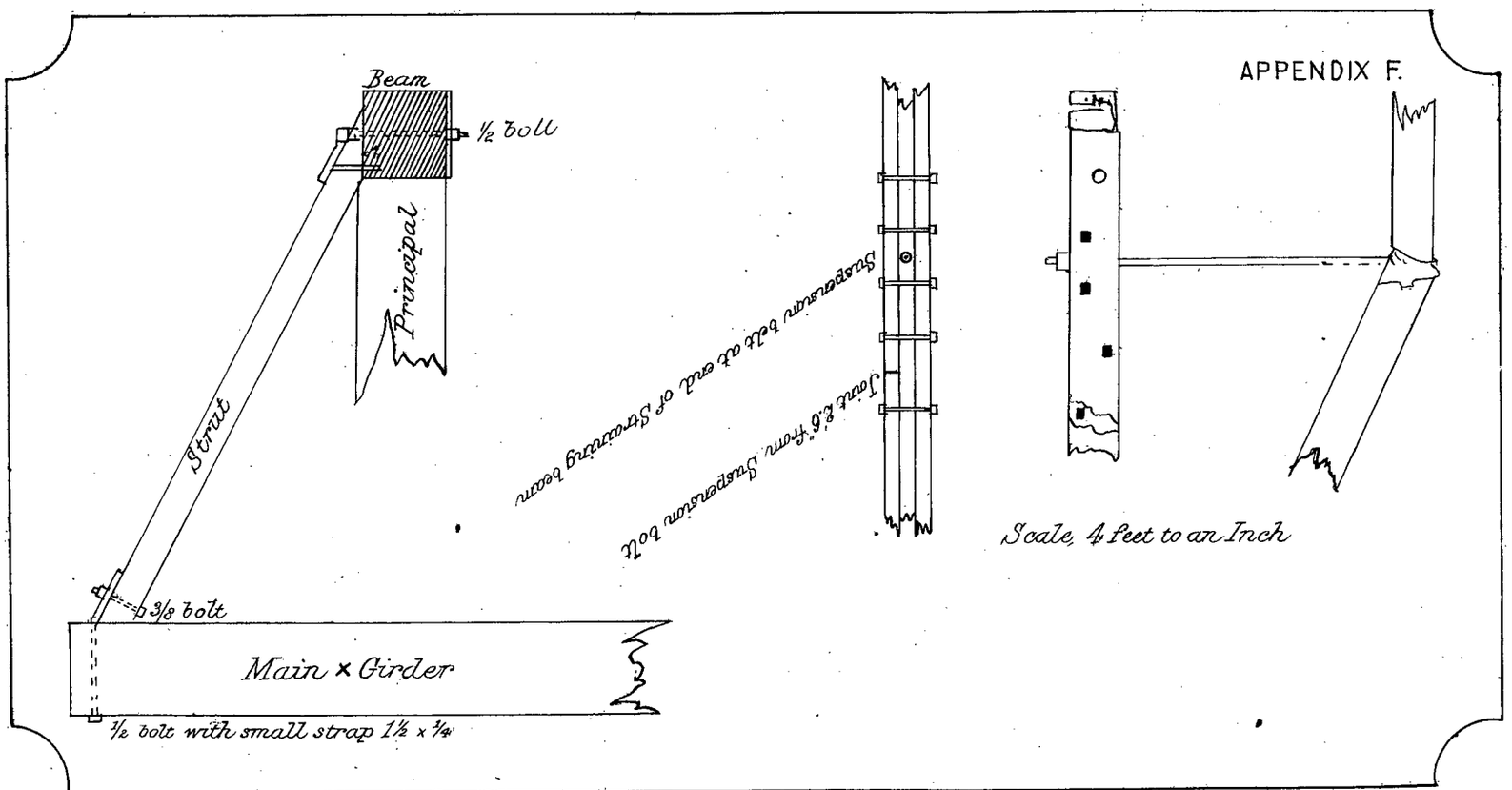
North Span at Bredbo

APPENDIX E.



APPENDIX F.



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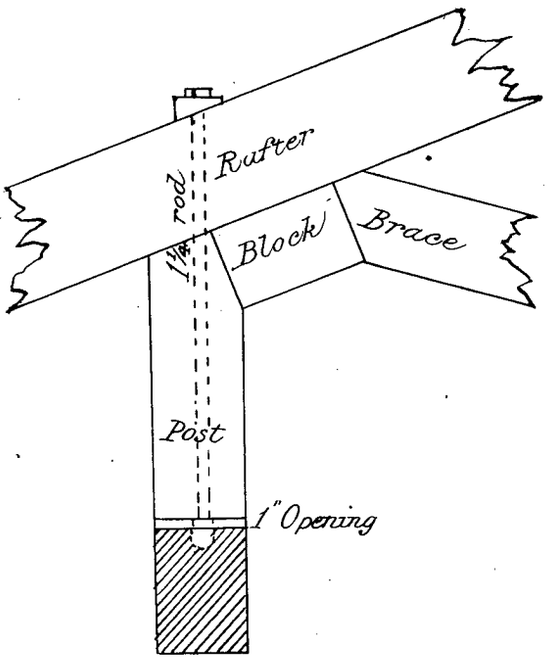
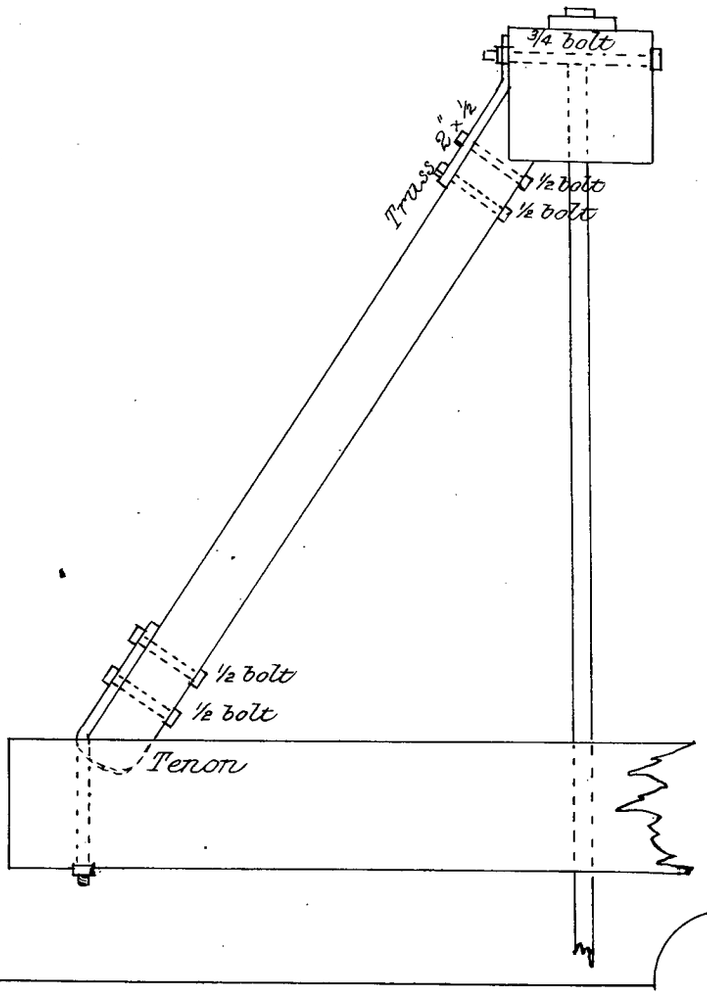
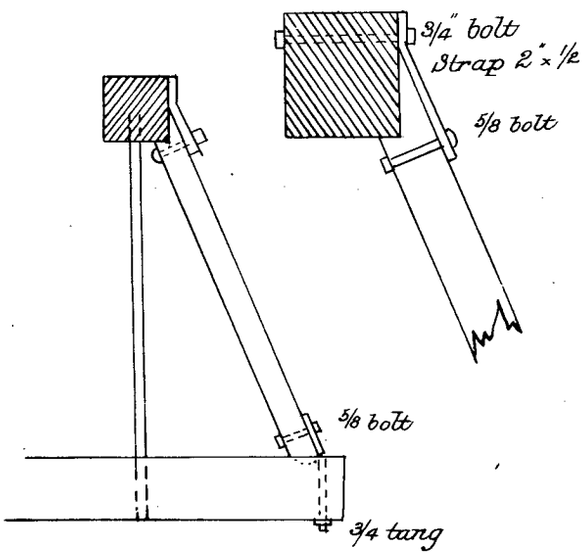
APPENDIX G.

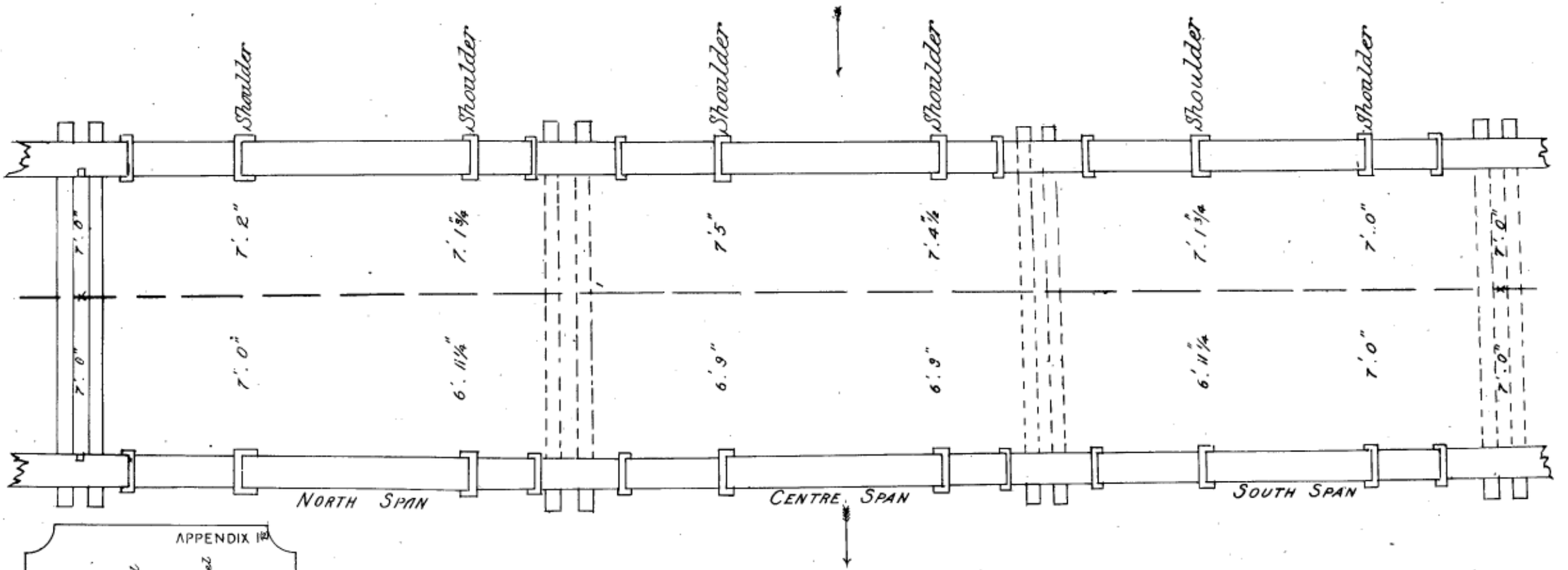




APPENDIX H



(Sig. 292)



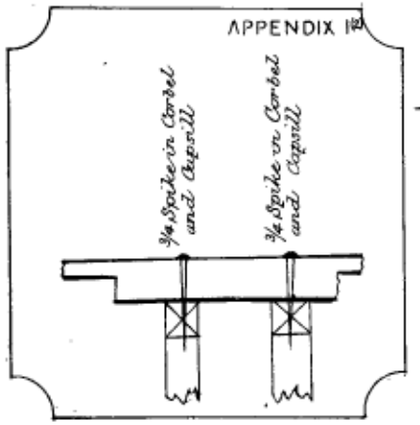


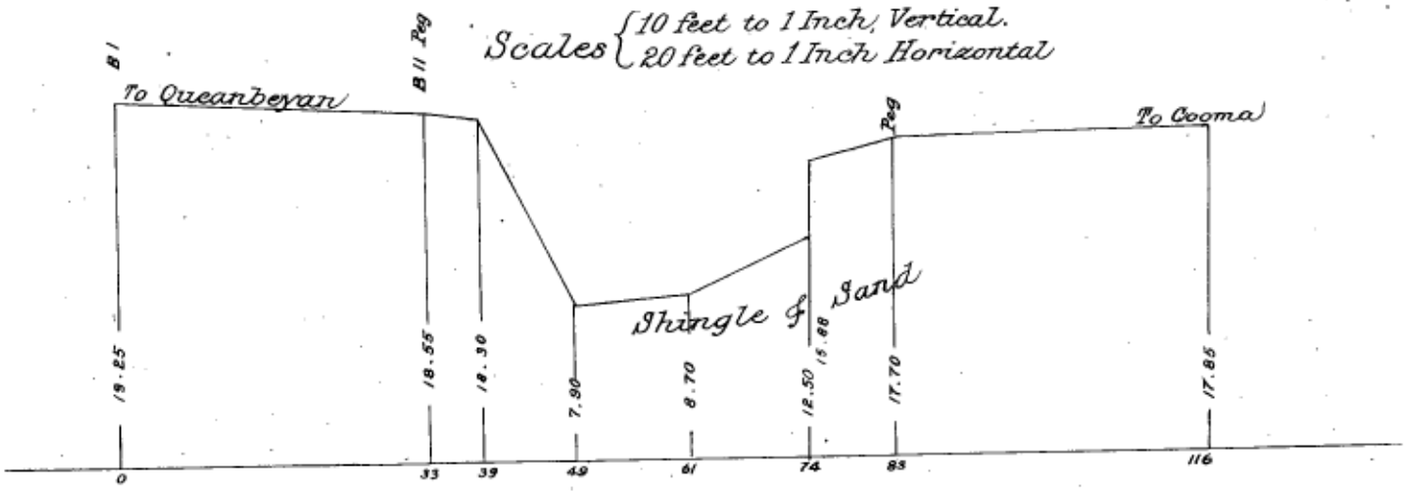
Diagram *showing deflection of Trusses of Bredbo Bridge from line of Axis of Bridge.*

(Sig. 292)

CREEK NORTH OF BREDBO

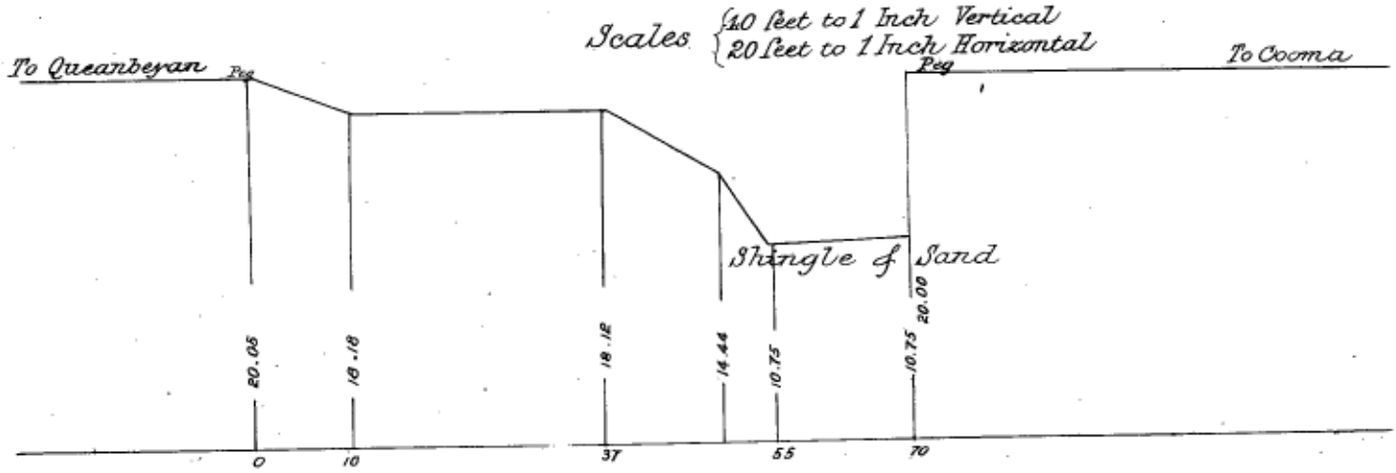
Down stream Section for Bridge

Scales { 10 feet to 1 Inch, Vertical.
20 feet to 1 Inch Horizontal



Upstream Section for Bridge

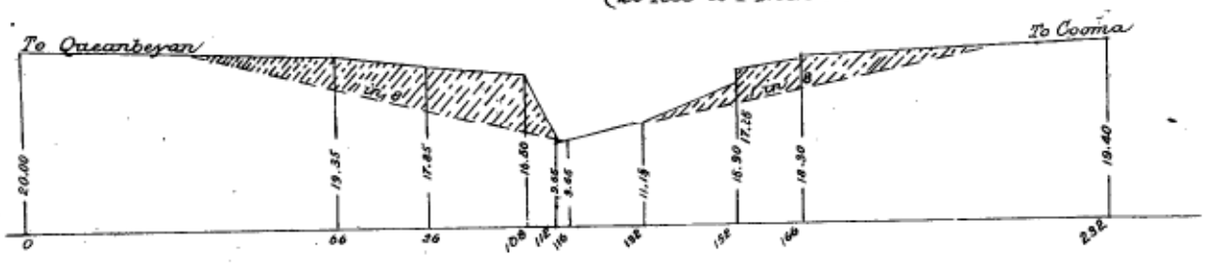
Scales { 10 feet to 1 Inch Vertical
20 feet to 1 Inch Horizontal



Section for Proposed Crossing

Excavation shown by hatching.

Scales { 40 feet to 1 Inch Horizontal.
20 feet to 1 Inch Vertical.



(Fig. 292)

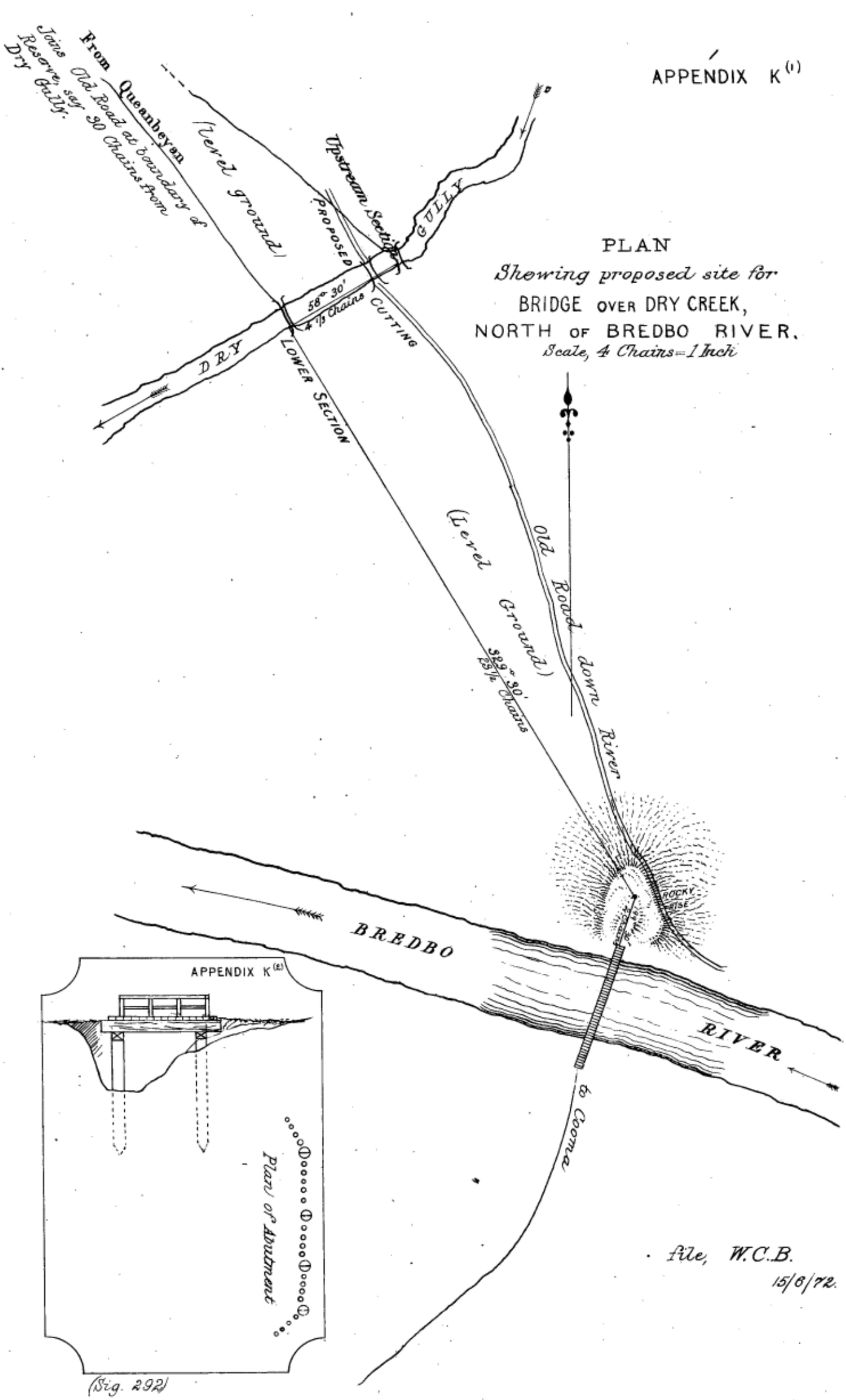
APPENDIX K(1)

PLAN

Shewing proposed site for

BRIDGE OVER DRY CREEK,
NORTH OF BREDBO RIVER.

Scale, 4 Chains=1 Inch



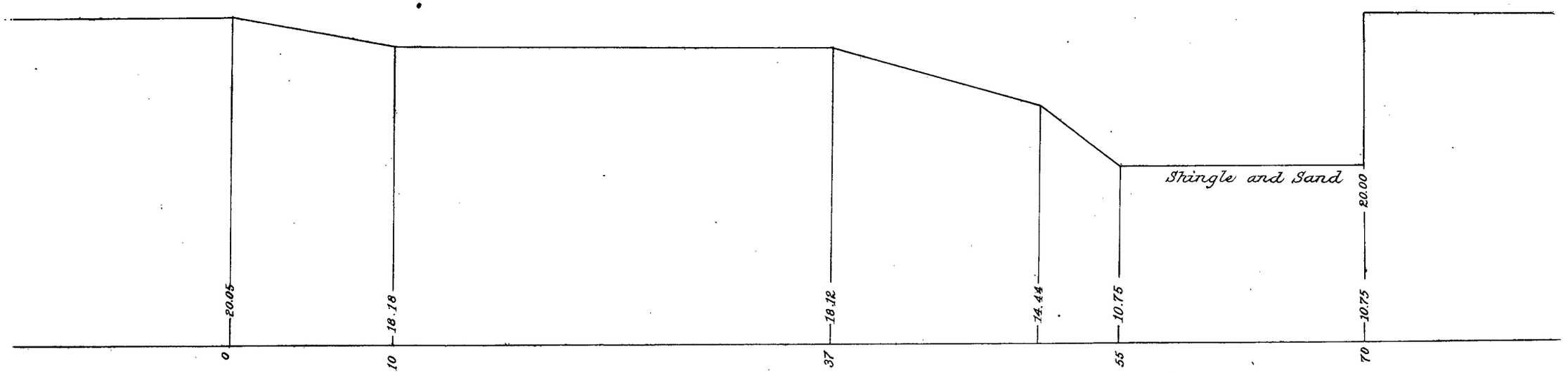
(Sig. 292)

file, W.C.B.
15/6/72.

Creek north of Bredbo,

Upstream Section.

Scale 1/8 of an Inch to a Foot.



(Sig. 292)

1873–4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

KARUAH RIVER BRIDGE.

(CORRESPONDENCE, &c., RESPECTING.)

Ordered by the Legislative Assembly to be printed, 10 *March*, 1874.

RETURN to an *Order* of the Honorable the Legislative Assembly of New South Wales, dated 27 January, 1874, That there be laid upon the Table of this House,—

"Copies of all Correspondence having reference to the application made "by the inhabitants of Booral for the construction of a Bridge over the "Karuah River."

(*Mr. Fitzpatrick.*)

SCHEDULE.

NO.		PAGE.
1.	Letter from John Nowlan, Esq., M.P., to Secretary for Public Works, respecting a Petition about to be presented for a Bridge at Karuah, on road from Raymond Terrace to Stroud. 25 August, 1870	2
2.	Letter from Under Secretary for Public Works to John Nowlan, Esq., M.P., acknowledging receipt of above. 27 August, 1870	2
3.	Further letter to John Nowlan, Esq., M.P., on this subject. 9 September, 1870	2
4.	Petition of residents of Manning River, Port Stephens, presented by J. Nowlan, Esq., M.P., respecting Bridge at Karuah	2
5.	Under Secretary for Public Works to John Nowlan, Esq., M.P., in reply to petition. 28 September, 1870	3
6.	Letter from H. Skillman, Esq., to Secretary for Public Works, on same subject, presented by R. B. Smith, Esq., M.P. 16 June, 1873	3
7.	Report from Commissioner for Roads thereon. 24 June, 1873	3
8 & 9.	Letters from Under Secretary for Public Works to Mr. Skillman, and letter to R. B. Smith, Esq., M.P., in reply. 27 June and 8 August, 1873	4
10.	Reports of Commissioner for Roads on subject. 29 August, 1873	4
11.	M. Fitzpatrick, Esq., M.P., to Secretary for Public Works, inviting attention to the petition referred to. 17 October, 1873	4
12.	Under Secretary for Public Works to M. Fitzpatrick, Esq., M.P., in reply. 31 December, 1873	4

KARUAH RIVER BRIDGE.

No. 1.

JOHN NOWLAN, ESQ., M.P., to THE SECRETARY FOR PUBLIC WORKS.

Union Club, Sydney,
25 August, 1870.

SIR,

In accordance with a petition, which I shall have the honor to present to you in a few days, signed by over 600 residents, interested in the construction of a bridge, over the Karuah River, near Booral, and on the main road from Raymond Terrace to Stroud, Gloucester, &c., &c. I beg leave to draw your attention to the necessity which exists for such a bridge, the road also being the direct line from Raymond Terrace to the Manning River, Port Macquarie, &c., &c., on which there is considerable traffic, and to request that you will be pleased to cause a sum of money to be placed on the Estimates for the construction of this bridge, survey and section of which has been in your office for the last five years.

I have, &c.,
JOHN NOWLAN.

Mr. Bennett, for report.—J.R., B.C.

Sections were made of this river some years ago. The bridge will cost £3,500; it is one of many required to make road passable from Raymond Terrace to Stroud, Gloucester, the Manning, and Port Macquarie, but I think the A. A. Company should contribute to its construction.—W.C.B., 6/9/70. Under Secretary, B.C.

No. 2.

THE UNDER SECRETARY FOR PUBLIC WORKS to JOHN NOWLAN, ESQ., M.P.

Department of Public Works,
Sydney, 27 August, 1870.

SIR,

I am directed to acknowledge the receipt of your letter of the 25th instant, on the subject noted hereunder, and to inform you that it will receive due attention.

I have, &c.,
GERALD HALLIGAN,
For the Under Secretary.

SUBJECT:—Construction of a bridge over the Karuah River, near Bowral.

No. 3.

THE UNDER SECRETARY FOR PUBLIC WORKS to JOHN NOWLAN, ESQ., M.P.

Department of Public Works,
Sydney, 9 September, 1870.

SIR,

In reference to your letter of the 25th ultimo, respecting the erection of a bridge over the Karuah River, near Booral, I am directed by the Honorable the Secretary for Public Works to inform you that from a report of the Commissioner for Roads on the subject, it appears that this bridge, one of many required on the same road, would cost about £3,500, and as it would benefit the Australian Agricultural Company he thinks that they should contribute towards the cost of its construction.

I have, &c.,
JOHN RAE.

No. 4.

PETITION PRESENTED BY JOHN NOWLAN, ESQ., M.P.,

A copy of which was forwarded subsequently by R. B. Smith, Esq., M.P.

To the Honorable the Minister for Works of the Colony of New South Wales.

The humble Petition of the undersigned residents of Port Stephens, Manning River, and adjacent districts,—

SHEWETH:—

That your Petitioners are deeply interested in the means of communication through the district of Port Stephens; that the mail road from Raymond Terrace, Stroud, Gloucester, and Myall River, to the Manning, Port Macquarie, and the Macleay runs through the same, and over which considerable traffic passes to New England and other places.

That during the time of heavy rains and floods much inconvenience is experienced from the stoppage of the traffic, occasioned by the rising of the River Karuah, through which such road passes.

That for want of a bridge over the river the mails are frequently delayed and travellers detained for many days at a time, causing much inconvenience, delay, and loss.

That your Petitioners would thankfully acknowledge the attention paid to the prayer of a petition formerly presented to the Minister for Lands, so far as in compliance therewith a bridge has been constructed over Johnson's Creek, and a sum of money voted for a bridge over Mill Creek; and that while your Petitioners are fully alive to the benefits derived from the construction of these bridges, still they desire to point out that these will be comparatively useless for mail purposes so long as the River Karuah remains without such facilities for crossing as would be obtained by means of a bridge.

That your Petitioners beg also to remark that from the large population of the District of Port Stephens, as well as from the other districts interested, a considerable revenue is derived, and your Petitioners would therefore urge that such steps may be taken as the pressing necessity of the case requires.

Your

Your Petitioners therefore humbly pray that a sum of money may be placed upon the Estimates for the coming year for the purpose of constructing a bridge over the River Karuah, at Booral, in the district of Port Stephens, and that you will be pleased to take the subject under your serious consideration, and grant your Petitioners such assistance as the circumstances of the case may require.

And your Petitioners, as in duty bound, will ever pray, &c., &c.

A. SHAW.
T. NICOLLS, J.P.

[And here follow 632 other signatures.]

No. 5.

THE UNDER SECRETARY FOR PUBLIC WORKS to JOHN NOWLAN, ESQ., M.P.

Department of Public Works,
Sydney, 28 September, 1870.

SIR,

In reference to a petition presented by you from the residents of Port Stephens and the adjoining districts, praying for the erection of a bridge over the Karuah River, near Bowral, I am directed by the Honorable the Secretary for Public Works to inform you that it appears from a report on the subject by the Commissioner for Roads, that this bridge, one of many required on the same road, would cost about £3,500. Mr. Secretary Sutherland also desires me to say that as the proposed bridge would be of considerable advantage to the Australian Agricultural Company, he considers that they should contribute towards the cost of its construction.

I have, &c.,
JOHN RAE.

No. 6.

MR. H. SKILLMAN to THE SECRETARY FOR PUBLIC WORKS.

Booral, Stroud,
16 June, 1873.

SIR,

On behalf of a committee formed for the purpose of petitioning for a bridge over the Karuah, at Booral, Port Stephens, I have the honor to call your attention to the following statement:—

In the year 1870 a petition from the residents of Port Stephens, Manning River, and adjacent districts, was presented to the Minister for Works, praying that a sum of money might be placed on the Estimates for the purpose of constructing a bridge over the River Karuah, at Booral.

In answer to this petition a letter was received by J. Nowlan, Esq., Member for the Williams Electorate (No. 562–70/3137), stating that the bridge would cost £3,500 in its construction, and that as such bridge would be of considerable advantage to the Australian Agricultural Company they should contribute towards the cost of its construction.

That after some delay the committee for Booral Bridge applied by letter to E. C. Merewether, Esq., General Superintendent of the A. A. Company, asking whether the A. A. Company would contribute any, and, if any, what sum towards the construction of such bridge, and have received a reply as follows:—

Australian Agricultural Company,
Newcastle, May 26, 1873.

To Mr. H. SKILLMAN,—

Sir,

I have the honor to acknowledge receipt of your letter of the 17th March last, inquiring, on behalf of a committee appointed by the residents in the Port Stephens, Manning, and adjacent districts, whether the A. A. Company will contribute any, and, if any, what sum towards the erection of a bridge over the Karuah River, at Booral.

I observe that this inquiry is made in consequence of the Honorable the Secretary for Works having expressed the opinion that the Company ought to contribute towards the construction of such a bridge because it would be of considerable advantage to them.

The principle involved in the position thus taken up by the Minister may or may not be a sound one; but be this as it may, you must be well aware that it has not yet been generally adopted by the Government, and I am therefore at a loss to understand why the A. A. Company should be expected to recognize and act on it.

I am not myself cognizant of any instance in which an individual landholder has been specially called upon to contribute towards a public work of the kind, however clear and great may have been the advantage he would derive from it; and in reply therefore to your inquiry I may state that pending the adoption and general application of some law or regulation of that nature, I should not feel justified in agreeing, on behalf of the Company, to be specially taxed for the construction of a work, which, though it may benefit them, is, according to the letter, addressed to Mr. Nowlan by the Under Secretary, admitted to be required for the convenience of the residents in the district represented by your committee, and of the public generally.

I must apologize for not having sooner replied to your letter, but would plead the multiplicity of business I have to attend to as my excuse for the delay.

I have, &c.,
E. C. MEREWETHER,
General Superintendent, Australian A. Company.

As it appears by such letter that the A. A. Company decline to contribute towards the erection of such bridge, the committee with all respect would solicit a re-consideration of the matter on the part of the Government, inasmuch as the residents of the district feel the want of such bridge to be a hindrance to business, frequently a stoppage to postal communication, and a danger to the public generally.

In the hope that a sum of money may be placed on the Estimates for such bridge in the ensuing session of Parliament,

I have, &c.,
HENRY SKILLMAN,
(On behalf of the Booral Bridge Committee.)

No. 7.

REPORT FROM THE COMMISSIONER AND ENGINEER OF ROADS THEREON.

Mr. Bennett, B.C., 23/6/73.—J.R.

I STILL think the Government should not do this bridge without aid from the Company. If the residents form a Municipality the Company must then pay for the improvement on their property.—W.C.B., 24/6/73.

Under Secretary, B.C.

No. 8.

THE UNDER SECRETARY FOR PUBLIC WORKS to MR. H. SKILLMAN.

Department of Public Works,
Sydney, 27 June, 1873.

SIR,

Referring to your communication of the 16th instant, respecting the proposed erection of Karuah Bridge, at Bowral, I am directed to inform you that the Secretary for Public Works does not consider that the Government should construct the bridge referred to without aid from the Australian Agricultural Company.

I am to add that if the residents form a Municipality, the A. A. Company will be obliged to pay towards the improvement made to their property.

I have, &c.,
JOHN RAE.

No. 9.

THE UNDER SECRETARY FOR PUBLIC WORKS to R. B. SMITH, ESQ., M.P.

Department of Public Works,
Sydney, 8 August, 1873.

SIR,

Referring to the communication forwarded by you, dated 16th June last, on the subject of a bridge at Bowral, near Port Stephens, I am directed by the Secretary for Public Works to inform you that Mr. Skillman was informed on the 29th June last that Mr. Secretary Sutherland does not consider the Government should construct the bridge referred to without aid from the Australian Agricultural Company, and that if the residents form a Municipality the Company will be obliged to pay towards the improvements made to their property.

I have, &c.,
JOHN RAE.

No. 10.

REPORTS OF THE COMMISSIONER AND ENGINEER FOR ROADS.

A PRECISELY similar paper has been received direct by the Minister, and has been handed in by Mr. Nowlan; they are both herewith. My minute on the first disposes of the question.—W.C.B., 26/7/73. Under Sec., B.C.

As the Estimates are being prepared I would wish to bring this matter under the notice of the Honorable the Secretary for Public Works.—W.C.B., 29/8/73. Under Sec., B.C.

Cabinet.—J.S., 15/9/73.

No. 11.

MICHAEL FITZPATRICK, ESQ., M.P., to THE SECRETARY FOR PUBLIC WORKS.

100, Pitt-street, Sydney,
17 October, 1873.

SIR,

Since I last waited on you (on the 9th instant) it has occurred to me that it would be more convenient to you if I were to place on paper the object of my visit. I therefore beg to invite your attention to the petition of the inhabitants of the district for a bridge over the Karuah River, at Booral.

I have, &c.,
M. FITZPATRICK.

No. 12.

THE UNDER SECRETARY FOR PUBLIC WORKS to MICHAEL FITZPATRICK, ESQ., M.P.

Public Works Department,
Sydney, 31 December, 1873.

SIR,

Referring to your letter of the 17th of October last, calling attention to a petition from certain inhabitants of Bowral for a bridge over the Karuah River, I am directed by the Secretary for Public Works to inform you that the Government do not consider it advisable to incur so large an expenditure as would be necessary to build a bridge at the place in question.

I have, &c.,
JOHN RAE.

Sydney: Thomas Richards, Government Printer.—1874.

[3*d*.]

1873-4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

UNION BRIDGE OVER RIVER MURRAY.

(PETITION OF BOROUGH COUNCIL OF ALBURY, RESPECTING.)

Ordered by the Legislative Assembly to be printed, 21 *April*, 1874.

To the Honorable the Speaker and Members of the Legislative Assembly of New South Wales, in Parliament assembled.

The Petition of the Mayor and Aldermen of the Borough Council of Albury,—

HUMBLY SHOWETH:—

That your Petitioners represent about 4,000 ratepayers, resident in the Borough of Albury, within a short distance of the Union Bridge over the river Murray.

That the bridge was erected in 1860, by the Government of New South Wales and Victoria conjointly, at a cost of £11,000, and a heavy toll was since imposed on all vehicles and stock crossing the same.

That your Petitioners feel to a very great extent the great injustice of the collection of this heavy toll, more especially as there are a number of bridges in New South Wales erected by the State which are entirely free, viz., at Deniliquin, Hay, Grenfell, Yass, Queanbeyan, Bathurst, and Forbes.

Your Petitioners, to show the importance of the district, beg to submit for your consideration the following statistics taken from the records of the year 1873. There were 130,000 acres of land conditionally purchased at the Land Office, Albury. During the first three months of the present year 35,000 acres were also selected under the Conditional Purchase Clause. The gross amount paid into the Treasury for land alone during the year 1873 amounted to the sum of about £85,000. This amount was paid from the Albury Land Office, and does not include the amounts paid for the sale of land by auction at the Sub-Offices of Tumbarumba and Corowa.

That the levy of the toll on the Union Bridge materially interferes with the trade and progress of the town of Albury.

That the Victorian Government are willing on their part to proclaim the bridge free.

That your Petitioners consider that the main thoroughfare between the two Colonies should be free.

That your Petitioners, therefore, pray that your Honorable House will take such measures as will grant relief to your Petitioners, as to your Honorable House may seem best.

And your Petitioners will ever pray, &c.

Signed on behalf of the Albury Borough Council,—

(L.S.) KENNETH M'LENNAND, Mayor.

Albury, April 13th, 1874.

SAMUEL MUDGE, Council Clerk.

1873–4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

CLEVELAND-STREET FORMATION BILL.

(MESSAGE No. 51.)

Ordered by the Legislative Assembly to be printed, 11 *June*, 1874.

HERCULES ROBINSON,
Governor.

Message No. 51.

In accordance with the 54th clause of the Constitution Act, the Governor recommends to the Legislative Assembly to make provision for granting compensation to owners of land resumed for the purpose of forming Cleveland-street through certain lands in the City of Sydney and Borough of Redfern.

Government House,
Sydney, 10*th June*, 1874.

[3*d*.] 626—

1873.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

RAILWAYS.

(PARTICULARS OF SUBURBAN TRAFFIC.)

Ordered by the Legislative Assembly to be printed, 9 September, 1873.

RETURN to an *Order* of the Honorable the Legislative Assembly of New South Wales, dated 21 January, 1873, That there be laid upon the Table of this House,—

"A Return showing the number of Passenger Trains running to, from, and past the Homebush and Burwood Railway Stations daily, and the time of their arrival and departure; also, the number of tickets issued, and the amount received for travelling by the several Trains to and from the several Stations between Homebush and Sydney, both inclusive; also, the number of tons of wood consigned to the Newtown Station during the month of November, 1867, and the month of November, 1872; also, the approximate weight of the engine, tender, breakvan, and carriages, &c., which constitute the several Trains, their cost per mile running, including all expenses appertaining to them."

(*Mr. Lucas.*)

RAILWAYS.

DOWN TRAINS.

Stations.	Distance.	Sydney and Suburban Stations to Parramatta.																		Saturday Trains (Additional).		Sunday.		
		Goods 1 & Pass.	Goods 2 & Pass.	3	4	5	Funeral 6 Mortuary.	7	8	9	Funeral 10 Mortuary.	11	Mail. 12 South.	Mail. 13 West.	14	15	16	17	Goods 18 & Pass.	Goods 19 & Pass.	A West.	B South.	1	Funeral 2 Mortuary.	3
	Miles.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	A.M.	P.M.	P.M.
Sydney ..... Dep.	—	5 0	6 45	8 25	8 50	9 5	9 25	10 15	1 15	2 15	3 30	4 30	5 0	5 10	5 34	6 40	7 0	10 0	10 20	11 30	1 30	1 40	8 30	3 0	4 0
Newtown	2	5 6	6 51	8 31	.....	.....	.....	10 21	1 21	2 21	.....	4 36	.....	.....	5 40	6 46	7 6	10 6	.....	11 40	.....	.....	8 36	.....	4 6
Petersham	3	5 10	6 55	8 35	.....	.....	.....	10 25	1 25	2 25	.....	4 40	.....	.....	5 44	6 50	7 10	10 10	.....	11 45	.....	.....	8 40	.....	4 10
Ashfield	5	5 16	7 1	8 41	.....	.....	.....	10 31	1 31	2 31	.....	4 46	.....	.....	5 50	6 56	7 16	10 16	.....	11 53	.....	.....	8 46	.....	4 16
Burwood	7	5 22	7 7	8 47	.....	.....	.....	10 37	1 37	2 37	.....	4 52	.....	.....	5 56	7 2	7 22	10 22	.....	12 0	.....	.....	8 52	.....	4 22
Homebush ..... Arr.	8	.....	.....	8 51	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	6 0	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Homebush ..... Dep.	—	5 26	7 11	.....	9 10	9 26	.....	10 41	.....	2 41	.....	4 56	.....	.....	.....	7 6	.....	.....	10 41	12 5	.....	.....	8 56	.....	4 26
Haslem's Creek	10	5 32	7 17	.....	.....	.....	9 55	10 47	.....	2 47	4 0	5 2	.....	.....	.....	7 12	.....	.....	10 47	.....	.....	.....	9 2	3 30	4 32
Parramatta Junction ..... Arr.	13	5 40	7 25	.....	9 25	9 35	Necrop'lis	10 55	.....	2 55	Necrop'lis	5 10	5 34	5 45	.....	7 20	.....	.....	10 55	12 20	2 0	2 10	9 10	Necrop'lis	4 40
Parramatta Junction ..... Dep.	—	.....	7 26	.....	9 30	9 40	.....	10 56	.....	2 56	.....	5 11	5 39	5 47	.....	7 21	.....	.....	11 0	12 25	2 3	2 13	9 11	.....	4 41
Parramatta	14	.....	7 30	.....	9 38	.....	.....	11 0	.....	3 0	.....	5 15	.....	5 50	.....	7 25	.....	.....	11 5	12 40	2 13	.....	9 15	.....	4 45

	1		2		3		5		7		8		9		11		14		15		16		17		18		19		Sunday. 1		Sunday. 3	
	No. of Passengers.	£ s. d.	No. of Passengers.	£ s. d.	No. of Passengers.	£ s. d.	No. of Passengers.	£ s. d.	No. of Passengers.	£ s. d.	No. of Passengers.	£ s. d.	No. of Passengers.	£ s. d.	No. of Passengers.	£ s. d.	No. of Passengers.	£ s. d.	No. of Passengers.	£ s. d.	No. of Passengers.	£ s. d.	No. of Passengers.	£ s. d.	No. of Passengers.	£ s. d.	No. of Passengers.	£ s. d.	No. of Passengers.	£ s. d.	No. of Passengers.	£ s. d.
Sydney	14	0 14 7	1065	36 5 8	341	13 9 2	24	1 6 0	862	52 18 9	433	19 15 8	567	31 7 4	478	21 8 1	355	15 0 9	298	10 18 3	162	5 10 5	347	9 2 9	6	0 10 0	391	9 2 5	127	8 0 5	65	3 1 0
Newtown	...	.....	18	0 11 9	150	5 15 5	...	.....	130	4 7 11	6	0 3 10	55	1 19 2	132	3 2 6	21	0 6 8	13	0 5 4	5	0 1 7	...	.....	...	.....	...	.....	28	0 15 6	4	0 2 1
Petersham	...	.....	...	.....	39	1 3 0	...	.....	37	1 4 8	7	0 4 1	32	0 15 3	19	0 9 3	3	0 1 1	13	0 5 6	2	0 1 1	...	.....	...	.....	...	.....	15	0 12 1	2	0 1 0
Ashfield	...	.....	13	0 4 10	20	0 7 3	...	.....	27	1 4 6	8	0 1 8	21	0 19 10	15	0 11 3	10	0 7 9	8	0 6 3	12½	0 2 9	...	.....	...	.....	...	.....	10	0 7 4	3	0 1 3
Burwood	...	.....	7	0 1 9	3	0 0 6	...	.....	2	0 0 4	...	.....	5	0 0 11	2	0 0 5	...	.....	2½	0 0 7	...	.....	...	.....	...	.....	...	.....	...	.....	...	.....
Homebush	...	.....	...	.....	...	.....	...	.....	...	.....	...	.....	...	.....	...	.....	...	.....	...	.....	...	.....	...	.....	...	.....	...	.....	...	.....	...	.....
For one Month...	14	0 14 7	1103	37 4 0	553	20 15 4	24	1 6 0	1058	59 16 2	454	20 5 3	680	35 2 6	646	25 21 6	389	15 16 3	334½	11 15 11	181½	5 15 10	347	9 2 9	6	0 10 0	391	9 2 5	180	9 15 4	74	3 5 4

UP TRAINS.

Stations.	Distance.	Parramatta and Suburban Stations to Sydney.																			Saturday Trains (Additional).		Sunday.		
		Goods 1 & Pass.	Mail, G'ds 2 & Pass.	Mail, G'ds 3 & Pass.	4	Goods 5 & Pass.	Goods 6 & Pass.	7	Funeral 8 Necrop'lis	9	10	11	Funeral 12 Necrop'lis	13	14	15	16	17	18	19	20	A South.	B West.	1	Funeral 2 Necrop'lis	3
	Miles.	A.M.	West. A.M.	South. A.M.	A.M.	West. A.M.	South. A.M.	A.M.	A.M.	A.M.	P.M.	P.M.	P.M.	P.M.	P.M.	West. P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	A.M.	P.M.	P.M.
Parramatta	—	4 30	6 20	.....	7 50	8 20	.....	.....	.....	11 15	.....	3 15	.....	.....	5 34	.....	6 30	.....	8 0	.....	11 7	.....	8 26	9 30	.....	5 30
Parramatta Junction Arr.	1	4 38	.....	.....	7 54	8 23	.....	.....	.....	11 19	.....	3 19	.....	.. ..	5 37	.....	6 34	.....	8 4	.....	.....	.....	.....	9 34	.....	5 34
Parramatta Junction Dep.	—	4 45	6 28	6 35	7 55	8 28	8 38	.....	.....	11 21	.....	3 20	.....	5 12	5 42	.....	6 35	.....	8 5	.....	11 12	8 25	8 35	9 35	.....	5 35
Haslem's Creek	4	.....	.....	.....	8 3	.....	.....	.....	10 30	11 29	.....	3 29	4 35	5 20	5 50	.....	6 44	.....	8 14	.....	.....	.....	.....	9 44	4 15	5 44
Homebush Arr.	6	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	6 49	.....	.....	.....	.....	.....	.....	9 49	.....	5 49
Homebush Dep.	—	5 10	6 40	6 50	8 10	8 40	8 50	9 0	.....	11 35	.....	3 35	.....	5 26	5 55	6 6	6 50	.....	8 20	.....	.....	.....	.....	9 50	.....	5 50
Burwood	7	5 15	.....	6 54	8 14	.....	8 54	9 3	.....	11 39	1 45	3 39	.....	.....	.....	6 10	6 54	7 30	8 24	10 30	.....	.....	.....	9 54	.....	5 54
Ashfield	9	5 24	.....	7 0	8 20	.....	.....	9 9	.....	11 45	1 51	3 45	.....	.....	.....	6 16	7 0	7 36	8 30	10 36	.....	.....	.....	10 0	.....	6 0
Petersham	11	.....	.....	7 6	8 26	.....	.....	9 15	.....	11 51	1 57	3 51	.....	.....	.....	6 22	7 6	7 42	8 36	10 42	.....	.....	.....	10 6	.....	6 6
Newtown	12	5 35	.....	7 10	8 33	.....	.....	9 19	.....	11 55	2 1	3 55	.....	.....	.....	6 26	7 10	7 46	8 40	10 46	.....	.....	.....	10 10	.....	6 10
Sydney	14	5 45	7 0	7 15	8 40	9 0	9 10	9 26	11 5 Mortuary	12 0	2 7	4 0	5 10 Mortuary	5 46	6 15	6 32	7 15	7 51	8 45	10 51	.....	9 0	9 10	10 15	4 50 Mortuary	6 15

	1		2		3		4		5		6		7		9		10		11		13		14		15		16		17		18	Sunday. 1		Sunday. 3	
	No. of Passengers.	£ s. d.	No. of Passengers.	£ s. d.	No. of Passengers.	£ s. d.	No. of Passengers.	£ s. d.	No. of Passengers.	£ s. d.	No. of Passengers.	£ s. d.	No. of Passengers.	£ s. d.	No. of Passengers.	£ s. d.	No. of Passengers.	£ s. d.	No. of Passengers.	£ s. d.	No. of Passengers.	£ s. d.	No. of Passengers.	£ s. d.	No. of Passengers.	£ s. d.	No. of Passengers.	£ s. d.	No. of Passengers.	£ s. d.	No. of Passengers.	£ s. d.	No. of Passengers.	£ s. d.
Homebush	8	0 7 10	7	0 7 0	...	.....	34½	1 18 2	119	13 7 2	6	0 12 1	36½	1 5 4	99½	12 18 2	15	1 3 0	61	3 3 2	6	0 7 0	5	0 5 0	29	1 6 7	8	0 8 11	...	.....	11	0 12 6	...	.....	...	.....
Burwood	...	.....	...	.....	24	0 19 6	353	21 8 7	...	.....	95	6 15 2	191	11 14 8	240	13 12 6	201	6 19 9	202	10 1 9	...	.....	...	.....	180½	10 6 7	18	0 15 9	128	6 6 2	24	0 18 4	...	.....	...	.....
Ashfield	...	.....	...	.....	24	1 2 0	607	22 10 10	...	.....	...	.....	601	25 1 0	211	11 14 3	62	2 11 3	55	2 9 2	...	.....	...	.....	74	3 12 5	52	1 16 1	43	2 0 2	61	2 18 5	24	0 17 10	46	1 10 8
Petersham	...	.....	...	.....	22	0 9 11	144	3 14 6	...	.....	...	.....	53	1 7 5	66	1 15 6	43	1 7 9	79	1 19 10	...	.....	...	.....	62	1 8 4	87	2 3 2	104	2 8 11	12	0 4 4	8	0 2 11	22	0 7 8
Newtown	...	.....	...	.....	38	0 12 9	191	3 6 9	...	.....	...	.....	12	0 4 3	38	0 14 6	34	0 11 8	7	0 3 0	...	.....	...	.....	154	2 14 4	32	0 12 9	...	.....	...	.....	...	.....	...	.....
Sydney	...	.....	...	.....	...	.....	...	.....	...	.....	...	.....	...	.....	...	.....	...	.....	...	.....	...	.....	...	.....	...	.....	...	.....	...	.....	...	.....	...	.....	...	.....
For one Month	8	0 7 10	7	0 7 0	108	3 4 2	1329½	52 18 10	119	13 7 2	101	7 7 3	893½	39 12 8	654½	40 14 11	355	22 13 5	404	17 16 11	6	0 7 0	5	0 5 0	499½	19 8 3	197	5 16 8	275	10 15 3	108	4 13 7	32	1 0 9	68	1 18 4

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NUMBER of Tons of Billet-wood received at Newtown.

	Tons	cwt.	qrs.	lbs.
November, 1867	884	14	1	0
„ 1872	491	11	1	0

RETURN of Season Tickets for November, 1872.

		£	s.	d.
Newtown	32	13	17	1
Petersham	31	25	6	10
Ashfield	52	55	15	5
Burwood	38	49	15	0
Homebush	1½	2	17	3

Numbers of the Engines employed.	Weight of Engine.	Weight of Tender.	Number of Carriages to each Train.	Weight of Carriages.	Number of Break-vans to each Train.	Weight of Break-vans.
	tons cwt. qrs. lbs.	tons cwt. qr. lbs.		tons cwt. qrs. lbs.		tons cwt. qrs. lbs.
Engine, No. 8	29 19 3 0	Tank Engine.	6	33 0 0 0	1	5 15 0 0
„ 9	21 8 3 0	12 5 0 0	6	33 0 0 0	1	5 15 0 0
„ 11	21 8 3 0	12 5 0 0	6	33 0 0 0	1	5 15 0 0

TOTAL Expenditure for G. S. W. & R. Railways for the year 1871.

£ 136,988 12s. 6d. ÷ 665,932 train miles = 4s. 1d. per train mile.

Sydney : Thomas Richards, Government Printer.—1873.

1873.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

RAILWAYS.

(REPORT RESPECTING ALLEGED BAD ARRANGEMENTS FOR THE LAST SINGLETON SHOW.)

Ordered by the Legislative Assembly to be printed, 23 September, 1873.

REPORT from the Assistant Traffic Manager of the Great Northern Railway, with reference to complaints as to the bad provision made for Railway accommodation on the occasion of the late Singleton Show.

[*Laid upon the Table of the Legislative Assembly, in pursuance of answer given by the Secretary for Public Works to Mr. W. C. Browne's Question on the 23rd September*, 1873.]

[*Extracted from the Maitland Mercury.*]

"THE EXCURSION TRAINS.—SINGLETON SHOW.

"A 'CONSTANT READER,' who does not give his name or date (post-mark 'Morpeth'), and whose letter we cannot therefore publish, writes to us in commendation of the exertions made by three officers at the Newcastle Railway Station, and by one at the Morpeth Station, for the comfortable accommodation of the passengers in the crowded excursion trains on the Singleton Show day, and for the preserving of discipline and order on that occasion; but whether these commendations are or are not deserved by these four officials, certainly we have never known so wide and general a concurrence of opinion that the Railway excursion trains, on the second and principal day of the Singleton Show, showed how unequal to such a sudden and heavy call were the arrangements on the Great Northern Railway. There are a good many people who always grumble at a little extra crowding and inconvenience, and with them an excursion train is always a trouble; but there are also many who enjoy the crowding and bustle; but we have not met with a single person who has expressed satisfaction in this case. It is quite true that the number of passengers exceeded any previous holiday or show experience; but it is equally true that in all cases the Railway Department ought to expect such crowds of passengers, and be prepared to issue tickets rapidly, and in great numbers, to land and embark the passengers quickly, to provide plenty of carriages and locomotives, and to have extra assistance in the work of giving comfort and attention to all comers. Excursion days on Railway lines ought to be looked upon in the same cheerful and hopeful spirit of great work for a few hours as Saturday nights are looked upon in ordinary shops. The department ought not to be taken by surprise by an unexpected inroad of a vast number of customers. The occasion, and the invitations to passengers which are issued beforehand, should make such an inroad expected as a matter of course, and all necessary preparations ought to be made to the full extreme that can possibly be needed. Within the knowledge of the present writer (who stopped at home himself), many persons in Maitland did not go to Singleton that day solely because they knew that the platforms, the ticket offices, and the carriages, would be scenes of the most uncomfortable crowding, pushing, and struggling. Thus the Railway Department lost the earning of many pounds that day, from Maitland alone. To cite an instance:—In all ordinary cases the West Maitland Stations are found, by persons wanting tickets, very convenient; they are 'served' with tickets as fast as wanted, and with polite civility; but on the Singleton Show day, although a hundred passengers might possibly have offered themselves for tickets for every one that comes on an ordinary day, the department did not send any additional force to West Maitland; only one small opening and one person, as usual, was available to obtain tickets from, and it was physically impossible for him to give satisfaction; the pushing and forcing in the office were excessively disagreeable, to females more particularly. Now, would any shopkeeper, on a Saturday night or any other occasion of expected crowding, have taken the absurd course of providing no more counter force than would just meet the ordinary demand every day? Would any manufacturer or ship-owner or 'bus-owner rest lazily satisfied on pressing occasions with ordinary force or ordinary alertness? If they did they would certainly be beaten in the race for custom by their more vigorous and lively neighbours, and might very soon 'shut up shop.' The Railway Department of the Colony, as at present managed, is manifestly unequal to meeting the very crowds of passengers they have themselves invited on these holidays and show days. More carriages, more locomotives, more railway clerks, guards, and porters, should have been employed for the Singleton Show day. The object should have been to give satisfaction and comfort to every applicant and traveller all along the line, and thus cause every one of them, and through their report, their friends also, to look forward with pleasurable anticipation to the next excursion day. No business man will fail to see at once

that

that such a policy of foresight and preparation would greatly increase the chances of pecuniary success for the Railway itself. With steamers passing daily between Sydney and the Hunter, the Railway Department had no excuse whatever for not having sufficient force at the Hunter Railway-stations on the Singleton Show day. And if there is not a sufficient reserve force of carriages and locomotives on this line, more of them ought to be immediately provided."

Mr. Higgs, for full report.—J.S., 5/9/73.

Although the writer of the complaint extracted from the *Maitland Mercury*, upon which I am requested to report, appears to speak of the excursion train generally on the 14th August last, as showing how unequal to such a sudden and heavy call were the arrangements on the Great Northern Railway, I have no hesitation in asserting that ample accommodation was afforded to passengers by all the trains on the date referred to, excepting the 5·30 a.m. train from Newcastle to Singleton, which I must admit was crowded, and the passengers were inconvenienced thereby. All that it was possible to do under the circumstances was done, and no one was left behind.

Of course I am guided in making my arrangements by the business done last year, and I allowed for more than a proportionate increase. As a proof of this, we carried 2,481 passengers *more* than were carried on any former occasion.

The following staff arrangements were made:—Extra guard to each train; a porter to each of the principal platforms to issue tickets; extra porter to West Maitland and Singleton; a clerk with each train to issue tickets to passengers joining the train at other platforms than those where a man had been stationed.

By reason of the present ticket-office at High-street being comparatively shut in as a waiting-room, an assistant would not have been of any service. The difficulty of that place was caused by the people getting to and from the ticket-office.

At West Maitland, the Station-master and the assistant should surely be capable of performing with satisfaction the duty of issuing tickets.

I can scarcely think we lost many pounds by persons anticipating a crush; and if we did, I really cannot see how we are to provide against such notions.

I would, before concluding, invite the Commissioner's attention to a paragraph that appeared in the *Newcastle Chronicle*, of the 16th of August, which, I submit, removes a deal of the unfavourable matter contained in the one taken from the *Maitland Mercury*. J. HIGGS, 11/9/73.

[*Extracted from the Newcastle Chronicle.*]

"NORTHERN AGRICULTURAL ASSOCIATION, SINGLETON.

"(*By our Special Reporter.*)

"The sixth Annual Show under the auspices of the above Association was held at Singleton, on Wednesday and Thursday, the 13th and 14th of August, and was in every way a most successful one. The number of exhibitors was greatly in excess of the number of last year,—a fact which argues well for the increasing interest taken in the Show by the graziers and agriculturists of the district. The number of exhibits in the horse and cattle sections was largely in excess of the number exhibited in the preceding year. The Show was opened at 11 a.m. on Wednesday; and notwithstanding that the charge for entrance on the first day was 2s. and the whole of the exhibits were not on the ground, there was a very large number of visitors present. The day was beautifully fine, the rain that had fallen on the previous day being not more than sufficient to prevent anything like dust, of which the visitors to Singleton would have been treated to more than would be pleasant if it were not for the light showers that fell on Tuesday and early on Wednesday morning, seeing there was a strong wind blowing during the day, and there was a great deal of traffic on the streets of the town. On Wednesday, the 8·30 a.m. excursion train from Newcastle, consisting of over twenty carriages, was crowded, bringing to Singleton about 900 passengers, and arrived about noon; while the excursion train from Murrurundi brought down even more than that number. During Wednesday, the ordinary trains were very well filled, but the passenger traffic on Thursday was twice as much as that on the previous day. The excursion train which left Newcastle at 6 a.m. on Thursday was very well filled, but the 8·30 a.m. excursion train from Newcastle was a sight in itself worth seeing. The train consisted of forty-four carriages, and contained more than 2,500 passengers. A powerful goods engine was attached to this train, but Mr. Higgs, with his characteristic energy and foresight, telegraphed forward to Singleton for another engine, which met the excursion train at Lochinvar, and greatly relieved his brother iron-horse of the heavy load which was behind him. This, we believe, was the longest passenger train ever seen on the Great Northern Line. The Murrurundi trains were also crowded, and necessitated the attaching of two engines to the 6 p.m. train leaving Singleton for Murrurundi. The whole of the ordinary trains were crammed during Thursday, and the extra excursion train leaving Singleton at 11·30 p.m. was also full; but the greatest crush perhaps was at the Singleton station. The rush for seats was something fearful—many carriages being so crowded that there was not even standing room for any more passengers. We cannot pass on without noticing the energy and activity displayed by our worthy Traffic Manager (Mr. Higgs), and the foresight which he displayed in providing for the requirements of so many excursionists; and the care and attention which was bestowed upon the trains and passengers was no doubt one of the reasons why no accident occurred. The crowd of persons seeking admission to the Show grounds at 1 p.m. on Thursday was very great, so that more than one hour was taken up in admitting the people at two gates. The takings at the gates on Wednesday was over £73, but the returns from the charge of 1s. each on Thursday amounted to £230, making a total of £303; a result which will no doubt be very satisfactory to the members of the committee."

This explanation appears satisfactory, and Mr. Higgs deserves praise for his forethought and the arrangements he made, rather than blame for alleged omissions to provide for the unusual rush of passengers on the occasion.—J.R., 19/9/73.

Sydney: Thomas Richards, Government Printer.—1873.

[3*d*.]

1873.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

RAILWAYS.

(FREE PASSES ISSUED TO MEMBERS OF THE PRESS, FROM SEPTEMBER, 1868, TO 23 SEPTEMBER, 1873.)

Ordered by the Legislative Assembly to be printed, 23 September, 1873.

RETURN of Free Railway Passes issued to members of the Press, from September, 1868, to 23rd September, 1873.

[*Laid upon the Table of the Legislative Assembly, in pursuance of Answer given by the Secretary for Public Works to Mr. Webb's Question on the 18th September*, 1873.]

THE COMMISSIONER FOR RAILWAYS to THE SECRETARY FOR PUBLIC WORKS.

(*With reference to the issue of Press Railway Free Passes.*)

Referring to the question of free passes issued to members of the Press, I have the honor to report that the practice of issuing such passes is one that has been in force since the first opening of the Railway to Parramatta in 1855.

The following letter addressed to the proprietors of the *Mudgee Times*, on the 14th of June last, will explain the principle upon which such passes are granted :—

"GENTLEMEN, "Sydney, 14 June, 1873.

"In reply to your letter of the 12th instant, requesting that a free Railway pass between Wallerawang and Sydney may be granted for the use of a reporter to the *Mudgee Times*, available for (say) fourteen days, from the 20th instant, I have the honor to inform you that Railway free passes are granted to reporters, on special occasions, to report on matters of general interest, such as Agricultural Shows, Opening of Railway Extensions, &c.

"This privilege will be extended to the reporter for the *Mudgee Times*, if the business which will bring him to Sydney is of a similar character.

"I have, &c.,
"JOHN RAE."

"Messrs. Henningham & Mason,
"*Mudgee Times*."

It has been usual to destroy periodically the old pass-books, after keeping them for reference for about five years ; it is therefore impossible to give particulars of the passes for the Press issued previous to 1868. Subjoined, however, is a list of Press passes issued from September, 1868, to the present time.

JOHN RAE,
Commissioner for Railways.

Date of Pass.	Name of Person.	Journeys for which given.	Name of Officer authorizing issue.	Value of Pass if paid for. £ s. d.
		Sydney Morning Herald.		
1868.				
21 Sept....	Mr. Rayner	Sydney to Mount Victoria and return	Commissioner for Railways...	
18 Nov....	„ De Boos	Sydney to Marulan and return	„ „ ...	
26 Dec. ...	„ „	„ „	„ „ ...	
1869.				
10 April...	„ „	„ „	„ „ ...	
25 May ...	„ Robinson.....	Sydney to Goulburn and return	„ „ ...	
27 May ...	„ Cooke	„ „	„ „ ...	
27 May ...	„ Langley	„ „	„ „ ...	
27 May ...	„ Burton.....	„ „	„ „ ...	
8 June ...	„ Robinson.....	„ „	„ „ ...	
26 June ...	Reporter	„ „	„ „ ...	
8 July ...	Mr. De Boos	Sydney to Mount Victoria	„ „ ...	
16 July ...	„ Wood	Sydney to Goulburn and return	„ „ ...	
1870.				
16 May ...	„ Cooke	„ „	„ „ ...	
13 June...	Reporter	„ „	„ „ ...	
27 June...	Mr. De Boos	„ „	„ „ ...	63 10 2
1 July ...	„ Robinson.....	„ „	„ „ ...	
23 Dec. ...	„ De Boos	„ „	„ „ ...	
1871.				
18 Mar....	„ „	„ „	„ „ ...	
14 April...	„ „	Sydney to Mount Victoria and return	„ „ ...	
24 June ...	Reporter	Sydney to Rydal and return	„ „ ...	
1 July ...	Mr. De Boos	Sydney to Goulburn and return	„ „ ...	
26 Dec. ..	„ „	„ „	„ „ ...	
1872.				
4 April...	„ Thatcher	Newcastle to Murrurundi	Acting Traffic Manager	
— May ...	Reporter	Rydal to Sydney	Traffic Manager	
27 Aug....	Mr. Burton.....	Macquarie Plains to Sydney	„	
31 Aug....	„ Dowling	Sydney to Macquarie Plains	Commissioner for Railways...	
1873.				
22 Mar....	„ „	Sydney to Raglan	„ „ ...	
9 April...	„ Murray	Sydney to Richmond and return	„ „ ...	
2 Sept....	„ Robinson.....	Sydney to Goulburn and return	„ „ ...	
		Empire and Evening News.		
1868.				
28 Oct. ...	Mr. Alton	Sydney to Mount Victoria	Commissioner for Railways...	
1869.				
27 May ...	Reporter.....	Sydney to Goulburn and return.....	„ „ ...	
27 May ...	„	„ „	„ „ ...	
27 May ...	„	„ „	„ „ ...	
15 Nov....	Mr. Rutledge	Sydney to Windsor and return	Traffic Manager	
16 Dec. ...	„ „	Sydney to Parramatta and return.....	„	
21 Dec. ...	„ „	Sydney to Windsor	„	
1870.				
1 July ...	„ Davis	Sydney to Goulburn and return	Commissioner for Railways...	
7 July ...	„ Ridley	„ „	„ „ ...	26 5 8
29 Oct. ...	Reporter	„ „	„ „ ...	
1871.				
15 April...	Mr. Heaton.....	Sydney to Richmond and back	„ „ ...	
24 June...	Reporter	Sydney to Rydal and back.....	„ „ ...	
1872.				
15 May ...	Mr. Heaton	Sydney to Goulburn	„ „ ...	
27 May ...	Reporter	Sydney to Richmond and back	„ „ ...	
1873.				
26 Feb. ...	Mr. Huntingdon...	„ „	Traffic Manager	
10 April...	Reporter	„ „	Commissioner for Railways...	
2 May ...	Mr. Heaton	Sydney to Goulburn and return.....	„ „ ...	
		Town and Country Journal.		
1871.				
27 Feb. ...	Mr. Mostyn	Sydney to Rydal	Commissioner for Railways...	
31 Aug....	„ Butler	Newcastle to Wingen and return	Traffic Manager	
1 Nov. ...	„ „	„ „	„	
1 Dec. ...	„ „	„ „	„	
1872.				
17 Jan. ...	„ Mostyn	Sydney to Goulburn and return	Commissioner for Railways...	
21 Feb. ...	„ Butler	West Maitland to Muswellbrook	Traffic Manager	
23 Sept....	„ Mostyn	Sydney to Goulburn and return.....	Commissioner for Railways...	26 17 7
15 Nov....	Reporter	„ „	„ „ ...	
1873.				
7 Mar....	„	„ „	„ „ ...	
14 Mar....	Mr. Heaton	„ „	„ „ ...	
4 April...	„ Mostyn	„ „	„ „ ...	
10 April...	Reporter	Sydney to Richmond and return	„ „ ...	
10 April...	Artist	„ „	„ „ ...	
		Illustrated News.		
1873.				
10 April...	Mr. De Beaker ..	Sydney to Richmond and return	Commissioner for Railways...	0 9 0
		Goulburn Herald.		
1873.				
29 May ...	Mr. Riley	Sydney to Goulburn.....	„ „ ...	1 18 8

Date of Pass.	Name of Person.	Journeys for which given.	Name of Officer authorizing issue.	Value of Pass if paid for.
		Western Independent.		£ s. d.
1872.				
5 July ...	Mr. Thatcher	Sydney to Macquarie Plains	Commissioner for Railways...	
24 July ...	,, ,, ...	,, ,, and return	,, ,, ...	
3 Oct. ...	,, ,, ...	Macquarie Plains to Sydney and return	,, ,, ...	
4 Nov....	,, ,, ...	,, ,, ,, ...	,, ,, ...	
18 Dec. ...	,, ,, ...	,, ,, ,, ...	,, ,, ...	
1873.				
24 Jan. ...	,, ,, ...	,, ,, ,, ...	,, ,, ...	28 7 4
11 Mar....	,, ,, ...	Newcastle to Muswellbrook and return.....	,, ,, ...	
14 April...	,, ,, ...	Raglan to Sydney and return.....	,, ,, ...	
30 April...	,, ,, ...	Raglan to Bowenfels and return	,, ,, ...	
18 June ...	,, ,, ...	Sydney to Raglan.....	,, ,, ...	
2 Sept....	,, ,, ...	,, ...	,, ,, ...	
10 Sept....	,, ,, ...	,, ...	,, ,, ...	
		Newcastle Pilot.		
1871.				
16 Aug. ...	Reporter	Newcastle to Singleton	Traffic Manager	
16 Aug. ...	Editor	,, ,, ...	,, ...	
1872.				
17 April...	Reporter	Newcastle to West Maitland	Acting Traffic Manager	2 10 3
18 Sept....	,, ...	,, ,, and return	,, ,, ...	
1873.				
8 April...	Editor	,, ,, ,, ...	Assistant Traffic Manager ...	
13 Aug. ...	Reporter	,, to Singleton and return	,, ,, ...	
		Newcastle Chronicle.		
1869.				
19 May ...	Reporter	Newcastle to Singleton	Traffic Manager	
19 May ...	,, ...	,, ,, ...	,, ...	
19 May ...	Editor	Newcastle to Muswellbrook	,, ...	
1871.				
16 Aug....	Reporter	,, to Singleton and return.....	,, ...	
1872.				3 11 9
17 April...	,, ...	,, to West Maitland	Acting Traffic Manager	
16 Sept....	,, ...	,, ,, and return	,, ,, ...	
1873.				
8 April...	,, ...	,, ,, ,, ...	Assistant Traffic Manager ...	
13 Aug. ...	,, ...	,, to Singleton and return	,, ,, ...	
		Maitland Mercury.		
1872.				
16 Sept....	Reporter	Newcastle to Murrurundi and return	Acting Traffic Manager	
1873.				3 8 8
13 Aug....	,, ...	West Maitland and Singleton	Assistant Traffic Manager ...	
14 Aug....	,, ...	Newcastle to Singleton and return	,, ,, ...	
		Mudgee Times.		
1872.				
5 Nov....	Mr. Henningham	Sydney to Macquarie Plains and return	Commissioner for Railways...	2 19 2
		Bathurst Times.		
1869.				
27 May ...	Mr. Byron	Sydney to Goulburn and return	,, ,, ...	4 10 2
1873.				
13 Sept....	Mr. Bunster	Raglan to Sydney	,, ,, ...	

Sydney: Thomas Richards, Government Printer.—1873.

[3*d*.]

1873.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

RAILWAYS.

(DISMISSAL OF MR. MOODY, LATE TRAFFIC MANAGER—CORRESPONDENCE, &c., RELATIVE TO.)

Ordered by the Legislative Assembly to be printed, 10 *December*, 1873.

RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 10 September, 1873, praying that His Excellency the Governor would be pleased to cause to be laid upon the Table of this House,—

"Copies of all Papers and Correspondence relating to the dismissal or "removal of Mr. Moody from the office of Railway Traffic Manager."

(Captain Onslow.)

SCHEDULE.

NO.		PAGE.
1.	Minute of Secretary for Public Works, requesting the Commissioner for Railways to inquire into Mr. Moody's evidence. 17 March, 1873	2
2.	Commissioner, informing Mr. Moody that he will hold inquiry. 17 March, 1873	2
3.	Commissioner's report upon the efficiency of the clerks in Mr. Moody's office. 18 March, 1873	2
4.	Mr. Moody's protest against the Commissioner's report. 18 March, 1873	3
5.	Minute of Commissioner—Mr. Richardson to report on the clerks in Mr. Moody's office. 19 April, 1873	4
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7.	Minute of Secretary for Public Works—Traffic Auditor to report on clerks at each Station. 21 March, 1873	6
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9.	Reports from C. Paull, J. Higgs, and C. Irvine on the subject of Mr. Moody's control over the men. 19 April, 1873	10
10.	Letter to Mr. Moody, that he is not to resume duty pending decision of the Government. 31 May, 1873	11
11.	Minute for Cabinet—Explanations and reports in connection with evidence given before Select Committee. 3 June, 1873	11
12.	Minute of Cabinet—That Mr. Moody be called upon to show cause why he should not be removed from office. 3 June, 1873	13
13.	Letter to Mr. Moody, calling upon him to show cause. 4 June, 1873	13
14.	Letter from Mr. Moody, in reply. 11 June, 1873	14
15.	Minute for Cabinet, enclosing Mr. Moody's reply. 20 June, 1873	15
16.	Minute of Cabinet—Government have decided that Mr. Moody be removed. 30 June, 1873	16
17.	Executive Minute, removing Mr. Moody. 14 July, 1873	16
18.	Letter to Mr. Moody, informing him of his removal. 17 July, 1873	16
19.	Letter from Mr. Moody to Under Secretary for Public Works, asking to what office he is removed. 18 July, 1873	16
20.	Do. do. to Commissioner, that he is awaiting orders. 18 July, 1873	17
21.	Do. from Crown Solicitor, relative to Mr. Moody's letters. 22 July, 1873	17
22.	Do. to Mr. Moody, that he is removed from the Public Service. 22 July, 1873	17
23.	Do. do. that the Commissioner has no orders to give him. 22 July, 1873	17

RAILWAYS.

No. 1.

EXTRACT from Minute of the Secretary for Public Works on Evidence given before the Select Committee on Civil Service, instructing the Commissioner for Railways to make inquiry.

"Mr. Moody's evidence also requires inquiring into, especially that having reference to the alleged inefficiency of the staff, and the necessity for their receiving education at the hands of Mr. Moody.

JOHN SUTHERLAND,
17th March, 1873."

No. 2.

THE COMMISSIONER FOR RAILWAYS to THE TRAFFIC MANAGER.

THE Minister having brought under my notice that you have stated that the clerks in your office are inefficient, and that you are obliged to educate them as in a school, and requested me to take the first opportunity of inquiring personally into these statements, and report to him the result of my inquiries, I have to inform you that I will call at your office this afternoon or to-morrow morning for the purpose.

J.R., 17/3/73.

Protest herewith.—R. MOODY, 18/3/73.

No. 3.

THE COMMISSIONER FOR RAILWAYS to THE SECRETARY FOR PUBLIC WORKS.

Report upon the efficiency of the Clerks employed in the Traffic Manager's Office, Sydney.

IN attention to Mr. Secretary Sutherland's request, I yesterday, accompanied by the Chief Clerk for Railways, attended at the Traffic Manager's office, to inquire into the allegations made by him that, with the exception of one efficient clerk recently appointed, the clerks in his office are not efficient.

My attention was particularly drawn to Mr. Moody's statement before the Select Committee on the Civil Service, as follows:—

"225. Are there many clerks under your immediate supervision? I have one efficient clerk, recently appointed, and I have other clerks in the office.
226. Are they efficient? They are not efficient for my purposes. They can sometimes copy a document correctly if it is given them, but they cannot do much more than that. They are improving since I have had them at school, as I may call it. I have felt that I was unable to rely upon their work for months, until I paid that close attention to it myself, to the injury of my health no doubt, which has brought them up to greater efficiency.
227. Were they inefficient in writing—the mere clerical duties? In the general carrying out of their duties. For instance, if I gave them a document of this kind (*referring to the classification-sheet*) to make out, very likely after they had done it I would have to do it over again myself, to show them how to do it."

And again:

"236. In the case of these inefficient clerks placed under you, how is it that you put up with them at all? I think you should be in my place for one week to understand that question fully.
237. Do you mean to say you are compelled by your position to keep a number of inefficient clerks against your own judgment? If I did not I should not be able to draw my salary long.
238. If you were left to yourself would you keep these clerks? No, I would not."

I requested Mr. Moody to name the clerks whose inefficiency he alluded to. In reply, Mr. Moody said that the present clerks were not inefficient, and that in his evidence he had been alluding to things of the past. As this statement did not correspond with what I understood he had told Mr. Secretary Sutherland, nor with the evidence given before the Select Committee, I decided to examine the clerks myself, to inspect the books they kept, as also the books kept by their predecessors.

The record books, containing a short abstract of the contents of all letters and papers received in the office and their disposal, were first submitted to me; and I was gratified to find that not only were they now admirably compiled, but that during the whole time Mr. Moody had been Traffic Manager, as also before that period, they bore evidence of having been most carefully and faithfully kept. The handwriting of the different record clerks, Mr. Herald, Mr. Nealds, and the present holder, Mr. Marks, as displayed in the books, is exceedingly good, and the index to the Register had, I found, been accurately compiled. I was the more pleased to find this portion of the work so well carried out, as my long experience in official business has taught me that the effective administration of the business of an office mainly depends upon the accuracy with which the records are kept.

Mr. Moody's staff consists of the following clerks, viz.:—Mr. Richardson, Mr. Marks, Mr. Cullen, Mr. Allaband.

Mr.

Mr. Richardson,—who has the general supervision of the office, conducts the correspondence, and is responsible for the work of all the clerks who are placed under him.

As Mr. Moody admits that this officer is thoroughly efficient—a fact also otherwise well known—and as he is responsible for, and has the supervision of the work of the rest of the clerks, I considered it desirable to obtain his statement as to their duties and the manner in which they are carried out.

Mr. Richardson says:—"Mr. Marks has been 3½ years in the office; he acts as record clerk, and has so acted since May, 1870; the number of papers registered averages 3,000 a year. Mr. Marks carries the work out unaided; there are no arrears, and the work is performed most satisfactorily. Mr. Marks also copies papers when required; makes out returns. He has the capacity to perform the work properly, and does so to my entire satisfaction."

In reference to Mr. Moody's statement that the clerks are improving since he has had them at school, I requested Mr. Marks to state how he was employed before entering the Railway Service. He stated that, eight years ago, in England, he was in the service of an Underwriter at Lloyd's; afterwards in a merchant's office; and for two years and eight months he was a ledger-keeper in the Bank of New South Wales.

Mr. Culley, the next clerk, keeps the store book, containing the supply requisitions, in duplicate, from the various stations; he also keeps the ledger showing the supplies each station receives; he copies and sends out the Special Train Notices, and assists in copying and dispatching the "General Orders" of the Traffic Manager. Mr. Richardson says that he performs his duties very fairly; he is very neat and tidy in the way he does his work (a fact established to my satisfaction by the production of his ledger), and though a little slow, can be depended upon for accuracy. He has been twelve months in the office.

In reply to my inquiry as to previous employment, Mr. Cullen stated that he had served an apprenticeship of four years in a merchant's office, and did not when he entered require, nor has he received, any "schooling," beyond an explanation of the nature of the duties he was to perform, as before entering, he had passed the Civil Service examination.

Mr. Allaband, the only other clerk in the Traffic Manager's office, compiles the statement of the truck returns, showing daily the number of trucks arriving at and leaving each station, and the number left at each station for loading. He makes each morning a summary of these returns, and performs the work accurately; he is also charged with the duty of press-copying all the letters, general orders, &c.; he assists in copying, and makes himself generally useful. Mr. Richardson states that he is very zealous and painstaking; his handwriting, though fair, is not so good as that of the other clerks, but he is rapidly improving in this respect. The defect in the handwriting is attributed to a change in style, having previously been accustomed to slant his letters from left to right. Mr. Allaband has been only 2½ months in the office. He is a compositor and printer by trade; served his time at Messrs. Reading & Wellbank's, and was recently engaged as a compositor in the *Herald* office; no "schooling" could therefore be required at the hands of the Traffic Manager in his case.

Mr. Richardson, in conclusion, said, without contradiction from Mr. Moody, who was present during the whole time, that the clerks in the office are efficient, they are quite able to carry out the duties required, and are intelligent and zealous in the discharge of them; they are fully employed, the office hours being from half-past 8 a.m. to 5 o'clock p.m.—one hour being allowed for dinner.

I may remark generally, that the work to be performed in the Traffic Manager's office is not of a high class order. With the exception of the correspondence, which is not heavy, and the records, the work is of a character which is usually given to junior clerks to perform, and appears to me to be well conducted by the present staff. After carefully examining the books before and since Mr. Moody took office as Traffic Manager, I can find no evidence that the work was ever inefficiently performed.

As the inquiry was confined to the efficiency or otherwise of the clerks now employed in Mr. Moody's office, I did not extend my investigation beyond that.

Mr. Moody alluded to several junior clerks he had had from time to time in his office. There is no direct evidence however of their inefficiency, and the books of the office produced to me bear no record that such was the case. Nearly all of them are still in the Traffic Branch, employed at the various stations, and are spoken of as doing their work efficiently.

After a patient inquiry and careful investigation, I can find nothing to support Mr. Moody's statements.

JOHN RAE,
18 March, 1873.

No. 4.

Mr. Moody's Protest.

Efficiency of the Railway Clerks.

To the Commissioner,—

I have the honor to request that this memo. be attached to the report of the Commissioner, as to his inquiry yesterday into the state of efficiency of the clerks under the Traffic Manager.

1st. I most respectfully protest against the present state of the office being taken as a test of the truth of what I stated before the Select Committee, because Mr. Richardson is a competent clerk, with nothing to do except the routine duties with the clerks under him.

2nd. Upon Mr. Richardson entering into the office, I had Mr. Roberts, who, although he professes to have had a good many years railway experience, I have found to be so thoroughly abroad that I was unable to send him out for station duty, or to get for me any information I required; and as to get for me any information I required, and as to mere routine duty, checking guard's sheets, pay lists, or general copying, he was so unreliable and careless as to render him next to useless, and very troublesome, as all his work had to be checked. He was sent into the parcels' office.

3rd. Mr. Sotheren had previously been removed from at least two offices before he was sent to me, and was (although writing a very nice hand) quite useless as a clerk, even for copying; he had no knowledge enabling him to be of any service, except he were under the care of some other person to direct and watch him, and even then could get through but a very small share of work. He was tried at station work and utterly failed, and has since been under the station-master, Goulburn, as parcels' clerk.

4th. Mr. Pritchard, although a sharp, intelligent, and attentive youth, had not received an education sufficient to enable his services to be made available for office business without some previous training, and he was put into the parcels' office.

5th. Mr. Marks kept the record book, which is a literal copy of the minutes, and indexed the same; he did nothing else, except an occasional job given to him, and has repeatedly stated to me that he preferred keeping at his desk to learning station duties.

6th. Mr. Cullen attended to the store requisitions, and copied general orders, and has had no opportunity of learning station duties, not having evinced any desire to do so.

7th. The present state of the clerks under the control of a competent man, with three inefficients removed, will bear no analogy to the state of things represented by me, because as I desired the office to be, and as it ought to be, I should have at least two clerks in the office efficient for station duty,—one would be almost constantly employed, and the other occasionally.

8th. It will be seen that out of the five clerks I had not one efficient so as to send out to stations for information, or to relieve a station-master for a day or two, and three out of the five were quite inefficient for general purposes.

I enclose a list of those who have come under my office for three years and a half, numbering in all twenty persons.

R. MOODY,
18/3/73.

Clerks as when first entering office.

Mr. Marks	An educated young man, but had not much knowledge of office duties; not efficient for station duties.
Mr. Neale.....	Very useful.
Mr. Badcock	Could only be made very little use of in the office.
Mr. Watsford	Very useful, but not efficient.
Mr. Launders	Not efficient, but very useful.
Mr. Herald	Efficient; now station-master.
Mr. Hornidge	Efficient as to station duties; now station-master.
Mr. Thompson.....	A good clerk; since appointed station-master.
Mr. Sothern	Inefficient.
Mr. Roberts	May have been a good clerk once, but is very little use now; cannot be depended upon.
Mr. Cullen	A good clerk for mere routine.
Mr. Richardson ...	Thoroughly efficient.

Youths.

Burge, Abrahams, Hoowen, Bull, Drew, Booth, Goodwin, Moreton, Conellan.

No. 5.

MINUTE OF THE COMMISSIONER FOR RAILWAYS.

MR. Richardson, from his thorough knowledge of the clerical staff of the Traffic Department, will be good enough to furnish me with his opinion of the efficiency or otherwise of the clerks whose names are appended to Mr. Moody's protest, the date of their appointment, the nature of the duties they have been called on to perform at different times, and to state, as far as possible, by whom or on whose recommendation they were appointed.

J.R., 19/4/73.

No. 6.

MR. RICHARDSON'S REPORT ON ABOVE.

Traffic Manager's Office,
Sydney, 21 April, 1873.

IN obedience to the Commissioner's instructions, I have the honor to submit the following report on the officers referred to in Mr. Moody's protest, the nature of their duties, and how these duties have been and are performed:—

Mr. Marks.—Still in the Traffic Manager's office, acting as record clerk; gives complete satisfaction in the performance of his duties.

Mr. Neale.—The records of the office show that he must have been an efficient officer; he was promoted from that position to be assistant to the cashier. His principal duty is to pay the men along the line, and he has shown himself a trustworthy and efficient officer.

Mr. Badcock.—Mr. Badcock before entering the Railway Service had many years of experience in mercantile offices. He was first station clerk at Mittagong, and was selected for the Traffic Manager's office. He was an excellent book-keeper and correspondent, his handwriting being admirable. He was promoted to Camberwell Station, on the Great Northern Railway, where he now is, and performs the duties with efficiency.

Mr. Watsford.—Was employed as relieving station clerk for about five years, and performed the work in a most efficient manner; in fact, for the duties of relieving, it would be a hard matter to find a man better qualified. He was promoted to South Creek Station, as station-master.

Mr.

Mr. Landers.—Was employed as copying and corresponding clerk, and there is no record in the office to show that his work was not efficiently performed. Sent to the goods-shed, where he gave me every satisfaction; afterwards promoted to be clerk to the Superintendent of Way and Works, 20/1/72. *(See Mr. Mason's report below.)

Mr. Herald—Left Manager's office to be goods foreman on the 9th February, 1871.

Mr. Hornidge.—22/8/72 removed from Rydal Station, where he had performed most efficiently the duties of chief goods' clerk. There is no record to show that while in the Traffic Manager's office his work was not efficiently performed. Was, after serving some months in the office, appointed relieving station-master, the duties of which post he performed in an able manner. Soon after promoted to station-mastership, Sutton Forest, 1/5/72. Now at Mount Victoria.

Mr. Thompson.—Promoted from Rydal to the Traffic Manager's office. The books in the office and the correspondence in the letter book clearly prove that the work allotted to him was performed in an able manner. Promoted to Rydal Station as station-master, 4th July, 1872.

Mr. Sotheren.—12/1/72 sent from the office of the Superintendent of Way and Works to be clerk in Traffic Manager's office. Wrote a very good hand, and while kept as a copying clerk I cannot find that there is any record to show that he did his work inefficiently. On the 6/7/72, without any previous knowledge of station duties, he was appointed relieving clerk, and very naturally failed to give satisfaction to the Traffic Auditor. He was subsequently sent to Goulburn as parcels clerk.

Mr. Roberts was transferred from the office of the chief clerk on the 9th July, 1872. Was not adapted to take the lead in office of other work, as dependence could not be placed on the correctness of his labour. Wrote however a good clear hand, and could get through a good deal of work. Under careful supervision could be made very useful for copying, &c.

Mr. Cullen.—Appointed April 1st, 1872, as clerk in the Traffic Manager's office, where he still remains, and performs the duties allotted to him in a satisfactory manner.

YOUTHS.

C. Burge.—Transferred from Picton to Traffic Manager's office, 22/8/71. Promoted on the 20/1/72 to the goods-shed, where he failed to give satisfaction. (Retired on sick-leave.)

Abrahams.—Appointed messenger in the Traffic Manager's office on the 5th July, 1870. Resigned 5th August, 1870.

Hooker.—Never in Traffic Manager's office. Now deceased. He was employed in the parcels office.

Bull.—Telegraph clerk. Resigned from ill-health.

Drew.—Appointed messenger in Traffic Manager's office and telegraph clerk, April 1st, 1872. Removed to Junction as telegraph clerk, where he gives satisfaction.

Booth.—Appointed messenger in Traffic Manager's office, and telegraph clerk; removed to Wallerawang as telegraph clerk, where he gives satisfaction.

Goodwin.—Telegraph clerk. (Left service.)

Morton.—Telegraph clerk. Promoted to Parramatta Junction, where he proves himself efficient.

Conellan.—Appointed to Traffic Manager's office; removed to goods office, where he proved himself a most efficient clerk, 23/3/72.

It is impossible for me to say precisely by whom these clerks were recommended, but I will do so as far as possible:—

Mr. Marks—by Mr. Sutherland.
Mr. Neale—(appointed before Mr. Moody's time.)
Mr. Badcock—chosen by Mr. Moody.
Mr. Watsford—(appointed before Mr. Moody's time.)
Mr. Landers—chosen by Mr. Moody.
Mr. Herald—chosen by Mr. Moody.
Mr. Hornidge—chosen by Mr. Byrnes.
Mr. Thompson—chosen by Mr. Moody, I believe.
Mr. Sotheren—transferred by Mr. Byrnes.
Mr. Roberts—chosen by Mr. Moody.
Mr. Cullen—appointed by Mr. Byrnes.
Mr. Burge—appointed by Mr. Byrnes.
Mr. Abrams—by Mr. Moody.
Mr. Hooker was not in Traffic Manager's office.
Mr. Bull— do. do.
Mr. Drew—by Mr. Byrnes.
Mr. Booth—by Mr. Byrnes.
Mr. Goodwin—(appointed before Mr. Moody's time.)
Mr. Morton—(appointed before Mr. Moody's time.)
Mr. Conellan—by Mr. Byrnes.

A. RICHARDSON,
Acting Traffic Manager.

No. 7.

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* Railway Department (Permanent Way Branch),
Sydney, 22 April, 1873.

THIS is to certify that Mr. Landers has been engaged as principal clerk in this office, and immediately under my direct supervision, since the 12th January, 1872.

I have always found him exceedingly intelligent, industrious, and thoroughly efficient in everything appertaining to the duties of his office.

WILLM. MASON,
Engineer in charge of (Pt. Way Branch) Existing Lines.

No. 7.

MINUTE OF THE SECRETARY FOR PUBLIC WORKS.

BY the instructions to Traffic Auditor of 8th April, 1870, paragraph 2:—"All books, accounts, tickets and forms kept by station-masters are placed under the direct supervision of the Traffic Auditor, and he is held responsible for the proper keeping of all such station-books and accounts, &c., &c., &c.

It has been represented that this work is carried out by inefficient officers, and consequently, it is presumed, in an inefficient manner.

The Commissioner will obtain from the Traffic Auditor a report on each station, as regards the clerical work; he will give a list of the employés engaged in this work, and will state, opposite the name of each, what his clerical duties consist of, and how they are carried out. I should like to know how each man so reported upon has been engaged since he entered the service, the pay he received when he entered, his length of service, and his present pay and general qualifications.

JOHN SUTHERLAND,
21/3/73.

Traffic Auditor, B.C., 24/3/73.—J.R.

No. 8.

THE TRAFFIC AUDITOR to THE COMMISSIONER FOR RAILWAYS.

Traffic Auditor's Report.

In forwarding the accompanying return of officers employed in clerical work on the Southern and Western lines, I may observe, with respect to the terms used in describing the manner in which their work is performed, that they are intended to stand, as regards merit, in the following order:—

1. Most efficiently.
2. Very efficiently.
3. Efficiently.
4. Satisfactorily.
5. Fairly.
6. Indifferently.

It must also be pointed out that these terms are intended to apply only to each man's performance of his *present* duties, and that the duties devolving upon the various officers are very different, both as regards the amount and difficulty of work to be performed.

With respect to the general qualifications, or the efficiency of the staff as a whole, and taking a practical view of the matter, it is my opinion, after many years of experience among the men, that the Commissioner might well be congratulated upon possessing so competent and reliable a body of men—men who have, in the performance of their clerical duties at least, proved themselves to be the very reverse of inefficient.

At Sydney and the terminal stations the assistants in the Goods' Department give every satisfaction. This is especially the case in the Sydney goods-shed. The porters upon whom some portion of clerical work devolves are men, I consider, whose abilities qualify them for any clerical work in the Traffic Department. In almost every case in which men occupying the position of porters have been called upon to undertake more or less of clerical work, I have been surprised and pleased with the intelligence, aptitude, and tractability displayed.

At Goulburn the goods clerk is a most efficient officer, and he is well satisfied with his assistant. The books are, I consider, a pattern of neatness and correctness.

At the terminal station on the Western line we have just lost, through resignation, another very efficient goods clerk, whose duties are at present being carried on by the remainder of the staff.

Parramatta and Wallerawang are the only remaining stations having assistant clerks.

At Parramatta the assistant has been well trained, and will prove a useful and efficient clerk, I believe, in any capacity.

At Wallerawang the goods clerk is a young man of ample ability for his post, and is at present giving satisfaction, although, from want of zeal and application on his part, as goods clerk at Macquarie Plains, he failed in the proper performance of his work.

D. VERNON,
Traffic Auditor.
4/4/73.

[*Enclosure.*]

[*Enclosure.*]

Name.	Length of Service.	Pay when entering.	How engaged since entering.	Present Pay.	Nature of present Duties.	How performed.
T. Carlisle	11 years	£200 ℔ annum	Goods Clerk; Station-master; Clerk in charge, Goods Branch, Redfern Station.	£250 ℔ annum, and £50 house allowance.	Station-master's duties, Goods' Department, and responsible for due performance of all clerical work connected with such department.	Efficiently.
J. Harper	2 „	£50 „	Junior Clerk, Engineer-in-Chief's Office, and Cash and Inquiry Clerk, Goods Office, Redfern.	£2 8s. ℔ week	Takes cash, enters Office Receipt Book, and replies to inquiries of customers.	Satisfactorily.
H. Morris	8 „	£2 2s. ℔ week	Weigh Clerk; Goods Clerk; Invoicing Clerk	£3 „	Invoicing, Goods' Office, Redfern	Efficiently.
P. Cazneau	6 „	£1 „	Invoicing Clerk	£2 14s. „	„ „ „	Satisfactorily.
F. Kensett	4 „	£2 2s. „	Porter; Goods Clerk; Invoicing Clerk	£2 14s. „	„ „ „	„
M. Connellan	2 „	£1 „	Junior Clerk, Traffic Manager's Office; Clerk in Goods Office.	£1 10s. „	Keeps wool and ledger accounts, &c.	Efficiently.
C. Rowe	7 „	£1 16s. „	Porter	£2 14s. „	In charge of wool delivery and wool delivery books.	„
G. Dwyer	6 „	£1 „	„	£2 2s. „	Delivering general goods, and keeps delivery book	„
G. Jessop	6 „	£1 16s. „	„	£2 8s. „	Delivers live stock and auctioneers' produce, and keeps delivery books.	„
G. Pirie	5½ „	£1 16s. „	„	£2 2s. „	In charge of weigh-bridge, and keeps book of wool weights, &c.	„
A. Crawford	11 „	£2 2s. „	Goods Clerk; Goods Foreman; Station-master	£250 ℔ annum, and £50 house allowance.	Station-master, Coaching Branch, Redfern; responsible for performance of work by clerks.	„
J. C. Hankin	10½ „	£2 2s. „	Invoice Clerk; Clerk in Accountant's Office; Booking Clerk.	£3 ℔ week	Issuing passenger tickets, and keeping passenger traffic books.	„
T. Bonamy	10½ „	£2 „	Parcels Clerk; Clerk in Redfern Goods Office; Booking Clerk.	£3 „	Issuing tickets and keeping passenger books	Most efficiently.
W. Roberts	3¾ „	£2 14s. „	Copying Clerk; Clerk in Manager's Office; Parcels Clerk.	£3 „	Receives and delivers parcels, and keeps parcel books	Indifferently.
— Bettridge	4 months	£3 „	Booking Clerk; Assistant Parcels Clerk	£1 16s „	Assists Parcels' Clerk	Fairly, as far as can be known.
McV. N. Falconer	15 years	£2 14s. „	Porter; Head Porter; Station-master	£200 ℔ annum and house.	Station-master, Newtown; responsible for accounts, books, and work of station.	Efficiently.
R. Herbert	3½ „	£1 16s. „	Porter; Station-master	£150 per annum and house.	do. do. Petersham	Satisfactorily.
G. Bonamy	10½ „	£3 5s. „	Parcels Clerk; Station-master	do.	do. do. Ashfield	Efficiently.
S. A. M'Kenzie	14¾ „	£150 ℔ annum	Porter; Station-master	£175 ℔ annum and house.	do. do. Burwood	Indifferently. This officer is an old servant, and his increasing age must be taken into account.
A. Moodie	17 „	£200 „	Issuer of Stores; Station-master	do.	do. do. Homebush	Efficiently.
W. Simpson	4½ „	£2 9s. ℔ week	Stoker; Pointsman; Station-master	£120 ℔ annum and house.	do. do. Haslem's Creek	Satisfactorily.
J. Higgs	16 „	£2 14s. „	Porter; Head Porter; Station-master	£200 ℔ annum and house.	do. do. Parramatta Junction	Very efficiently.
J. Morton	.....	.....	.....	.....	.....	.....
S. E. Crook	9 „	£1 16s. „	Porter; Parcels Porter; Guard; Station-master	£132 10s. ℔ ann. and house.	do. do. Fairfield	Fairly.

Name.	Length of Service.	Pay when entering.	How engaged since entering.	Present Pay.	Nature of present Duties.	How performed.
G. Davis	8 years...	£1 16s. ℔ week	Parcels Clerk; Goods Clerk; Station-master	£175 ℔ annum and house.	Station-master, Liverpool; responsible for books, accounts, and work of station generally.	In this case, I beg to refer to previous reports, but for the last twelve months, as regards the performance of the work, there is nothing to complain of.
J. Bole	5 months	„ „	Parcels Porter	£1 16s. ℔ week	Receives and delivers parcels, and keeps parcels books, Liverpool.	Satisfactorily.
W. Elyard	3 years...	£2 8s. „	Porter; Station-master; Head Porter	£2 8s. „	Head Porter's duties, and keeps goods books	Fairly.
P. Dwyer	16 „ ...	£2 14s. „	Porter; Station-master	£200 ℔ annum and house.	Station-master, Campbelltown; responsible for books, accounts, and work of station generally.	Efficiently.
T. Pierce	1⅛ „ ...	£1 19s. „	Goods Porter; Parcel Porter	£1 16s. ℔ week	Receives and delivers parcels, and keeps parcels books, Campbelltown.	Fairly.
J. Beeston	9¾ „ ...	£150 ℔ annum	Station-master	£150 ℔ annum...	Station-master, Menangle. (Duties as previously described—See Campbelltown.)	„
A. J. J. Warby	.....	.....	.....	.....	.....	.....
T. M. Giblin	6 years...	£200 ℔ annum	Station-master	£200 ℔ annum...	„ Picton	Efficiently.
J. Byrne	10 „ ...	£2 2s. ℔ week	Porter; Pointsman; Parcels Porter	£2 2s. ℔ week ...	Parcels Porter, Picton. (Duties as described above—See "T. Pierce.")	Satisfactorily.
J. Shanahans	10 „ ...	„ „	Porter; Head Porter	£2 8s. „ ...	Porter's duties, and keeps goods books	„
G. T. Roberts	5 „ ...	„ „	Probationer; Station-master	£150 ℔ annum...	Station-master, Mittagong—(See description for Picton.)	„
J. Foody	4½ „ ...	£1 16s. „	Porter	£2 2s. ℔ week ...	Porter, and assists in keeping goods books	Fairly.
J. O. Bradley	3 „ ...	£2 8s. „	Parcels Porter; Clerk; Station-master	£120 ℔ annum and house.	Station-master, Bowral—(See previous description for Station-master.)	Satisfactorily.
T. Parkes	6 5/12 „ ...	£1 10s. „	Asst. Station-master; Parcels Porter; Station-master	£150 „	Station-master, Sutton Forest	Fairly; often suffers from bad health.
W. Jarvis	12¾ „ ...	£2 2s. „	Porter; Guard; Ticket Collector; Station-master...	£150 „	Station-master, Marulan—(See previous description for Station-master.)	Satisfactorily.
T. Norman	4⅓ „ ...	£1 16s. „	Porter; Clerk; Station-master	£250 „	Station-master, Goulburn—(See previous description for Station-master.)	Efficiently.
R. R. Ewen	12½ „ ...	£150 ℔ annum	Clerk, Public Works; Clerk, Railway Audit Office; Book-keeper in Store; Goods Clerk.	£200 ℔ annum...	In charge of all goods books and accounts; and receives all goods moneys, Goulburn.	Most efficiently.
R. Dunn	3¾ „ ...	£2 2s. ℔ week	Junior Clerk	£2 2s. ℔ week ...	Junior Clerk, Goods Office, Goulburn	Satisfactorily.
G. R. Sotheren	3⅞ „ ...	£75 ℔ annum	Junior Clerk in Railway Store; Accountant's Office; Permanent Way Branch; Traffic Manager's Office; Relieving Station Clerk; Parcels Clerk.	£2 14s. „ ...	Parcel Clerk, Goulburn; in charge of Parcels Office and books.	Indifferently.
E. Woodgate	15⅓ „ ...	£180 „	Clerk in Accountant's Office; Station-master	£200 ℔ annum and £50 house allowance.	Station-master, Parramatta—(See previous description for Station-master.)	Most efficiently.
J. Drewe	2¼ „ ...	£1 ℔ week ...	Telegraph Clerk; Station Clerk	£2 2s. ℔ week ...	Assistant Clerk, Parramatta; keeps goods books and assists booking.	Efficiently.
G. Woodall	12 10/12 „ ...	£2 2s. „ ...	Porter; Gatekeeper; Porter in charge; Station-master.	£120 ℔ annum and house.	In charge of Seven Hills Station—(See previous description for Station-master.)	Satisfactorily.

Name.	Length of Service.	Pay when entering.	How engaged since entering.	Present Pay.	Nature of present Duties.	How performed.
J. Collins	15 years...	£2 2s. ℔ week.	Porter; Head Porter; Station-master	£200 ℔ annum and house.	Station-master, Blacktown—(See previous description for Station-master.)	Very efficiently.
S. Pass	6 „ ...	£1 5s. „	Junior Clerk; Parcel Clerk; Station-master	£132 10s. „	Station-master, Rooty Hill. do.	Satisfactorily.
J. Watsford	7 „ ...	£1 10s. „	Clerk; Relieving Station-master; Station-master	£125 „	Station-master, South Creek. do.	Efficiently.
T. Brown	2 „ ...	£1 10s. „	Porter; Acting Station-master	£1 16s. ℔ week	Acting Station-master, Penrith. do.	Satisfactorily.
W. Morrison	2 10/12 „ ...	£2 2s. „	Porter; Parcels Porter	£2 2s. „	Parcels Porter, Penrith—(See previous descriptions.)	„
J. G. Bissett	3 5/12 „ ...	£2 8s. „	Porter; Porter in charge	£2 1s. „ and house.	Porter in charge of Emu Plains Station, books, &c.	„
J. E. Muir	8 „ ...	£1 16s. „	„ „	£2 8s. ℔ week and house.	„ Blue Mountains	„
M. A. Hornidge	5 1/12 „ ...	£2 „	Junior Clerk; Goods Clerk; Clerk in Traffic Manager's Office; Relieving Station-master; Station-master.	£175 ℔ annum and house.	Station-master, Mount Victoria—(See previous descriptions.)	Efficiently.
T. M'Coy	6 1/4 „ ...	£2 2s. „	Issuing stores; Clerk in store; Station-master	£150 ℔ annum...	„ Bowenfells. do.	„
J. B. Goold	14 8/12 „ ...	£150 ℔ annum	Goods Clerk; Storekeeper; Station-master	£250 „ and house.	„ Wallerawang do.	Most efficiently.
H. C. Stiles	4 7/12 „ ...	£2 2s. ℔ week	Goods Clerk	£2 8s. per week...	In charge of goods books, and receives moneys, Wallerawang.	Satisfactorily at present.
W. Lackey	1 „ ...	£1 19s. „	Junior Clerk	£1 19s. „	Assistant in Goods Office, Wallerawang	Fairly.
J. Thomson	2 8/12 „ ...	£2 2s. „	Porter; Parcels Porter; Clerk in Traffic Manager's Office; Relieving Station-master; Station-master.	£150 ℔ annum and house.	Station-master, Rydal—(See previous descriptions.)	Efficiently.
J. M. Middleton	16 1/2 „ ...	£150 ℔ annum	Station-master	£250 „	„ Macquarie Plains. do.	„
T. Foley	5 1/4 „ ...	£1 10s. ℔ week	Parcel Porter; Clerk; Goods Clerk	£2 8s. ℔ week...	Acting Goods Clerk, Macquarie Plains—(See description for Goods Clerk, Goulburn.)	Satisfactorily.
F. G. Smith	1 „ ...	£1 19s. „	Junior Clerk; Clerk in Goods Office	£2 2s. „	Assisting Goods Clerk, Macquarie Plains	„
G. Evans	6 1/2 „ ...	£1 16s. „	Porter; Station-master	£150 ℔ annum...	Station-master, Raglan—(See previous description for Station-master.)	Efficiently.
J. Titterton	4 1/2 „ ...	£1 16s. „	Parcel Porter; Clerk; Station-master	£120 ℔ annum and house.	Station-master, Riverstone. do.	Fairly.
G. R. Henson	6 5/12 „ ...	£1 16s. „	Porter; Shunter; Pointsman; Signalman; Guard; Station-master.	£120 „	Station-master, Mulgrave. do.	Satisfactorily.
D. Scotland	6 „ ...	£2 8s. „	Clerk; Station-master	£200 „	Station-master, Windsor. do.	Efficiently.
C. Morris	8 1/2 „ ...	£2 2s. „	Goods Clerk; Station-master	£150 „	Station-master, Richmond. do.	„

No. 9.

REPORTS FROM C. PAULL, J. HIGGS, AND C. IRVINE, ON THE SUBJECT OF MR. MOODY'S CONTROL OVER THE MEN.

AT Mr. Sutherland's request I have obtained the following evidence in the case of the dismissal of Carr and Irvine.—JOHN RAE.

Mr. Charles Paull gives the following information :—I recollect a man Carr being dismissed. I was present in the Traffic Manager's office. I had orders from the Traffic Manager to bring Carr to meet the Minister at 10 o'clock; I did so. Mr. Sutherland was present. Mr. Moody said there was a man at Petersham wished to get away for a few days, and he wanted Carr to take his place. Carr declined to go, pleading bad health; and I was instructed by Mr. Moody to suspend him, which I did before he appealed to Mr. Sutherland. Carr said to Mr. Sutherland he thought it was inhuman in Mr. Moody to send him to Petersham, as he was not able to make a fire and cook for himself, and it might be the death of him. I went away and heard no more till I got notice from Mr. Moody to call on Carr and inform him that he was to be dismissed after a week's notice, which I did. He threatened to appeal to Mr. Sutherland. I remember being called before Mr. Sutherland in the Traffic Manager's office to answer for a charge of insubordination on my part. On a Wednesday night (the day of Mr. Moody's return from the north) a man came to my house stating that Mr. Parkes had sent him to get a few lines from Mr. Moody, or myself in his absence, to say whether he could be capable of fulfilling the duties of porter in the goods department. I told him I did not like to do so, but as Mr. Moody would be in bed, I, being afraid of offending Mr. Parkes, gave him a few lines, stating that I believed Mr. Giles would be competent to perform the duties. Next morning I was sent for by Traffic Manager. He read this note and asked me how dare I do such a thing. I told him that if I had done wrong it was through ignorance and I hoped he would forgive me, and such a thing would not occur again. He said it was an act of insubordination, and if he did his duty he ought to suspend me; that it was disgraceful on my part to have done it, and I was never to speak to him again, except on business and in writing. I was brought before Mr. Sutherland in the Traffic Manager's office. Mr. Moody said this is a letter I had sent to Mr. Parkes—it was a thing he meant to put down—writing to Ministers. Mr. Sutherland said as this matter has not been brought before me in writing I shall not interfere between the Traffic Manager and Mr. Paull, but I believe Mr. Paull will not fall into a similar error again.

I have been several times in the Traffic Manager's office when I have heard Mr. Sutherland distinctly refuse to interfere between the Traffic Manager and the men, stating that if the men are not satisfied with the decision of the Traffic Manager they can appeal to the Minister, in writing, who would then deal with their case.

CHARLES PAULL,
Foreman, Goods Department, 19/4/73.

Mr. Higgs' Statement.

I REMEMBER a lamp-cleaner of the name of Christopher Irvine being dismissed by the Traffic Manager, when I was acting as station-master at Redfern Station. I recollect Mr. Sutherland being in the Traffic Manager's office when Irvine was called in with reference to his dismissal. Irvine was complaining sorely of the treatment he had received from the Manager, and wished the Minister to interfere and reinstate him. The Minister declined to interfere unless Irvine appealed in the usual course through the Traffic Manager; and added that if it was found Mr. Moody had done wrong by dismissing him he would deal with Mr. Moody the same as with any man on the line. Mr. Moody stated that Irvine had informed him that he was a detective, and not fit to have any command over men. Irvine asked Mr. Moody for a letter of recommendation, written by Lord Belmore. Mr. Moody acknowledged that he had such a letter, but declined to give it up, stating it was a private document. Mr. Sutherland asked Irvine if it was true that he had told Mr. Moody that he was more fit for a detective than to have charge of men. Irvine acknowledged that he had done so, but not until he was unjustly dismissed and Mr. Moody declined to return him Lord Belmore's letter of recommendation. Mr. Sutherland replied that whatever the provocation, this was an act of insubordination; and he declined to interfere in the matter. Irvine was accordingly dismissed by Mr. Moody, and is not now in the Service.

JOHN HIGGS,
Assistant Traffic Manager, G.N.R., 19/4/73.

Christopher Irvine states :—I recollect being called into the Traffic Manager's office about September last. I may state that the day previous Mr. Moody came on the platform and said I must go to Macquarie Plains. I told him I was in such a position that I could not see how I could go. He replied, "You must go—you have got my orders." Then I said, "If it's imperative that I must go, I have an option which I must exercise by sending in a week's notice to leave." He said, "Oh! very well, that's understood, and walked off." This was before dinner-time. I told Mr. Higgs I should send in my resignation at once. Immediately after dinner Mr. Higgs informed me the Traffic Manager wanted to see me. I went over with Mr. Higgs and saw him. Mr. Moody said, "Mr. Irvine, I have thought over what I spoke to you about this morning, and as you have taken no notice of the matter, you are now dismissed—

not

not suspended, but dismissed." "Oh," I said, "that's very extraordinary. A few minutes ago it was arranged that I should send in a week's notice, and now you tell me I am dismissed; that's very strange. As you think fit to dismiss me, will you return Lord Belmore's letter?" "Certainly not," he replied. I told him I should appeal to Mr. Sutherland before I should accept dismissal. He said he did not care for Mr. Sutherland or any one else; he would have no one to dictate to him. I asked him if he had power to dismiss me. He said, "Yes." He repeated he would be master here. Up to this time my language and demeanour were quite respectful, and always had been while I was in the Service. Then I told him, "It's an old adage, Mr. Moody: Put a beggar on horseback and he will ride to the devil," being irritated at his refusal to give up Lord Belmore's letter and my unjustifiable dismissal. I told him at the same time that in the way he was going on if he got plenty of rope he would hang himself in six months. He then sent for a policeman to give me into custody; the policeman came, but was too wise to interfere. I said to Mr. Moody that he was more fit for his old office of detective or lock-up-keeper at Castlemaine. When I first went on the Railway, Lord Belmore spoke to Mr. Byrnes and gave me a letter to Mr. Moody. I had been nearly four years clerk in the London and North-western Railway Manager's office. Mr. Moody said I must go into the goods-shed for a few days, and I must not kill myself working, and the first vacant clerkship I should have. He added, "I dare say there will be a row in the House among the Members, but I do not care a bit for that. I will flash Lord Belmore's letter in their face, and they cannot say I have not appointed a respectable man." I appealed to Mr. Sutherland the same day, and saw him the following morning. He asked me to meet him on the following day at the Traffic Manager's office, which I did. Mr. Moody brought several charges against me which had no foundation, as Mr. Moody knew—1st. That I was ashamed to appear in uniform. 2nd. He remarked—"These gentlemen labourers will never do"; though I was never reprimanded, and was always spoken highly of by those in authority over me. 3rd. That I kicked up a hubbub among the men about the wages. Mr. Sutherland turned on me, and said I had done entirely wrong—that if I had any grievance I should have made application in the usual way, through Mr. Higgs. I told Mr. Sutherland that was precisely what I had done. He (Mr. Sutherland) turned to Mr. Moody and said, "I never saw this application." Mr. Moody said he thought it too trumpery an affair to bring before him, although Mr. Moody told me distinctly that he had brought the matter before the Minister, and he would do nothing for me. When I called on Mr. Sutherland, at the Traffic Manager's office, he asked me if it was true that I had told Mr. Moody he was only fit for a detective. I said, "Yes; but not until I was dismissed, and Moody refused to return my letters." Mr. Sutherland said, "If you said so I can do nothing for you, as I must maintain the discipline of the Department."

C. IRVINE.

19 April, 1873.

No. 10.

THE COMMISSIONER FOR RAILWAYS to R. MOODY, ESQ.

(73/2070.)
(73/524.)

Department of Public Works,
Railway Branch,
Sydney, 31 May, 1873.

SIR,

Referring to the extended leave of absence, on account of ill health, granted to you by the Governor and the Executive Council, and which expires to-day, I have the honor to inform you, that even if your health be sufficiently restored to admit of it, you are not to resume your duties, pending the decision of the Government in regard to your conduct, which the Secretary for Public Works intends at once to bring under their attention.

I have, &c.,
CHAS. A. GOODCHAP,
Pro Commissioner for Railways.

No. 11.

MINUTE FOR CABINET.

EXPLANATIONS and Reports in connection with the evidence respecting the Railway Department, given before the Select Committee on Civil Service.

As the management of the Railway Branch of the Department over which I have the honor to preside has been called in question in the evidence which was given before the Select Committee of the Legislative Assembly on the Civil Service, I deem it my duty to submit to the Cabinet, with a few explanatory observations, the papers on the subject, which were laid on the Table of the House, and ordered to be printed on the last day of the Session.

It

It will be seen by these papers that immediately after the publication of the Report of the Select Committee, I instructed the Commissioner for Railways to inquire into certain allegations made by Mr. Holroyd and Mr. Moody in their evidence. The Commissioner has furnished me with full and ample testimony of the misstatements made by them both.

* * * * * * * * * * *

This refers to Mr. Holroyd's evidence.

As regards Mr. Holroyd, who has no present connection with the department, all that could be done was to refute his misstatements by official documents, and leave the public to judge of the value of his evidence; but with reference to Mr. Moody the case is different. He is an officer of the department, holding a situation of great trust, and answerable for his conduct to the Government. To explain the delay that has taken place in dealing with the conduct of this officer, I may state, that soon after the publication of the Committee's Report he obtained a month's sick leave of absence, and that before its expiry he forwarded two medical certificates, to show that he would require a few weeks of thorough quiet of body and mind before he would be fit to resume his duties. This application for extended leave of absence has been approved of by the Government.

In dealing with this officer's conduct it is somewhat difficult to make selections from his evidence, some parts of it are so startling—such as his looking to see whether his subordinates had friends before he ventured to deal with them—as to show that he is unfit for the important position of Traffic Manager, which eminently requires the qualities of firmness and integrity; but in requesting the Commissioner to report on his evidence, I contented myself by referring him to his statements as to the alleged inefficiency of his staff, and the necessity of their receiving education at his hands. These statements will be found in his answers to questions 225, 227, and 236, 238, and though in his protest he endeavours to explain away the force of these answers by asserting that he referred to a former state of things, it is only necessary to read the printed questions and answers for a complete refutation of his protest.

See printed Report from Select Committee.

Long before the Committee held their inquiry I was aware of Mr. Moody's efforts to disparage every one about him. In a minute, which I wrote to him as far back as August last, and which will be found with Hanley's papers, printed by the order of Parliament, I told him, in reply to one of his rash statements to the effect that he had no one to assist him, that he had many officers quite able to undertake the general duties of his office, and that no officer under the Government had better materials to work upon if he would only utilize them. I was beginning to discover the true character of Mr. Moody, and to find out that he was actuated by only one desire,—to glorify himself and to make little of every one around him. The reports which I have laid before Parliament clearly show that instead of the Railway employés being as represented, they are a body of efficient and zealous men, well up to their work, and willing to perform it. If, as Mr. Moody states, our employés are too numerous, inefficient, uneducated, and many of them inebriates, must not the working expenses be proportionately large? Any one acquainted with Railway management must at once proclaim that the existence of such a state of things implies heavy expenditure for the repair of rolling stock injured through carelessness, for the waste of locomotive power, for compensation for personal injury to the passengers, and for the loss and damage of goods, &c.

A complete inquiry has recently been made into these allegations, and the tetismony of those best qualified to judge establishes the fact that much which has been said by Mr. Moody in this respect amounts to pure misstatement; but there is a practical test which can be applied, and this is the percentage of our working expenditure to every £100 earned, compared with the like expenditure on English lines:—

Thus, the average expenditure on the Railways of the United Kingdom is	£50	for every £100 earned.
While, in New South Wales, where wages are so much higher, it is only	£48 18s.	do.

That our men are honest, steady, and careful, is further evidenced by the following comparison:—

The English Great Western Company pay as compensation for loss and damage to merchandise	2½d.	per ton for every ton carried.
The Midland Company, over	1¼d.	do.
While, in New South Wales, the average amount paid for the last three years does not exceed	¼d.	do.

The average amount paid on all the lines of the United Kingdom for 1870 was 17s. 9¾d., as against 4s. in New South Wales, for every £100 received.

9th June, 1870.

Mr. Moody knew that this was so, and often boasted of it; and I find that in a letter which he addressed to Captain Onslow on the case of the man Boulton, a copy of which is appended (an improper letter for any official to write, and which it must have been equally offensive to Captain Onslow to receive), he stated that "he could venture to boast that we have as good a state of discipline as will be found on any Railway line, and as fine a body of men too, with very few exceptions, well trained and efficient." After such a statement, written deliberately and without invitation, what value can be attached to the evidence he gave before the Select Committee, or the statement in his protest that he referred to a former state of things when speaking of the inefficiency of the employés? The Commissioner's Report, pages 9 to 16, gives such a full and explicit refutation of Mr. Moody's charges on the portion of the evidence referred to, as to require no comment from me. I lay the papers before my colleagues for their consideration, and have to express my regret that Mr. Moody, who was appointed by me to the important office of Traffic Manager, should have so conducted himself as to forfeit my confidence in his management, and to compel me to represent to the Government that it would be injurious to the Railway Service to continue him in that position.

JOHN SUTHERLAND,
3/6/73.

[*Enclosure.*]

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[*Enclosure.*]

The Traffic Manager to Captain Onslow, R.N.

Traffic Manager's Office,
Redfern Station,*
Sydney, 9 June, 1870.

Sir,

I regret I have not replied to your letter of 17th last month earlier, but I had hoped that something would turn up ere this to enable me to re-employ Boulton. He would not have been dismissed but to maintain discipline. His fine was quite necessary under the circumstances. To reinstate him however at an increased wage, as he required, because he had neglected his duty and supplemented that by an act of insubordination, was what I was scarcely prepared to do; but I had from the first intended to give him another place at the same wage on an early occasion if a vacancy arose, because I was aware he resigned in *mere temper*, which is a very small fault in compurison to the one for which he was fined, viz., neglect of duty, which delayed the train so late as to cause 200 English letters to be left behind, the mail steamer having to depart before the train actually arrived.

Where every man has got his allotted duty and explicit regulations to guide him, I am sure I need scarcely say it ought not to be necessary to be very severe to get men into strict discipline, although severity seldom exceeds three days' pay; but the fact is, discipline was unknown amongst the men until lately.

When I took charge of my present appointment almost every man tried to be, and was, his own master, and I had up-hill work; but what with kindness, forbearance, and firmness, and a little judicious help from gentlemen of influence, who good-naturedly contributed † to the difficulty I had to overcome, I have nevertheless equalled my own anticipations, and have so gained the confidence of the officers and men in the department, that I can venture to assert that we have as good a state of discipline as will be found on any Railway line, and as fine a body of men too, with very few exceptions, well trained and efficient. Another thing I can also say, we have not a single drunkard in the Traffic Branch, and the majority of the men are members of Temperance Benefit Societies. This of itself is a great guarantee for a march to efficiency, which is now becoming a very popular as it is a praiseworthy ambition amongst all hands.

I venture to trespass thus far upon your time, because of the kind and delicate manner in which you took up Boulton's case has so strengthened my position by the tone it has imparted amongst Boulton's friends, and which has worked, although silently, all over the lines, to such service that it is now pretty freely admitted that the Railway officers and servants will have to look to efficiency and subordinate conduct instead of political help to sustain them in their positions. This feeling has been gaining ground for some months past by a little kind outside help from a few gentlemen refusing to use influence; and as the old custom of *demanxing* the reinstating, &c., has on a few occasions been departed from, it is telling upon the morals of our people to an extent that can be only understood by comparison of what the department was and what it is now.

The greatest gain to the public is in the maximum of safe travelling, and to the officers and servants the minimum f risk of accident.

I may perhaps appear a little egotistical, but I feel proud of achieving a victory when nothing but failure was prophesied. The victory would however never have been won had it not been for the one circumstance of the withholding of that great bugbear "political influence" by a number of gentlemen, who, although in some cases inimical to me in my very responsible undertaking, have been manly enough to accord to me fair play, and to such more especially are my best thanks due, as well as to yourself and to Sir Wm. Macarthur.

Believe me, &c.,
R. MOODY.

* This letter was written nine months after Mr. Moody's appointment as Traffic Manager.
† This blank is from a defect in the letter book, taken with the copying-press.

No. 12.

MINUTE OF CABINET.

THE case of Mr. Moody having been brought before the Cabinet, on the minute of the Secretary for Public Works, it was decided that letter be written to Mr. Moody, calling upon him to show cause why he should not be removed from the office of Traffic Manager, on the grounds set forth in Mr. Sutherland's minute.

H.P.,
3/6/73.

No. 13.

THE COMMISSIONER FOR RAILWAYS to THE TRAFFIC MANAGER.

(73/2,398.)
(73/544.)

Department of Public Works,
Railway Branch,
Sydney, 4 June, 1873.

SIR,

Referring to my letter of the 31st ultimo, stating that you could not be allowed to resume your duties as Traffic Manager, pending the decision of the Government upon your conduct, which the Secretary for Public Works intended to bring under their attention, I have now the honor to inform you that Mr. Secretary Sutherland yesterday submitted a minute to the Cabinet, with my report on the evidence, in regard to the Railway management, given before the Select Committee on the Civil Service.

A copy of that portion of Mr. Sutherland's minute which has reference to the evidence given by you is enclosed; and, in accordance with the decision arrived at by the Government, I have to call upon you to show cause why you should not be removed from the office of Traffic Manager, on the grounds therein set forth.

I have, &c.,
JOHN RAE,
Commissioner for Railways.

No. 14.

THE TRAFFIC MANAGER to THE COMMISSIONER FOR RAILWAYS.

Viola-terrace,
Riley and Cooper Streets,
Surry Hills,
11 June, 1873.

SIR,

I have the honor to acknowledge the receipt of your letter of the 4th instant, received at 8·15 p.m., on the 6th instant, enclosing certain documents, and calling upon me to show cause why I should not be removed from the office of Traffic Manager; and in reply, to inform you, that as regards the general observations of Mr. Secretary Sutherland, and the recent alleged "complete inquiry," so peculiarly and unfairly taken behind my back, any remarks from me would be superfluous, as different opinions will prevail on that subject notwithstanding.

I must, however, most respectfully take exception to a small matter of fact, referred to by Mr. Secretary Sutherland, where he refers to a minute alleged to have been written to me—in the Hanly case—in consequence of *having discovered my true character as far back as August last*, but which never did come to my hands, and in reference to which I have already put myself in communication with the Honorable the Minister for Works, through you, previous to your letter under reply coming to hand.

The following is a copy:—

"*Hanly papers.*

"To the Commissioner for Railways,—

"Sir,

"A printed paper, purporting to be 'a Return,' &c., of copies of all papers in reference to the dismissal of 'Hanly' from the office of porter or 'pointsman' on the Railways, has come to my hands, and I find a minute, No. 30, page 15, dated 21/8/72, signed "John Sutherland," to which another minute is attached, signed 'J.S.', 26/8/72, which is as follows:—'This paper has been perused by the Traffic Manager, who requested permission to withdraw his minute, but after due consideration I think it should remain a record of the office, as it is not the first time that similar requests have been complied with'—and shall feel obliged by your putting this paper, before the Honorable the Minister for Works, as the statement that I had perused the paper in question *is utterly a mistake. I had no knowledge of the existence of the document until Tuesday, the 3rd instant, when* I had it pointed out to me in the printed paper above referred to; and if I had seen the paper, I need scarcely say that a document of such importance *to the Department* would not have been permitted to be put away *without having my signature attached*, as is usual in verification of my having so seen it, the more especially *as it would appear* that such document *passed my alleged perusal without challenge* of the extraordinary matter it contains.

"I most emphatically say that there is a mistake also in the statement that I at any time requested permission to withdraw my minute of 19/8/72, therein referred to; and after carefully reading it over as printed *I can see no reason why I should do so.* If it be correct that I have requested permission to withdraw any previous minute, no doubt there is a record of it, as important public documents affecting the official character of any public servant cannot surely have been permitted to pass away simply on the verbal request of an implied delinquent; at any rate I am not aware of such usage having prevailed, so far as I am personally concerned, and I have nothing to apprehend from such papers.

"I have, &c.,
"R. MOODY,
"Traffic Manager."

"Riley and Cooper Streets, Surry Hills,
"Sydney, 5 June, 1873."

As I have received no reply to that letter, I shall not here further refer to it than to state that the minutes dated 21/8/72 and 26/8/72 are sufficiently conclusive evidence of the unfair way in which I have been dealt with, and tends to confirm, if that were necessary, the grand cause of the much persecution to which I have been subjected; but I fear not that MY character (whatever Mr. Secretary Sutherland may have discovered to the contrary) will be thoroughly vindicated, *and will yet come out without reproach.*

As regards the alleged very improper letter written to Capt. Onslow, I have to state that it was written at the instance of, and was read over by, Mr. Secretary Sutherland, then Commissioner for Railways, and was fully approved of by him; it is, however, quite irrelevant to any subsequent state of things two years afterwards, and under other Administrations, as it does not bear on present matters.

As foregone conclusions have already been arrived at by the "very complete inquiry" held, &c., and more especially with reference to the "Hanly" minutes, I have little to add, except that in consequence of the many persecutions and obstacles officially thrown in my way by having so many masters, viz., a Minister, Engineer-in-Chief, and Commissioner for Railways, from whom I was expected to take all sorts of responsibilities *without having any authority whatever to shield myself*, I feel that all my efforts were hopelessly negatived, *receiving as I did simply verbal directions of the Minister* to carry on my duties, which were constantly being questioned and interfered with, *oftentimes denied even by the Minister himself.*

My strength already overtaxed by endeavouring to keep pace with increasing duties, together with the causes above alluded to, rendered my post one *certainly "not a bed of roses,"* but rather as is all but too well known, *a maze of bewilderment and bondage.* As Mr. Secretary Sutherland has, however, stated that he has lately given me, "*by way of experiment,*" *all necessary authority and power to carry out my duties independently of his verbal directions,*" I most respectfully request that a copy of any such alleged authority, power, or instructions, be forwarded with this paper for the information of the Honorable the Executive Council, *showing the date when such power, authority, or instructions were delegated to me.*

I have only to add that I have, to my own satisfaction, and to that of Mr. Secretary Sutherland and his predecessors, *faithfully and zealously sought and laboured for the interests of the Government for over fifteen years, to the serious permanent injury of my own health, and certainly without cause of complaint, up to December last*, as is pretty well borne out by promotions, and *until*, from want of that assistance necessary in the *enormous undertaking* to which I was last appointed, and for the conduct of which *I never had any defined powers or instructions, except the verbal wishes of the Minister*, which I had, under all circumstances, to carry out if possible, and from the numerous obstacles thrown in my way since that date, in consequence of my refusal to take blame in the Windsor case (Bonamy, Dugdale), to satisfy the clamour of a few of

Mr.

Mr. Secretary Sutherland's friends at Windsor, as well as probably from laying the Hanly case too plainly before the Government, although that report was furnished at Mr. Secretary Sutherland's own request, who wished a full report of the case, which report, when prepared, was fully approved of by him before being taken away from my office; and *those papers have not been seen by me, except in print, as already stated, with the addition of Mr. Secretary Sutherland's minutes, above alluded to.*

I have now most respectfully to leave the matter in the hands of the Honorable the Executive Council, to be dealt with as in its wisdom may seem meet.

I have, &c.,
R. MOODY,
Traffic Manager,
G.S.W. & R. Railways.

No. 15.

MINUTE FOR CABINET,

IN accordance with the decision of the Cabinet, in reference to the misconduct of Mr. R. Moody, that gentleman was duly called upon to show cause why he should not be removed from the office of Traffic Manager, on the grounds set forth in my minute of the 3rd instant. Mr. Moody's reply is enclosed. There are only one or two points in it which require comment from me.

As regards his assertion that he never saw till recently my minute *in re* Hanly's case, I have only to affirm what I have already stated, that he perused it in my presence and asked permission to withdraw the report upon which it was written. His general denial of having been allowed to withdraw previous reports will be best answered by the accompanying minute on the subject, which the Commissioner for Railways has addressed to me.

Mr. Moody's statement that I authorized and perused, previous to its being sent, the letter he addressed to Captain Onslow is equally untrue.

Mr. Moody misquotes that portion of my minute in Hanly's case which refers to the powers given to him, and having made the pretended extract (which he gives with the authenticity of inverted commas) imply that *written* instructions in addition to verbal ones were given him, asks "That a copy of any such alleged authority, power, or instruction be forwarded with the paper to the Honorable the Executive Council, showing the date when such power, authority, or instructions were delegated to me." The duties which Mr. Moody had to perform were those properly appertaining to the office he held; he had to manage the traffic, as the name of his office implies; and no power incidental thereto was ever denied him; written instructions as to these duties were neither given nor required. Larger powers, however, than it had been usual to confer on Traffic Managers, were taken by Mr. Moody. As I said in my minute referring to this matter, "he made changes and additions in his department without mine or the Commissioner's knowledge or consent; but no changes or additions were made either by the Commissioner or myself without his consent and advice." For the reasons given by me I did not object to his assumption of these powers, and, indeed, I verbally told him that I would not interfere between him and the men. Mr. Paull, the foreman of the Goods Department, in his statement, printed with the Commissioner's report, says, "I have been several times in the Traffic Manager's office when I have heard Mr. Sutherland distinctly refuse to interfere between the Traffic Manager and the men."

There is no necessity for me to answer, but simply to call attention to Mr. Moody's statement that his alleged unfair treatment has been occasioned by his refusal to take blame in the Windsor case (Bonamy, Dugdale), "as well as, probably, from laying the Hanly case too plainly before the Government."

These matters however are only incidental to, and do not really touch the real question at issue. The charge brought against Mr. Moody is, that he made untrue representations to the Committee in regard to the management of the department; his evidence is to the effect that incompetent men are employed, and are continued in their employment, notwithstanding their incompetency, through political influence; that were he to discharge these men he would not be allowed to retain his appointment; that the safety of the public is endangered; and that it has often been in his thoughts to resign his position rather than incur the fearful responsibilities thrown upon him.

The alarm which such statements were calculated to create in the mind of the public travelling by Railway was most serious, and might, if credence had been given to them, have proved very detrimental to the revenue. The moral wrong which such charges implied the Government was a party to was not less serious.

The inquiry instituted by the Commissioner having proved in the most complete manner that the charges were false, Mr. Moody contents himself by saying that any remarks from him would be superfluous, as different opinions would prevail on that subject notwithstanding.

In conclusion, I may state that I can see nothing in Mr. Moody's letter to induce me to alter, but on the contrary much to confirm, the opinion I have already expressed,—that it would be injurious to the Railway Service to continue him in the position of Traffic Manager.

20 June, 1873. JOHN SUTHERLAND.

[*Enclosure.*]

GOVERNMENT RAILWAYS.—MINUTE PAPER.

IN answer to the Minister's inquiry, whether it is within my knowledge that Mr. Moody has been allowed on any occasion to withdraw an improper minute, I have no hesitation in stating that he has been permitted on several occasions to do so; and though it can hardly be expected that these documents should be preserved, as their withdrawal was for the very purpose of preventing them from appearing on the records, it so happens that some of them are still in existence.

The first instance of the kind that I can call to mind was with reference to the separation of the goods and passenger traffic, when Mr. Moody was allowed to withdraw an intemperate minute; and although there does not appear to be any record of this, the Chief Clerk has a distinct recollection of the case, and Mr. Sutherland must also remember it, as the subject was discussed by us in his own room, and in Mr. Moody's presence.

The

The next occasion on which Mr. Moody was allowed to withdraw an improper minute can be more satisfactorily established by the accidental discovery of the document among some waste papers in the Minister's room. My minute on this document is dated 20 August, 1872, and must have been fresh in Mr. Sutherland's recollection when he wrote the minute in Hanly's case on the 26th of the same month. Mr. Moody's minute was on the subject of the use of the weighbridge at the Parramatta Junction; and Mr. Sutherland will remember that I showed him the document and informed him that it would be my duty to recommend some severe steps to be taken with that officer if he persisted in addressing me in such uncalled for and offensive language. Mr. Sutherland stated that he would speak to Mr. Moody on the impropriety of his conduct, and some little time afterwards told me that he wished to withdraw his minute. I accordingly returned it to Mr. Sutherland, with the following memo. endorsed on it:—"At the Minister's request, I return this extraordinary document without comment."

The last case to which I shall refer is my minute of 27th March last, which was lying on Mr. Moody's desk in the Traffic Manager's office, when he was writing his letter of the 5th instant. The case referred to was on the subject of the employment of pointsmen at the coal-sidings on the Western Line. Mr. Moody had addressed an impertinent minute to me, and I returned it to him with the following remarks:—"This is not the first occasion on which I have had to draw attention to the improper style of his reports to the Commissioner, nor the first time I have allowed him to withdraw them, but I trust it will be the last."

JOHN RAE,
18/6/73.

No. 16.

MINUTE OF CABINET.

THE case of Mr. Moody having been again under consideration, and his letter of the 11th instant having been submitted by the Secretary for Public Works, the decision of the Cabinet is that it is necessary for the improvement of the Railway Service that Mr. Moody be removed from the office of Traffic Manager.

H.P., 30/6/73.

No. 17.

MINUTE FOR THE EXECUTIVE COUNCIL.

Department of Public Works,
Sydney, 4 July, 1873.

I HAVE the honor to submit, for the consideration of His Excellency the Governor and the Executive Council, the accompanying papers with reference to the conduct of Mr. R. Moody, Traffic Manager for the Southern and Western Lines. It is considered necessary that for the improvement of the Railway Service Mr. Moody should be removed from the office of Traffic Manager; and I beg to recommend, for the approval of His Excellency and the Council, the adoption of that course.

JOHN SUTHERLAND.

For the reasons set forth in the accompanying papers, and having regard to the efficiency and improvement of the Railway Service, the Executive Council advise that Mr. R. Moody, Traffic Manager for the Southern and Western Lines, be removed from office.—ALEX. C. BUDGE, Clerk of the Council.

Min. 73/31, 7 July, 1873. Confirmed, 14 July, 1873. Approved.—H.R.

No. 18.

THE UNDER SECRETARY FOR PUBLIC WORKS to R. MOODY, ESQ.

Department of Public Works,
Sydney, 17 July, 1873.

SIR,

I am directed by the Secretary for Public Works to inform you that your communication of the 11th June last, in reply to the letter of the 4th of that month from the Commissioner for Railways, calling upon you to show cause why you should not be removed from the office of Traffic Manager, has been submitted to His Excellency the Governor and the Executive Council.

His Excellency and the Council have decided that, having regard to the efficiency and improvement of the Railway Service, it is necessary that you should be removed from the office of Traffic Manager of the Southern and Western Lines, and I am to add you are removed accordingly.

I have, &c.,
JOHN RAE.

No. 19.

R. MOODY, ESQ., to THE UNDER SECRETARY FOR PUBLIC WORKS.

Viola-terrace, Riley-street,
Surry Hills, 18 July, 1873.

SIR,

I have the honor to acknowledge the receipt of your letter of the 17th instant, informing me that I am removed from the office of Traffic Manager of the Great Southern and Western Railways, and shall be glad to be further informed to what other office or appointment I am removed, as I now await the orders of the Commissioner for Railways.

I have, &c.,
R. MOODY.

No. 20.

No. 20.

R. MOODY, ESQ., to THE COMMISSIONER FOR RAILWAYS.

Viola-terrace, Riley-street,
Surry Hills, 18 July, 1873.

SIR,

I have the honor to inform you that I have received a communication from the Under Secretary for Public Works, informing me that I am removed from the office of Traffic Manager, Great Southern and Western Railways, and to add that I am now awaiting the orders of the Commissioner for Railways.

I have, &c.,
R. MOODY.

Crown Solicitor to advise, B.C., 18/7/73.—J.R.

No. 21.

THE CROWN SOLICITOR to THE UNDER SECRETARY FOR PUBLIC WORKS.

Crown Solicitor's Office,
Sydney, 22 July, 1873.

SIR,

I have the honor to return the papers relative to removal from office of Mr. Moody, and to state that his letter to you as Under Secretary should be answered by informing him that as he held but one office, namely, that of Traffic Manager, he is by removal from that office removed from the Public Service, and that your letter to him of the 17th instant must be taken as an intimation to him to that effect.

In reply to his letter to you as Commissioner for Railways, it will be sufficient to refer to your answer to his other letter, and to state that as since the receipt of your letter of the 17th instant he has not held any office in the Railway Department, you, as Commissioner, can have no orders to give to him.

I have, &c.,
JOHN WILLIAMS,
Crown Solicitor.

Inform in terms of Crown Solicitor's letter of 22nd instant.—J.R., 22/7/73.

No. 22.

THE UNDER SECRETARY FOR PUBLIC WORKS to R. MOODY, ESQ.

Department of Public Works,
Sydney, 22 July, 1873.

SIR,

In reply to your letter of 18th instant, respecting your removal from the office of Traffic Manager of the Great Southern and Western Railways, and inquiring to what office you are removed, I am directed by the Secretary for Public Works to inform you that, as you held but one office, namely, that of Traffic Manager, you are by removal from that office removed from the Public Service, and that my letter to you of the 17th instant must be taken as an intimation to you to that effect.

I have, &c.,
JOHN RAE.

No. 23.

THE COMMISSIONER FOR RAILWAYS to R. MOODY, ESQ.

Department of Public Works,
Railway Branch,
Sydney, 22 July, 1873.

SIR,

In reply to your letter of the 18th instant, informing me that you have received a communication from the Under Secretary for Public Works stating that you are removed from the office of Traffic Manager, and adding that you are now awaiting the orders of the Commissioner for Railways, I have the honor to refer you to the letter of this date, addressed to you by the Under Secretary for Public Works, and to state that as since the receipt by you of the letter conveying the decision of the Governor and the Executive Council in your case you have not held any office in the Railway Department, I, as Commissioner for Railways, can have no orders to give to you.

I have, &c.,
JOHN RAE,
Commissioner for Railways.

Sydney: Thomas Richards, Government Printer.—1873.

[1s.] 292—C

1873.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

RAILWAYS.

(PAPERS RELATIVE TO REMOVAL OF JAMES BURNS, LATE STATION-MASTER AT EAST MAITLAND.)

Ordered by the Legislative Assembly to be printed, 10 *December*, 1873.

RETURN to an *Order* of the Honorable the Legislative Assembly of New South Wales, dated the 16 September, 1873, That there be laid upon the Table of this House,—

"Copies of all Correspondence between the Government and any person "or persons, and all papers or other documents having reference to the "removal of James Burns, late Railway Station-master at East Maitland."

(*Mr. Forster.*)

SCHEDULE.

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RAILWAYS.

No. 1.

THE TRAFFIC MANAGER, S., W., & R. RAILWAYS, to THE SECRETARY FOR PUBLIC WORKS.

Government Railways.—Minute Paper.

Complaint of insubordination against Station-master Burns, East Maitland.

IN obedience to the orders of the Honorable the Minister for Works, I visited the Great Northern Railway to arrange matters for the tour of His Excellency the Governor through the Hunter River District, and in the course of my duty I issued instructions for the maintenance of absolute subordination and discipline of the railway servants in the Traffic Branch, with a view to obtain a ready obedience to orders issued during His Excellency's stay in that neighbourhood. With few exceptions I am pleased to report that a ready response was accorded by the officers and men, resulting in complete and safe arrangements, without interruption, for the running of trains with His Excellency and suite.

I regret, however, I am compelled to bring a very serious case of insubordination of Mr. Station-master Burns under the notice of the Minister, calling, I submit, for very severe punishment, which I do hope will be visited without delay as a warning that insubordination cannot any longer be permitted on the Northern Line with impunity.

The facts are simply as follows:—On arrival at Singleton, His Excellency the Governor received an anonymous letter, inclosing a slip of the inquest of the unfortunate man, Dugdale, who met his death by drowning at Windsor. His Excellency was furnished with a second, on arrival at Murrurundi, and when the train returning with His Excellency arrived at Morpeth, several gentlemen rode from East Maitland to meet the train to inform me that Mr. Burns, station-master at East Maitland, had been exhibiting a slip of the inquest above referred to, in the booking office at that station, and making comments upon the subject with a malicious intent to degrade me in the eye of the public, as well as to weaken my authority amongst the railway servants. Having brought the matter verbally under the notice of the Minister travelling with His Excellency the Governor, I was requested to return to East Maitland and ascertain whether the slip had been so exhibited. I saw the station-master shortly afterwards, and upon my respectfully requesting him to explain the matter, I was met with violent abuse, and such prevarication that I was compelled to ask for a written reply to my questions. I enclose Mr. Burns' replies, upon which comment is unnecessary. Porter Edwards informed me that the slip had been exhibited during the previous day and on that morning up to a very short time of my visit to the station, and that the station-master had been exulting in his being able to expose my conduct.

R. MOODY, 4/10/72.

No. 2.

THE TRAFFIC MANAGER, S., W., & R. RAILWAYS, to THE STATION-MASTER, EAST MAITLAND.

(*Paper marked A, referred to in Mr. Moody's evidence.—J. S.*, 3/1/73.)

Memorandum.

Government Railways,
East Maitland Station,
24/9/72.

WILL station-master be so good as to explain under what regulation, or by whose authority, or for what purpose, an advertisement of an inquest held at Windsor, was posted in the booking office at East Maitland?

R. MOODY.

Any paper posted up by me at any time, of course to read at my convenience, and for that purpose only.—J.B., 24/9/72.

Station-master, East Maitland,—Does Mr. Burns mean that it was only for his own use, and that he has not called the attention of others to it?—R. MOODY, 24/9/72.

I do not understand what Mr. Moody means by it.—J.B., 24/9/72.

Mr. Burns, station-master, E.M.,—Has Mr. Burns had the paper referred to posted in the booking office?—R. MOODY, 24/9/72.

I may have had the paper in question posted. I do post up papers in the office often.—J.B., 24/9/72.

No. 3.

THE SECRETARY FOR PUBLIC WORKS DISRATING MR. BURNS.

I HEARD of this case previously from the Ministers who accompanied His Excellency to the North. I quite agree that Mr. Burns has displayed insubordination, and has made use of the railway premises to show his malicious feeling. Mr. Burns will be disrated to Branxton at £150 a year.

J.S., 5/10/72.

Mr. Cox to inform.—C.A.G., 10/10/72.

The Commissioner,—Mr. Station-master Burns informed.—J. HIGGS, 14/10/72.

No. 4.

No. 4.

MR. STATION-MASTER BURNS to THE SECRETARY FOR PUBLIC WORKS.

East Maitland, 21/10/72.

SIR,

I do myself the honor of informing you that from the formation of the Great Northern Railway in the year 1854 I have been connected with this line. During the formation of the line I was the superintendent's assistant. At the opening of the line I was appointed porter at East Maitland, and afterwards head porter at Newcastle.

On the 1st July, 1860, I was appointed station-master at High-street, West Maitland, and thence promoted to East Maitland Station, 1st November, 1867.

During the whole of this time, that is, for eighteen years, there has been no accident on the line, no loss of property of any kind; nor has the Commissioner ever sustained the slightest loss during the whole of my servitude, through inefficiency or inattention on my part.

During these eighteen years I have only enjoyed six days' leave of absence.

During the whole time I have never been censured or fined, nor has any part of my conduct been complained of till Mr. Moody lodged a complaint against me a few days ago.

May I therefore beg the favour of your suspending proceedings against me till inquiry be made into Mr. Moody's complaint.

I have, &c.,
JAMES BURNS,
Station-master.

This is not the case. See 71/3,083, whereon Mr. Secretary Byrnes expressed his opinion that Mr. Burns' conduct was grossly insubordinate.—C.A.G., 24/10/72.

This has been submitted. The Commissioner, however, has decided that Mr. Burns must vacate East Maitland, and the papers have been forwarded to Mr. Higgs to inform him.—C.A.G., 31/10/72.

No. 5.

MR. STATION-MASTER BURNS to THE TRAFFIC MANAGER, G. N. RAILWAY.

East Maitland, 21/10/72.

SIR,

I am quite unable to carry out your instructions to remove my family to Branxton, for the following reasons:—First. The very short notice of the removal. Second. From the great and sudden shock to myself and family, occasioned by Mr. Moody's complaint and its consequences. Third. Knowing that an inquiry is to be instituted, and that a reversal of the whole proceeding may take place within a few days. I imagine that you yourself would under the circumstances be willing for my family to remain till after the inquiry, and the more so, that I am willing to pay Mr. Golder's rent from this time in case the inquiry goes against me.

I am, &c.,
JAMES BURNS,
Station-master.

P.S.—I will proceed to Branxton by first train in the morning to do the duties there until further orders, although I have more need to be on leave of absence through the circumstances abovementioned.—J.B.

Government Railways.

Branxton Station, 22 October, 1872.

Memorandum to The Traffic Manager, Newcastle.

Sir,

Mr. Burns arrived at Branxton by morning train, but was unable through illness to take charge. He has returned this evening to consult a doctor.

W. ROBINS, Acting.

Mr. Station-master Burns to the Traffic Manager, G. N. Railway.

Maitland, 23/10/72.

Sir,

I went to Branxton yesterday to undertake the duties of that station, but from increasing illness I was compelled to return to Maitland and to seek medical advice; and I here enclose you a certificate from Dr. John Pierce, to show that I am unfit at the present time to do duty.

I am, &c.,
JAMES BURNS.

THIS is to certify that I have examined Mr. James Burns, station-master at East Maitland, and find him to be suffering from symptoms of fever. He is now under my care, and not in a fit state to follow his usual occupation.

JNO. PIERCE, L.R.C.S.P., &c.

High-street, West, Maitland,
22 October, 1872.

Mr.

Mr. Station-master Golder to The Traffic Manager, G. N. Railway.

(72/3,624.)

East Maitland,
23 October, 1872.

Sir,

I was compelled to bring my wife and family from Murrurundi yesterday on account of time being up for the house I occupied there. I have been obliged to stay at the hotel since the 15th instant, and now Mr. Burns informs me he cannot give up possession of house.

Yours, &c.,
JOHN GOLDER.

For the information of the Traffic Manager, S. & W.—J. Higgs, 25/10/72.
To Commissioner.—R. Moody, 26/10/72.

Telegram from John Golder, East Maitland Station, to The Traffic Manager, S., W., & R. Railways.

Burns will not clear out of house. Family at hotel.

To Commissioner.—R. Moody, 24/10/72.

Mr. Higgs,—Is it true that Mr. Burns is setting the Department at defiance in this way? If not already vacated, let Mr. Burns state on this paper whether he intends to vacate or to retain possession in defiance of orders to the contrary.—C.A.G. Urgent, B.C., 25/10/72.

Mr. Burns to explain at once.—J. Higgs, 26/10/72.

From illness I have been unable to vacate the house, but when sufficiently recovered I will do so.—J.B., 26/10/72.

Chief Clerk,—Mr. Burns' explanation herewith. I may state that I sent the medical certificate with other papers bearing on this case to the Traffic Manager, S. and W. Line, on the 25th instant.—J. Higgs, 28/10/72.

Have the Minister's instructions been carried out, or are the Golders still living at a hotel, although unable to vacate the house. Mr. Burns was able to visit Sydney, as far as I can learn, without leave. Mr. Golder must be allowed to take possession of the house at once, and Mr. Burns is answerable for expense incurred by Golder at hotel.—J.R., 30/10/72.

Mr. Higgs.—C.A.G., B.C., 31/10/72.

Commissioner,—The Minister's instructions have been carried out. Mr. Golder is residing in the S.-master's house. I instructed Mr. Burns on the 18th instant to remove his furniture, &c., from East Maitland not later than the 22nd. I gave Mr. B. leave on the 20th and 22nd for the purpose of removing, and if he visited Sydney it was without my permission; the cause of his not removing at the time stated was owing to sickness.—J. Higgs, 2/11/72.

Seen.—J.R., 7/11/72.

Mr. Station-master Burns to The Traffic Manager, G. N. Railway.

East Maitland,
31 October, 1872.

Sir,

I beg to inform you that my family have removed from the station-master's residence this morning.

I beg further to inform you that the fencing round the vegetable garden, and also a good substantial pig-sty, &c., were put up at my own cost. I will not however at present ask your permission to remove them, because they may be useful to my successor, especially as the garden is full of vegetables just coming to maturity, and which I am leaving for his use.

I am, &c.,
JAMES BURNS.

For Commissioner's information.—J. Higgs, 2/11/72.

No. 6.

Mr. Station-master Burns to The Commissioner for Railways.

Branxton Station,
9 November, 1872.

Sir,

I do myself the honor to beg that you would be pleased to cause inquiry to be made into Mr. Moody's complaint of my conduct, through which I was disrated and removed from East Maitland to Branxton Station, and your humble servant would feel in duty bound ever to pray.

JAMES BURNS,
Station-master.

For Commissioner's consideration.—J. Higgs, 12/11/72.

Fresh inquiry may be made. Mr. Burns should be asked to name the witnesses he means to bring forward.—J.R., 25/11/72.

Fresh inquiry; Mr. Burns to name his witness.—J.S., 27/11/72.

Mr. Higgs, to inform.—C.A.G., B.C., 27/11/72.

To Commissioner,—List of witnesses herewith.—J. Higgs, 29/11/72.

Mr.

Mr. Station-master Burns to the Traffic Manager.

Branxton Station, G.N.R.,
28 November, 1872.

Sir,

The witnesses which I intend to bring forward at an inquiry into the complaint which led to my removal from East Maitland, are the following:—

John Martin, guard.	David Williams, permanent-way man.
William Arms, „	Joseph Whipps, „
S. Phelan, „	James Kerrigan, „
— Dowling, „	Nathan Munson, driver.
John Tighe, mail-guard.	William Burns, baker, East Maitland.

I could name more that I would like to have present, but these may be sufficient.

I am, &c.,
JAMES BURNS.

P.S.—I would beg also to call Mr. Inspector Newton.

Mr. Moody should be present at the inquiry with such witnesses as he may wish to examine.—J.R., 7/12/72.

To Commissioner,—These papers do not show the questions to be inquired into. Until Mr. Burns states what parts of my report are incorrect, it is impossible for me to say what witnesses may be necessary. The only persons present were Mr. Burns, Porter Edwards, Guard Curran, and myself.—R.M., 9/12/72.

No. 7.

Minute of The Secretary for Public Works.

It will be necessary that this case should be heard in Sydney, for which purpose, of course, the witnesses must come from Newcastle at the expense of the Department. It is unnecessary that useless expenditure should be incurred in bringing people to Sydney who will be unable to give evidence on the points of the case.

The inquiry will be confined to the one matter in connection with which Mr. Burns was disrated. (*See* Mr. Moody's report of 4/10/72.) Mr. Burns must therefore limit his witnesses to those who can give such evidence; he had better state what he proposes to prove or disprove by each of his witnesses.

J.S., 10/12/72.

Mr. Higgs will show this paper to Mr. Burns; the fullest latitude will be allowed that officer in bringing evidence forward bearing on the point at issue; nothing else is required.—C.A.G., B.C., 11/12/72.

Mr. Burns' statement herewith.—J. Higgs, 16/12/72.

No. 8.

Mr. Station-master Burns to The Traffic Manager, Great Northern Railway.

Branxton Station,
14 December, 1872.

Sir,

With reference to the witnesses named by me, I beg to state that perhaps Driver Munson might be done without.

I wish to call Mail-guard Tighe to prove that I had not the slip with which I am charged posted up in the booking office; and he, with Guard Phelan, to prove that I could not have exulted in being able to expose Mr. Moody's conduct.

Dowling, Williams, Whipps, and Kerigan,—to prove conclusively that Porter Edwards is not a creditable witness.

Martin and Arms,—to prove that Mr. Moody received communications daily from the last-named individual; and the opinion of others with myself is, that the anonymous letters may be traced to the same source, not to your humble and faithful servant.

William Burns,—to prove that Porter Edwards often exults of his correspondence with Mr. Moody, and of the information he received from the head office, some of which having reference to me.

Inspector Newton heard my language to Mr. Moody, and I wish him to state what it was.

I beg, &c.,
JAMES BURNS.

To Commissioner, 16/12/72.—J. Higgs.

Inform that a day will be fixed after Christmas holidays.—J.R., 20/12/72.

Mr. Burns informed, 23/12/72.

No. 9.

The Commissioner for Railways to Mr. Station-master Burns.

Department of Public Works,
Railway Branch,
23 December, 1872.

Sir,

In reply to your letter of 9th November last, requesting that an investigation may be made into the charges of insubordination preferred against you by Mr. Moody, the Traffic Manager, which resulted in your being disrated, I have the honor to inform you that a day will be fixed for this purpose after the Christmas holidays, due notice of which will be communicated to you.

I have, &c.,
JOHN RAE,
Commissioner for Railways.

No. 10.

No. 10.

MINUTE PAPER.

Memo. to Mr. Higgs.

THE Minister has arranged to hear the case of Mr. Burns, station-master, on Friday, the 3rd January next, at 10 a.m. The following are the witnesses named by Mr. Burns :—Mail-guard Tighe, Guard Phelan, Dowling, Williams, Whipps, and Kerrigan ; Guards Martin and Arms ; William Burns, Inspector Newton.

It is difficult to understand how all these witnesses can be required. Mr. Secretary Sutherland, however, has no desire that Mr. Burns should be prejudiced by the absence of any witnesses that he may consider necessary for his case, and you will therefore give any of the above, who are railway servants, permission to come to Sydney. If however it be found that the evidence of any one of these persons does not bear upon the point, his expenses to Sydney and his wages will have to be paid by Mr. Burns. Let him be informed of this.

The 3rd January is named so as to get you over the holidays before taking away your employés.

Mr. Higgs,—C.A.G., B.C., 28/12/72. Chief Clerk,—Mr. Burns informed.—J. HIGGS, 3/1/73.

The Minister has named Friday, the 3rd January, to hear this case. Mr. Higgs has been informed, and requested to let Mr. Burns know, and to allow his witnesses, who are railway servants, to come to Sydney. The expenses and wages of any witness whose evidence does not bear upon the point, but who is allowed to come in order that Mr. Burns' case should in no way be prejudiced, will have to be paid by Mr. Burns ; otherwise, by the Department.

Forwarded to Mr. Moody, who will please, in compliance with Mr. Sutherland's wish, attend at this office, with any evidence he may think necessary, at 10 a.m. on the day named.—C.A.G., B.C., 28/12/72.

The Traffic Manager, Great Northern Railway, to The Chief Clerk, Railway Department.

Traffic Manager's Office,
Newcastle Station,
Newcastle, 2 January, 1873.

Sir,

I beg to state that I have informed Mail-guard Tighe that his presence in Sydney is required in the "Burns" case. He states that he cannot attend only by the authority of the Postmaster General. The postmaster here cannot give him permission to attend.

Yours obediently,
J. HIGGS.

Mr. Higgs will please return 72/4,481, in reference to Mr. Burns' witnesses. Urgent.—C.A.G., B.C., 3/1/73. To Chief Clerk,—Returned on the 3rd instant.—J. HIGGS, 4/1/73.

It will be seen that I requested Mr. Higgs to give permission to the railway servants to come, not to *order* them to come.

No railway servant should leave his employment on *any* pretext without first obtaining the sanction of his immediate superior.

Mr. Higgs, it was stated by Inspector Newton, gave him directions to come to Sydney. Mr. Higgs has to do only with the Traffic Branch, and cannot direct an officer of any other branch. If proper discipline is not observed, and established rules carried out, disorganization and confusion must ensue.—C.A.G., 6/1/73.

No. 11.

MINUTE PAPER.

PAPERS in the case of Station-master Burns, removed for insubordination from East Maitland to Branxton, at a reduced salary :—

1. R. Moody, Esq., complaining of insubordination of Station-master Burns, 4/10/72. Decision of Minister thereon, 5/10/72.

2. Station-master Burns giving an account of his services in the Department (4/10/72), and requesting inquiry. (With this is put papers showing previous insubordination on the part of Mr. Burns.)

3. Station-master Golder, reporting to Mr. Moody that Station-master Burns will not turn out of East Maitland Station.

Mr. Burns' report thereon—that he is too ill to move at present—23/10/72.

Commissioner's minute thereon—"That although Mr. Burns was unable to vacate house he was able to visit Sydney, apparently without leave, and that he must pay any expenses Mr. Golder was put to for hotel charges,—3/10/72."

Mr. Higgs reported, on the 2/11/72, that the Minister's instructions had been carried out—the house vacated by Mr. Burns, and that he did not give Mr. Burns leave to come to Sydney.

4. James Burns to Commissioner for Railways, 9/11/72, further request for inquiry. Minister's decision thereon. "Fresh" inquiry. Mr. Burns to name his witness. 27/11/72.

Mr. Burns naming ten witnesses—

John Martin, guard.	David Williams, permanent-way.
William Arms, „	Joseph Whipps, „
S. Phelan, „	James Kerigan, „
— Dowling, „	Nathan Munson, driver.
John Tighe, mail-guard.	Wm. Burns, baker, East Maitland.

Mr. Moody's report that papers do not show the question to be inquired into. Until Mr. Byrnes states what parts of his report are incorrect it is impossible for him to say what witnesses may be necessary. The only persons present were—Mr. Burns, porter Edwards, guard Curran, and himself.—9/12/72.

Minister's

Minister's decision that case must be heard in Sydney. To avoid useless expense in bringing unnecessary witnesses to Sydney, Mr. Burns must limit the number of his witnesses to those who can give evidence on the *one matter* in reference to which he was disrated. He had better state what he proposes to prove or disprove by each witness.—10/12/72.

5. Mr. Burns preferring to dispense with Driver Munson, but retaining the following witnesses to prove :—

Mail-guard Tighe	To prove he had not the slip posted up, and that he could not have exulted in exposing Mr. Moody's conduct.
Guard Phelan	The latter part only of above—that he could not have exulted, &c.
Dowling, Williams, Whipps, Kerrigan.	That Porter Edwards is not a reliable witness.
Martin, Arms	That Mr. Moody received letters from Porter Edwards.
William Burns.....	That Porter Edwards often exults about his correspondence with Mr. Moody.

Additional witness, not previously named, is Inspector Newton. Mr. Burns states that Mr. Newton heard his language to Mr. Moody.

Minister's decision that inquiry will be held by him on Friday, the 3rd January, and that the expenses of all *unnecessary* witnesses must be borne by Mr. Burns, if called by him.

C.A.G., 28/12/72.

Evidence taken at inquiry held by Minister herewith.—3/1/73.

No. 12.

REPORT OF THE INQUIRY HELD ON 3RD JANUARY.

("B.")

MINUTE PAPER.

Re-hearing of case. Charge of insubordination against Station-master Burns.

Present :—The Minister, Mr. Moody, Mr. Burns, Mr. Goodchap.

The Minister asked Mr. Burns where he was station-master? Mr. Burns answered,—Branxton, formerly at East Maitland; he was disrated to Branxton for insubordination.

The Minister then called upon Mr. Moody to state what the insubordination consisted of.

Mr. Moody stated that in September last I received directions from the Secretary for Public Works to proceed to the Great Northern Railway to arrange matters for the tour of His Excellency the Governor through the Hunter River District, and in the course of my duty I issued instructions for the maintenance of absolute subordination and discipline of the railway servants in the Traffic branch, with a view to obtain a ready obedience to any orders I might have thought proper to issue.

On the 24th September, on running a special train with His Excellency the Governor to Morpeth Station, I there received information that the station-master at East Maitland had got in his office—nailed up in his office—a paper printed, making some reference to myself. Instead of proceeding by the boat, as I otherwise should have done, I received orders to proceed back to East Maitland and make inquiry from the station-master if he had such a paper, and to learn its purport.

In obedience to that order I did proceed by the return train to East Maitland, and in a very mild and becoming manner, and in a very low tone of voice, requested Mr. Burns, the station-master, to give me information on the subject. The conversation run as follows :—"Is it true, Mr. Burns, that you have been exhibiting a paper in your office having reference to an inquest at Windsor?" He met me with a violent stamp of his foot and a shaking of his fist, and the words—"I don't know what you mean—you don't cow me." I replied, "I have nothing to cow you for; I want a reply to my question." He then replied in the same violent manner and loud tone—"Do you think I am a fool, man; you are not going to cow me." I then said, "Please give me a memorandum paper will you, and I will ask you the question in writing." I saw the memo. book on the table, and wrote as follows :—

"East Maitland Station, 24/9/72.

"Memo. to Station-master, East Maitland.

"WILL station-master be so good as to explain under what regulation, or by whose authority, or for what purpose an advertisement of an inquest held at Windsor was posted at the booking office of East Maitland?

"R. MOODY."

Mr. Burns' reply is as follows :—Any paper posted up by me at any time, of course, to read at my convenience, and for that purpose only.—J.B., 24/9/72.

Not being satisfied with that reply, I put another question in the following words :—Does Mr. Burns mean that it was only for his own use, and that he has not called the attention of others to it?—R. MOODY, 24/9/72. Station-master, East Maitland

Mr. Burns replied :—I do not understand what Mr. Moody means by "it."—J.B., 24/9/72.

I then put this straightforward question to him :—Has Mr. Burns had the paper referred to posted in the booking office?—R. MOODY, 24/9/72. Mr. Burns, Station-master, East Maitland.

Mr. Burns' reply is as follows :—I may have had the paper in question posted; I do post up papers in the office often.—J.B., 24/9/72.

Mr. Moody stated that was the case he had against Mr. Burns, and he believes a witness is in attendance who will prove it.

The above is a correct statement.—R. MOODY, 3/1/72.

The Minister asked Mr. Burns whether the document referred to in the evidence of the Traffic Manager, and handed in, is in his handwriting?

Mr. Burns replied that it was.

The Minister informed Mr. Burns that he was at liberty to put any question to Mr. Moody on the statement he had just made.

By

By Mr. Burns to Mr. Moody.

Q. You have charged me with having an advertisement posted up in the booking office?
A. I do not charge you. I heard so, and endeavoured to obtain from you information on the question which the document handed in shows, and upon which I make my charge of insubordination.
Q. When you entered the office what was the first question you put to me?
A. I think the first remark made by me on entering the office was, "Good morning Mr. Burns," and then followed the conversation already given.
Q. Did I make any mark of obeisance to you when you entered the office?
A. Nothing, except turning your back upon me.
Q. Did I not put my hand to my hat?
A. I cannot say.
Q. Then you could not answer whether you acknowledged my salute?
A. I do not recollect, but if I was saluted I should have returned it.
Q. After entering the office what was the first conversation, and who commenced it?
A. I believe I entered the office, looked round the walls, said "Good morning," as I have stated, and not finding any such paper as I had heard of, I began the conversation by the words, as before stated, "Is it true Mr. Burns, &c."
Q. I beg to ask you, Mr. Moody, whether the guard, Curran, was not the means of beginning the conversation?
A. Certainly not. I entered the office alone. The guard, however, stood at the door, but outside of it.
Q. Did he not ask you whether you were ready to go?
A. It is quite possible and would be very natural.
Q. Did you not answer the guard that you could not go; the line was not clear?
A. That is very likely, although I have no recollection of it.
Q. Then did I not say to you the line is clear if you wish to go?
A. That also is very likely; I have, however, no recollection of it. I went with one object in view, and I kept that before me, so that any excuse I might have made for detaining the train was to secure my object.
Q. Did you not say to me, "How do you know the line is clear?"
A. I have no recollection of anything of the kind.
Q. Did I not then say that the ordinary trains had all gone, and if a special were on the way I would have intelligence of it by telegram?
A. I had no such conversation that I can recollect, and I think I would have recollected it if it took place.
Q. Did you not say to me, Mr. Moody, "had I got a written notice that a special was to run"?
A. I have no recollection of any such conversation. It is very possible that I made some excuse to detain the train, but I have no recollection of the conversation.
Q. Did you not say, "Do you do business that way," in a very angry tone?
A. I had no such conversation prior to my inquiry, and I have no recollection of one having taken place afterwards.
Q. Did you not repeat the inquiry in a more angry tone,—"Do you do business that way"?
A. I have already stated that I had no conversation of the kind.
Q. Did you say to me, "Do you run specials without first having a written notice"?
A. I have already more than once stated that I had no such conversation, and certainly not prior to my inquiry.
Q. Did you not then ask me by whose authority, for what purpose, and by what by-law I had an advertisement referring to an inquest at Windsor posted up in the booking office?
A. I have already stated that I asked you at first if it was true, &c., &c., and not after any previous conversation; and it was followed by the written memo. which is put in in evidence.
Q. I ask again if you did not repeat the question commencing, "Is it true, &c."?
A. Perhaps I did. I might have repeated it.
Q. When you asked the question first about the advertisement, can you tell me what I replied?
A. I have already stated that your reply was, "You don't cow me"?
Q. Did you not repeat for the third time the question commencing "Is it true, &c."?
A. I might have done so.
Q. Did I give you no answer at all?
A. Yes; you gave me the answer I have already stated.
Q. Did you not say on the platform near to the door of the office that you would teach me my duty?
A I did, undoubtedly. I have a clear recollection of it as I left the office.
Q. Did you find me neglecting my duty?
A. I do not know what you refer to; but I may state that I considered you were neglecting your duty in giving me the evasive and prevaricating replies to my question.
Q. Were you satisfied that I did not know my duty?
A. I did not make any inquiry into the matter further than the question before me.
Q. How was it then that you were going to teach me my duty?
A. My last reply but one supplies an answer to the question, viz., that you were neglecting your duty in giving me evasive and prevaricating replies, and acting in an insubordinate manner.
Q. When you said you would teach me my duty was it for that reason only?
A. It was for that reason only.
Q. Did you then charge me with insubordination?
A. It is very likely I said I would bring your conduct before the Government as I had obtained the document put in for that purpose.
Q. Did you charge me then with any improper language?
A. Not that I am aware, beyond what I have already stated.
Q. Did you then charge me with anything whatever?
A. I do not know that I did. If I had done so I should have given it you in writing, as I saw that you were too much excited for conversation.
Q. Then you acknowledge that you made no charge against me on that occasion?
A. I do not know as I have already stated.

Q.

Q. May I ask why you did not make a charge?
A. I make my charges to the Minister for Public Works, and have now done so at his request before you.
Q. Is it not the practice when charges are brought against an officer that he is made aware of them, and afforded an opportunity of rebutting them if he is able?
A. That is a matter dealt with by the head of the Department, but in the present case the charge and the defence (if any) are shown on the documents bearing your own signature, the question being put to you to enable you to explain.
Q. Are you aware that I have had no opportunity of rebutting the charges brought against me?
A. There is only one charge made against you of insubordination, and you have been afforded the fullest latitude in cross-examining me upon my statement. I understand that this investigation is at your request, and I do not know that a better opportunity could be afforded you.

The above evidence is correctly taken.

R. MOODY.

Guard Curran called in:—

To the Minister.

I am guard on the Great Southern Line. I was at the North when the visit of His Excellency the Governor took place in September last.

By Mr. Moody.

Q. Did you remember anything that took place at the East Maitland Station, between myself and the station-master, on the 24th September last.
A. Yes; we went to Morpeth and returned to East Maitland, and stopped short of the main line to allow the passenger train from West Maitland to pass. The Traffic Manager, Mr. Moody, called my attention to come into the station to see the station-master, as I thought about the time of the train starting. As soon as I got into the office door, I heard the Traffic Manager say to Mr. Burns, "What is the reason you did allow an advertisement to be posted up in your office contrary to the rules and regulations?" Mr. Burns flew into a great passion, and asked the Traffic Manager if he thought he was a fool, and was very violent, and I thought Mr. Burns was going to strike Mr. Moody, he was so excited, so I considered it best to remain to prevent an assault.
Q. How long was it from the time of the arrival of the train from Morpeth till you were called round to the station.
A. About 10 minutes as near as I can remember.
Q. How long had I been with the station-master previous to your being called?
A. I think nearly the whole of the time.
Q. Who went with me to the station-master's office?
A. I went with you.
Q. Did I go anywhere else before I went to the station-master's?
A. I did not see you go anywhere.
Q. Had I been out of your sight from the time we arrived until I went into the station-master's office?
A. No, not to my knowledge.
Q. How long was it from the time I entered the station-master's office till I called you?
A. I was not aware that you were in the station-master's office at all, till you called me, as you were in my sight all the time.
Q. Was there any other person on the platform near the office door when I went to the station-master?
A. No. Inspector Newton was at some distance off, but when I came out of the office he was walking towards me, and was about eight yards off.
Q. Did he make any statement to you?
A. He asked me what was the matter? I said the station-master here is very excited about a civil question put to him by the Traffic Manager, about the Windsor case,—and I remained, fearing an assault. He replied, "I thought it was something of the kind."
Q. Did the inspector say why he was so far away?
A. He said he thought there would be a disturbance and walked away, as he did not wish to have anything to do with it.
Q. Can you say how long we were at the station altogether?
A. About twenty minutes, as I would not start the train until ten minutes after the other train had started.
Q. Are you aware of a long conversation I had with the station-master before I asked the question about posting the advertisement?
A. No, I am not.
Q. If I had a long conversation would you have heard it?
A. Yes, I am sure I would.
Q. When at the station, who did I speak to on that day?
A. You were most of the time alongside of the train; I was watching you to get orders about starting, and you did not speak to any one, except Mr. Burns, and a passing word with Mr. Newton, and with some one inside the station.
Q. Did I talk to Mr. Burns, except in your presence?
A. No, you did not.
Q. When I spoke to Mr. Burns did I speak in a loud tone of voice, or in my natural tone?
A. No, you did not, and in no way abrupt.
Q. Did I do anything or say anything to put Mr. Burns in the excited state you have described?
A. No. Mr. Burns appeared to get excited without any cause—raised his voice, and by his manner I thought he was going to strike you.
Q. From first to last did I speak to Mr. Burns in an excited or loud tone?
A. No. And I remarked to Mr. Newton, when I came out of the office, about the conduct of the station-master to the Traffic Manager, and said he could not care much about his billet to talk in the way he had.

By Mr. Burns.

Q. You admit you were close to Mr. Moody during the whole time he was at the station?
A. Yes; I kept him in sight.
Q. Do you mean to say that you followed him so closely?
A. Yes.
Q. And that you could hear everything that transpired between us?
A. Yes, certainly.
Q. Did you enter the office immediately upon Mr. Moody doing so?
A. Yes.
Q. Did you not lean against the door?
A. Yes; inside the door.
Q. Did you ask Mr. Moody if he was ready to go?
A. I did; after it was all over.
Q. What did Mr. Moody say to you in answer?
A. "See the station-master and ask him if the line is clear." I did so; and you replied the line is clear. On looking, however, I found that the line was not clear, as the train was not five minutes gone; and we did catch the train before reaching Newcastle.
Q. You asked me the question about the train?
A. Yes, I did.
Q. And you could not go because the line was not clear?
A. I could not and I would not have gone if you had ordered me, as the line was not clear.
Q. You say the train had not been five minutes gone?
A. Yes. You did not know, as you were so excited; but I knew, as I had been watching and took the time.
Q. And this was after all the conversation between myself and Mr. Moody had taken place?
A. Yes.
Q. Did you not say previously that you were only twenty minutes at the station altogether?
A. Yes; and I say so now.
Q. Did Mr. Moody not say the line was not clear?
A. No; he told me to see you about it.
Q. Did you hear Mr. Moody ask me whether I had an order about a special running?
A. I think Mr. Moody did make some remark like that to you; and the answer you gave was that you had not received it.
Q. Did you hear Mr. Moody ask me whether specials were run without notices?
A. I did not.
Q. Did you hear Mr. Moody put a question to me in these words—"Do you do business that way?"
A. No.
Q. Did you hear Mr. Moody ask me to send a telegram?
A. I did. The telegram was to go to the next station, telling them the train was following.

The above evidence is correctly taken.

M. J. CURRAN, 3/1/73.

Mr. Burns stated that as the evidence given only had reference to his conduct towards Mr. Moody on the occasion of his asking him about the advertisement, said to have been posted in the booking office, and not with reference to posting that advertisement, he had no witnesses to call.

Mr. Burns stated that the insubordination with which he was charged arose out of the accusation that he had posted the advertisement in the booking office.

The above is a correct statement.

JAMES BURNS.

No. 13.

Minute Paper.

I have carefully considered the evidence taken before me on the 3rd instant in the rehearing of the case against Mr. Station-master Burns for insubordination, as exhibited in his replies, both oral and written, to inquiries put to him by Mr. Moody, the Traffic Manager, and for which he was disrated in October last.

Mr. Burns stated before me that the insubordination in question arose out of the accusation that he had posted a certain advertisement, reflecting upon the character of Mr. Moody, in the railway booking office, at East Maitland, and that he was under the impression that it would have been necessary for him to have called witnesses to disprove that he had posted the paper in question. Some friends of Mr. Burns have since represented to me that he feels aggrieved that he was not called upon to offer the evidence alluded to, and considers that the case is prejudiced thereby.

The question whether Mr. Burns did or did not post up the paper is a distinct one, and did not influence me in deciding upon his conduct as displayed in his written replies to Mr. Moody's inquiries. On reading those replies, however, no one, I think, could arrive at any other conclusion than that ample evidence is afforded thereby that Mr. Burns did post up in his office the paper in question. If he was innocent of having done so, why did he not reply to Mr. Moody's inquiries—which the evidence shows were put inoffensively in a straightforward manner and by a direct negative? His ambiguous and equivocating answers, besides being insubordinate, are tantamount to an admission of the charge.

Mr. Moody at the inquiry rested his complaint on the insubordination shown by Mr. Burns in the replies, both oral and written, he gave to his inquiries, and did not press the charge out of which Mr. Burns says the insubordination arose, and which if proved would certainly be a great aggravation of the offence for which he was punished.

As, however, Mr. Burns *now* denies that he exhibited the paper, and is desirous of being allowed an opportunity of rebutting the charge, I am disinclined to deny him the means of doing so, as it is foreign to my views and feelings that any officer should remain even under an implied accusation if he can prove that he is free from same.

I

I will hold the inquiry on Tuesday, the 21st instant, at 10 o'clock. Let Mr. Burns be informed, and Mr. Higgs may give leave to any employés in the Traffic Branch whom Mr. Burns may desire to bring to Sydney as his witnesses. Mr. Whitton may be asked to do the same as regards employés in his department. Inform Mr. Moody.

JOHN SUTHERLAND,
11 January, 1873.

(72/233.) Memo. to Mr. Whitton. (72/234.) Memo. to Mr. Moody. Have these been sent?—C.A.G., 15/1/73. Yes.—L.P.I., 16/1/73. Now forwarded to Mr. Higgs who will be so good as to show this paper to Mr. Burns for his perusal. Mr. Higgs will grant leave as requested.—C.A.G., B.C., 16/1/72. Mr. Burns to See.—J. HIGGS, 17/1/73. The witnesses are limited to the Railway Departments, and I beg to name the following:—

Traffic Branch—John Martin.	Engineers' Branch—Inspector Newton.
William Arms.	David Williams.
S. Phelan.	Joseph Whipps.
S. Dowling.	

J.B., 18/1/73.

To Commissioner,—Mr. Burns informed.—J. HIGGS, 21/1/73.

Government Railways.—Minute Paper.

MR. Burns, station-master at Branxton, is to be allowed an opportunity of rebutting a charge of misconduct brought against him; and the case is to be heard in Sydney before the Minister, on Tuesday, the 21st instant, at 10 o'clock. Should Mr. Burns wish to call witnesses who may be employed in the Locomotive and Permanent-way Branch, Mr. Whitton is requested to have the goodness to give leave to such men to come to Sydney for the purpose.

Will Mr. Whitton please send the paper to the North early.

By the Minister's order,
C.A.G., *pro* Commissioner, 14/1/73.

Government Railways.—Minute Paper.

THE Traffic Manager is informed that the Minister has decided to hear the charge against Mr. Burns in connection with the posting of a paper (reflecting upon the character of Mr. Moody) in the booking office, East Maitland, in order that Mr. Burns, at his special request, may be afforded an opportunity of rebutting the same.

The inquiry will take place at this office, on Tuesday, the 21st instant, at 10 o'clock. Mr. Moody will have the goodness to attend; and if there be any witnesses at the north, whom Mr. Moody would like to be examined on the point, they will be instructed to attend if he will furnish their names, &c.

C.A.G., B.C., 14/1/73.

To Chief Clerk,—Porters Geo. Wise and J. P. Edwards both, I believe, at East Maitland.—R.M., 15/1/73.

Telegram sent to Mr. Higgs.—17/1/73.

Telegram from The Chief Clerk, Railway Department, to The Traffic Manager, Northern Railway.
17 January, 1873.

SEE that Geo. Wise and J. P. Edwards, porters at East Maitland, come to Sydney by to-morrow's boat and report themselves at this office on Monday morning.

Telegram from The Assistant Manager, Newcastle, to the Chief Clerk, Railway Department.
18 January, 1873.

SOME of Mr. Burns' witnesses refuse to attend inquiry without orders. Shall I order them to do so? Reply by wire.

TELL them if they can aid Mr. Burns in his defence they should not hesitate to come, but you cannot *order* them to come.

Telegram from The Assistant Manager, Newcastle, to The Chief Clerk, Railway Department.
20 January, 1873.

MR. Station-master Burns will not be in Sydney to-morrow, owing to the man sent to relieve him missing the train. Shall I instruct him to attend on Wednesday morning? Reply by telegraph.

Telegram from The Chief Clerk, Railway Department, to The Traffic Manager, Northern Railway.
20 January, 1873.

LET Burns be here on Wednesday morning, without fail.

No. 14.

GOVERNMENT RAILWAYS—MINUTE PAPER.

24 January, 1873.

MR. BURNS saw the Minister in regard to the hearing of this case. He stated that although the men he wished to have examined had received permission to come to Sydney from the heads of their departments, some of them had not come, and that he had only two witnesses present, viz., Whipps and Kerrigan, and that he was placed at great disadvantage thereby.

Most of the witnesses required by Mr. Burns are men, guards of trains, who cannot well be spared from duty, more especially at the present time, when special trains are running at the North for the holidays.

After

After considering several ways of meeting the difficulty, the Minister decided to postpone the hearing of the case for a week or two, and would then either go to Maitland to hear the case or make arrangements for bringing the witnesses down with as little inconvenience as possible.

Mr. Burns said he preferred the case being postponed as proposed rather than proceed with it under present circumstances.

C.A.G.,
Chief Clerk.

MINUTE OF THE SECRETARY FOR PUBLIC WORKS.

I PURPOSE hearing this case on Saturday, the 8th February, at 2 o'clock p.m., at Maitland. Let Mr. Burns know, and also Mr. Moody. All witnesses required to be in readiness at Maitland, at the day and time named.

J.S., 31/1/73.

(73/482.) Memo. to Mr. Moody. (73/483.) Memo. to Traffic Manager, North.

Government Railways—Minute Paper.

Mr. Burns' case—Insubordination when Station-master at East Maitland.

MR. SECRETARY Sutherland has decided to hear this case at Maitland on Saturday, the 8th February, at 2 o'clock p.m. Mr. Burns has been so informed through Mr. Higgs, and instructed to have his witnesses in attendance. It is hoped that Mr. Moody will have sufficiently recovered to attend the inquiry, and will be ready with the witnesses he wishes to have examined. Porters Wise and Edwards will be informed.

C.A.G., 1/2/73.

Mr. Richardson will have the goodness to send this on to Mr. Moody.—C.A.G., B.C. 1/2/73.

Chief Clerk,—The present state of my health, I regret to say, will not admit of my being present at the inquiry. The only witnesses necessary to prove the case are Wise and Edwards.—R. MOODY, 6/2/73.

Government Railways—Minute Paper.

Mr. Burns' case—Charge of insubordination.

MR. SECRETARY Sutherland has decided that he will hear the above case at Maitland, on Saturday, the 8th February, at 2 o'clock p.m. Mr. Higgs will have the goodness to let Mr. Burns know at once, in order that all his witnesses may be in attendance. All witnesses required by Mr. Burns, Mr. Higgs will instruct to attend, if in the Traffic Branch.

Let all the witnesses be in attendance on the day and hour named. Mr. Higgs to see that all requisite arrangements are made.

C.A.G., B.C., 1/2/73.

Porters Wise and Edwards to be informed.

Mr. Burns informed. I beg to forward herewith a list of witnesses required by Mr. Burns. I presume it will be held at East Maitland.—J. HIGGS, 4/2/73.

Secretary to General Post Office asked to allow Mail-guard Tighe to attend.—5/2/73.

Mr. Quodling, with reference to locomotive and permanent-way men.—C.A.G., 5/2/73.

Attended to.—W.H.Q., 5/2/73.

The Commissioner for Railways to The Secretary to the General Post Office.

Department of Public Works,
Railway Branch,
Sydney, 5 February, 1873.

Sir,

I have the honor to inform you that Mr. Burns, Station-master at Branxton, Great Northern Railway, has sent in the name of Mail-guard Tighe as a witness in his behalf at an inquiry into a charge of misconduct, which is to be held at Maitland on Saturday next, the 8th instant, at 2 o'clock p.m.

I have to request that Mail-guard Tighe may receive permission to attend this inquiry as a witness on behalf of Mr. Burns.

I have, &c.,
JOHN RAE,
Commissioner for Railways.

No. 15.

REPORT OF INQUIRY.

(C.)

8 February, 1873.

INQUIRY into charge brought against Mr. Burns for having posted in the booking office of the Railway Station, East Maitland, a paper reflecting upon the character of Mr. Moody, with a view to degrade him in the eyes of the employés, and to weaken his authority.

Present—The Minister, Mr. Goodchap, Mr. Higgs, Mr. Burns.

The Minister explained the object of the inquiry, and the disadvantage, in respect of eliciting the evidence, he was under in consequence of the absence, through illness, of Mr. Moody, who was best acquainted with the facts of the case.

He then called upon the chief clerk to read his minute, authorizing the inquiry.

Minute of the 11th January read, and subsequent minute, postponing the inquiry, and directing it to be held at Maitland.

Geo.

Geo. Wise called in and examined by the Minister :—

I am goods porter at East Maitland ; I have been nine or ten years in the Service.

Q. Do you remember the visit of His Excellency the Governor to the Hunter River District?
A. I do.
Q. Did anybody in particular have any conversation with you in reference to a paper in which an account of an inquest at Windsor was contained?
A. Yes.
Q. Will you give the particulars of that conversation, as it took place?
A. It was on the Sunday evening previous to the Governor going to Morpeth. Mr. Burns and I were going along the platform—going home, Mr. Burns said to me—"Martin promised to bring me the paper with the Windsor case in it, and didn't bring it." I told him I could let him have the paper, and he said that he would put it up in the office to let Mr. Moody see if some of them on the line were frightened of him—that he was not ; and on the Monday morning I gave him the paper as he passed the shed.
Q. Did the Traffic Manager (Mr. Moody) have any conversation with you on the subject when at Maitland?
A. No.
Q. Did you see the paper you refer to posted up at the station?
A. No, I was not down at the station at the time it was alleged to be posted.
Q. Then, do I understand that you gave the Traffic Manager no information in regard to this matter?
A. None whatever.
Q. Have you any other information to give in connection with this case. I wish to elicit the whole truth ; but, being unacquainted with what evidence you can offer, I must leave it to you to state what you know?
A. I have nothing further to add.

Cross-examined by Mr. Burns.

Q. Was it a newspaper you referred to in your evidence?
A. Yes.
Q. Which paper was it?
A. *Sydney Morning Herald.*
Q. You don't know the date?
A. No, I do not.
Q. Did you consider I had any malice towards Mr. Moody?
A. I formed no opinion on the subject.
Q. That was on the Sunday evening that I asked the question?
A. Yes.
Q. Was the paper your own?
A. It was not mine, but I had the loan of it.
Q. Had you the paper in your possession when I asked you for it?
A. No, not on my person.
Q. Did you not run over to Mr. Delhony for it while I waited to get it?
A. I don't recollect that I did ; I think I had it at the time at the shed.
Q. Did you know the object for which I wanted the paper?
A. I can say nothing further than what you told me.
Q. Did you see Mr. Scholey and tell him of the paper being posted in the office?
A. No.
Q. Will you swear that?
A. Yes, as I was not aware the paper was posted.
Q. Are you aware that such a report was abroad?
A. I am aware that many false reports are abroad in connection with this case.
Q. Then you deny that you told Mr. Scholey that you gave me the paper, and that I had it posted up in the office?
A. I deny it.
Q. And that Mr. Scholey rode to Morpeth and told Mr. Moody of it?
A. I am not aware of what Mr. Scholey did.
Q. Then you assert that if any person has said that you had a knowledge of this he has not spoken the truth?
A. Yes.
Q. Did anyone tell you that I had a slip or an advertisement posted up in the room?
A. Yes.
Q. Who told you?
A. Porter Edwards.
Q. To whom did you give any information on this subject?
A. I only spoke to Porter Edwards of what I knew of the subject, and that was since the first inquiry.
Q. Can you tell what date this was?
A. No, I did not take notice.
Q. Did you give Edwards to understand that you were willing to go to Sydney to give evidence on the subject?
A. There was nothing said that I am aware of about going to Sydney.

To the Minister.

It was through what young Mr. Burns said that I volunteered to give evidence, and I told Porter Edwards what I was prepared to state.

By Mr. Burns.

Q. Are you aware that Porter Edwards wrote a letter to Sydney stating that you would willingly come to Sydney to prove the posting up of the slip in the office?
A. I am not aware.

By

By the Minister.

Q. What Mr. Burns did you allude to when you said that you would give evidence in consequence of what he said?
A. Mr. Burns, junr., who is a tradesman in East Maitland. It was in consequence of this Mr. Burns having stated something in connection with this case detrimental to my character and that of Porter Edwards that I volunteered to give evidence on the subject.
Q. It was for the purpose then of protecting your own character that you volunteered the evidence?
A. Yes; to rebut what Mr. Burns had stated in the town.
Q. What was in the paper which Mr. Burns required of you, and which you lent him?
A. The inquest upon the body of Porter Dugdale, held at Windsor.

Further cross-examined by Mr. Burns.

Q. Were you not charged before I left East Maitland of having been the means of conveying to Mr. Moody through Mr. Scholey of my having had posted up the paper alluded to?
A. I was asked by you if I had seen the paper up in your office. I said, "No, as I was not down there." I may have been asked if I had conveyed the information, but I was certainly never charged with it, until Mr. Burns, junr., stated that I had done so.
Q. Did I not tell you, when you denied to me that you had conveyed the information, that Porter Edwards said that you had done so?
A. I cannot say that you said so then, but you have said that Porter Edwards did say so.

I have had the above evidence read to me, and it is correctly taken.

GEO. WISE, 8/2/73.

Porter Edwards called in and examined by the Minister:—

My name is J. P. Edwards; I am porter on this station.
Q. Do you remember the visit of His Excellency to this district?
A. Yes, Sir.
Q. Do you remember any particular occurrence which took place at this station in connection with an inquest held at Windsor?
A. I recollect Mr. Moody, Traffic Manager, returning from Morpeth to this station. Directly he got out of the train, he went straight into the booking-office. I happened to be outside, and I heard Mr. Burns state to Mr. Moody that he was not going to be cowed by him; the door was then closed by a Sydney guard as there were high words passing inside. Subsequently, Mr. Moody called me, and in accordance with his instructions I made a copy of a question put by Mr. Moody to Mr. Burns, as to the authority under which he had posted up a certain advertisement in his office.
Q. Did you see anything with reference to an inquest held at Windsor, posted up in Mr. Burns' office?
A. I did.
Q. Will you describe what you saw?
A. The *Herald* containing the account of the inquest was so folded as to show the account of the inquest only, and was nailed to the wall over the mantel-shelf with wire nails, 2½-inch, nailed top and bottom, the length of the advertisement being about 16½ inches long between the nails.
Q. Are there any marks on the wall where you say it was nailed up?
A. Yes, they are there now.

[Mr. Sutherland, Mr. Goodchap, Mr. Burns, and Mr. Higgs, visited the room in which the advertisement is said to have been posted up, and Porter Edwards pointed out the alleged nail marks, which were clearly visible.]

Q. Have you any further statement to make?
A. Only to say that the first person I mentioned the matter to was Guard Martin, who came up by the mid-day train.
Q. Did you make any report on this subject to Mr. Moody while he was at East Maitland?
A. No; neither directly nor indirectly, but Mr. Moody, after coming out of the office where he had accused Mr. Burns of having posted this advertisement, said to me, "Did you ever hear of such a foolish action," and I replied, "I think it was very foolish, and I shall get the credit of this," that is, of giving Mr. Moody the information; but he replied, "No, you will not, for I heard of it at Morpeth.
Q. Do you know anything further?
A. No, I do not.

Cross-examined by Mr. Burns.

Q. You say it was a newspaper I posted up?
A. Yes; the *Herald.*
Q. Will you swear there were two nails in it?
A. I will—the nails were top and bottom and so conspicuous that my attention was drawn to them.
Q. Who drew your attention to them?
A. No one—the thing was so conspicuous I could not fail to see it.
Q. What time in the day did you see it first?
A. About half-past 11 a.m.
Q. What time in the day did you see it last?
A. Not afterwards—I did not go into the office afterwards.
Q. How often did you see it up?
A. Only that once.
Q. What day was that—can you tell the date?
A. No; it was one of the days the Governor was up.
Q. Did I draw your attention to the paper?
A. No.
Q. Did you see me draw the attention of anyone else to it?
A. No.
Q. Did you not report to Mr. Moody that the slip was posted?
A. No.
Q. Did you not write letters to Mr. Moody almost daily?
A. No.

Q.

Q. Did you inform Mr. Moody that I had a slip posted up in the office?
A. No; only in the way I have said.
Q. Did you inform Mr. Moody that I was exulting to the public and to the Service that I was able to expose his conduct?
A. No.
Q. You did not tell Mr. Moody how long that slip was posted up?
A. No; I never was asked.
Q. Do you know how Mr. Moody got the information?
A. No.
Q. Did you never tell anyone how he obtained it?
A. No, not positively; but I have probably suggested many ways in which he could have obtained the information.
Q. Then you did not tell anyone that Porter Wise told Mr. Scholey that the slip was posted up, and that Mr. Scholey went to Morpeth and informed Mr. Moody?
A. I may have suggested that this was the way Mr. Moody obtained the information, but I could not say so for certain, as I did not know.
Q. Did you write to anyone in the Railway Department the following letter:—

"Dear Sir,

"I have heard several persons say that Burns has told them that he never nailed up the paper in the office. I know a party that he asked several times to procure, and he did do so, the paper with it in, and he then said he wanted it to post up, to show that he was not frightened of Mr. Moody, as a great many were on the line. The person is willing to go to Sydney to prove it if necessary. Of course I hope and trust he may not get satisfaction; he only deserves to be dismissed; his books are enough; he nailed it up over the chimney-piece. However you understand it all without me."

Mr. Burns handed in the document from which he had read.

Mr. Sutherland said that the document bore no signature or date, and asked Mr. Burns if he could produce the original. Mr. Burns, in reply, called in James Burns, junior, relieving station-master.

To the Minister.

Q. Have you the original of that document (*Document handed in by Mr. Burns*)?
A. I have the blotting-paper on which it was blotted and will produce it. (*Blotting-paper produced.*)

The Minister to Porter Edwards (handing him the blotting-paper referred to).

Q. Do you recognize that as the copy of any document you sent to anyone?
A. Yes; it is my writing.

By Mr. Burns.

Q. You acknowledge to have written that letter?
A. I say that that is my handwriting.
Q. That document refers to me?
A. Yes; it states your name; it is of a late date.
Q. What was the object of that letter?
A. The main object of that letter was to let the Department in Sydney know that I was not the only witness who could prove the document was posted.
Q. Did you think you were performing your duty in writing that letter?
A. Yes.
Q. Did you consider it was for the good of the Department?
A. Yes; and for my own protection.
Q. Do the by-laws not say that reports respecting railway business must be sent through the senior officer?
A. Yes; but this was a private letter.
Q. Then you consider that I should have been dismissed?
A. That is my private opinion.
Q. May I ask what I have done to be dismissed?
A. I decline to answer; it is not for me to say.

By the Minister.

Q. Before you sent that letter, to which reference has been made, were you actuated thereto by any persecution in connexion with this case, as you have stated it was for your own protection?
A. Yes.
Q. Will you state what you were afraid of?
A. I have been persecuted in connection with this case. I have been pointed at as an informer. Mr. Burns and his sons have treated me with the greatest contempt. My conduct has been misreported, and my character has been prejudiced thereby. Visitors to the station, who formerly used to speak to me, have been prejudiced, and now pass me by, and I wished to show that I did not give the information, and that others knew of the occurrence besides myself. My children have been insulted in Church by one of Mr. Burns' sons, who stated tauntingly, "We will see you out of that," and other similar remarks. My wife has remonstrated with him for so speaking to the children.
Q. Then, if I understand you aright, the reason you wrote that letter was that Mr. Burns and his friends have shown animosity towards you in this matter.
A. Yes; guards and porters on the line have conceived a bad opinion of me in consequence of what Mr. Burns has stated.
Q. Have you any objection to state who the guards and porters are to whom you allude?
A. It is not one or two—it is general throughout the line.

I have heard this evidence read over to me—it is correctly taken.

JAS. P. EDWARDS, 8/2/73.

Further questioned by Mr. Burns.

Q. Do you refer to me as having ill-treated you, or to my sons?
A. To both. I have repeatedly complained of the manner in which you have treated me. I told you I was not the informer, and that I would write to Mr. Moody on the subject.

Q.

Q. To whom did you complain?
A. To you. I came into the office to complain, and to explain to you that I was not the person who gave the information.
Q. Was it on the evening that Mr. Moody left that you complained?
A. Yes.

By the Minister.

Q. Did you complain at any other time?
A. No.

By Mr. Burns.

Q. Who told you that I complained?
A. No one; I gathered it from your conduct.
Q. Then you deny most emphatically that you gave the information to Mr. Moody?
A. Yes, neither directly nor indirectly, as I have told you before.

This further evidence is correctly taken.

JAS. P. EDWARDS, 8/2/73.

On behalf of Mr. Burns, Mr. Whipps, ganger, was called in and examined.

By the Minister.

Q. What is your name?
A. Joseph Whipps.
Q. What position do you hold?
A. Ganger; length of service, between ten and eleven years.
Q. State what you know of the case:—

Mr. Whipps stated:—I was at work close to the station, and Porter Edwards came down where I was at work, and he said to me did I not think Mr. Burns was very foolish to stick a slip up, or a paper, in his office, in reference to a case that was tried at Windsor coroner's inquest. I told him I knew nothing about the case, and had heard nothing of it. He stated Mr. Burns blamed him for reporting the circumstance to Mr. Moody; and he stated, "I call God to witness that I never mentioned to Mr. Moody anything in reference to the slip."

By the Minister.

Q. What day do you refer to?
A. On the day His Excellency was here, or the day after.

Statement proceeded with:—"He (Porter Edwards) came a day or two afterwards and made a statement, saying, he was glad to think he was clear of the accusation that was made as regards him and Mr. Burns, for he had heard that Porter Wise had made a statement to Mr. Scholey, and Mr. Scholey rode to Morpeth and informed Mr. Moody, and that would clear him of the imputation put on him—that he was the informer. This is all I know of the case.

By Mr. Burns.

Q. When I returned from Sydney after the first examination, did Porter Edwards come to you and say, "Is not the fact of my not having been called to Sydney conclusive evidence that I was not the person who gave the information to Mr. Moody"?
A. To my knowledge he did not.
Q. Did he even once or twice to you say that he never communicated to Mr. Moody the fact of the slip being posted up in the office?
A. He did—on one or two occasions—he called God to witness that he did not give the information.
Q. Do you remember being present at the goods station when I asked Porter Wise whether it was true, as stated by Porter Edwards, that he had given the information about the slip to Mr. Scholey, who had told Mr. Moody of it.
A. I perfectly remember this.
Q. Did you hear the answer given by Wise?
A. Yes, I did. The answer was that he did not inform Mr. Scholey about the matter.
Q. What did I then say?
A. You called the attention of myself and two or three other men to the above question and answer.
Q. Did I ask you and the other men to state what Porter Edwards said as to how Mr. Moody got the information?
A. Yes.
Q. Don't you remember I called Wise's attention to hear what Porter Edwards had said to you about him (Wise)?
A. Yes.
Q. Did you ever see me exhibiting a slip of an inquest held at Windsor?
A. No.
Q. Did you ever hear me at any time commenting upon the conduct of Mr. Moody, with the intention to degrade him?
A. No.
Q. Did you ever see anyone with a slip of the inquest alluded to?
A. No.
Q. Did you ever see anyone with a newspaper with the inquest in?
A. Yes.
Q. Who was it?
A. Porter Edwards, in the porter's room; it was the *Sydney Morning Herald.*
Q. Did he call your attention to it?
A. Yes.
Q. Were any remarks made upon it?
A. No, except the one made by myself, that it was the first time I had seen it.

This evidence has been read over to me and it is correctly taken.

JOSEPH WHIPPS, 8/2/73.

Further

Further questions by the Minister.

Q. How many times a day are you in the porter's room?
A. Sometimes not once.
Q. How many times a day are you in the station-master's room?
A. Sometimes not at all.
Q. What is your business in the station-master's room, and how often are you there?
A. Sometimes not for a week together. I sometimes go to the door to say a word to the station-master, or to see the time; when I go into the room it is to receive my wages; this I do twice a month.
Q. Then a paper might be put up in that room for a week together and you would not see it?
A. Yes.

This evidence is correct.

JOSEPH WHIPPS, 8/2/73.

J. Kerrigan called in:—

Examined by the Minister.

My name is James Kerrigan; situation, fettler; service, two years last October. I have come to give evidence in the case of Mr. Burns.

State what you know:—

Previous to His Excellency's visit to this district, I met Porter Edwards on the platform. He said to me, "Isn't Burns a fool to have that paper in his office?" (in allusion to the inquest at Windsor, which he had read to me the day before). "Don't you think," he said, "that he is doing wrong in so doing?" I replied, "I know nothing about it"; he read the evidence in the inquest on Dugdale's case, and gave the paper to me. The following evening he asked me did I destroy the paper; I told him it was over at the house—I would look for it. The paper was torn, but I handed it as it was to Porter Edwards, who tore out the part relating to the inquest, and said I might do what I liked with the rest of the paper, which he handed back to me. After Mr. Moody left the office on that day (I mean the day His Excellency went to Morpeth) Edwards said to me, "Mr. Moody has had a row with Mr. Burns over the paper he had in the office." He said, "I know he will blame me for it." I said, "If you are not guilty you ought to tell him so." He said, "I never gave any information to Mr. Moody; it was Geo. Wise who told Scholey, who rode to Morpeth and told Mr. Moody."

I have nothing more to add, except that Porter Edwards has repeatedly said since that it was not he who gave the information.

Questions by Mr. Burns.

Q. Did I ever exhibit a slip or speak disparagingly of Mr. Moody?
A. Never in my hearing.
Q. Edwards was the only one who showed you the account of the inquest?
A. Yes.

By the Minister.

Q. How many hours a day are you in the company of the station-master?
A. Not one hour during working hours.
Q. Are you ever in his office during working hours?
A. No.
Q. Could he have the slip or paper posted up in his office without your seeing it, and speak disparagingly of Mr. Moody without your being aware of it?
A. Yes, certainly.

This evidence has been read over to me and is correctly taken.

JAMES KERRIGAN, 8/2/73.

Hy. King called in:—

In reply to Minister he said,—My name is Henry King; I am a railway labourer on the permanent-way; I have been a little over two years this time; I have come here on Mr. Burns' case.

State what you know of it.

Mr. Edwards came to us, "the gang," and said that he was accused of being an informer against Mr. Burns in putting up the slip of paper in the office; but he said, as God was his judge, he knew nothing about it whatever; he said he never informed Mr. Moody of it, nor anyone else. That is all I heard him say, and is all I know about the case.

By Mr. Burns.

Q. Did he at any time state who it was who carried the information to Mr. Moody?
A. He did not to me, nor in my hearing.
Q. Did you see Edwards exposing the slip alluded to?
A. No, I never did.

The above evidence has been read over to me, and is correctly taken.

HENRY KING, 8/2/73.

Alfred Pettit called in:—

By the Minister.

My name is Alfred Pettit; I am a painter's laborer employed on the railway; have been on two years.

What have you come here for; state concisely what you know of this case.

I came down here one Monday morning to proceed to my work, when Porter Edwards drew my attention to an article in the paper—*Sydney Morning Herald*—a statement concerning the suicide of a railway porter. I had not sufficient time to read it at the time. On the following Monday or Monday following that I came into this room (porters' room) and saw the paper laying upon the table under the window, with a piece cut out of it. Edwards not being in the room at the time. When he came in I asked him for the paragraph, to which he replied, "I have not got it." I then asked him who had it. He replied

that

that Jim Kerrigan had it. I said, "I should like to see it." He said, "Go over and get it." I went over. Kerrigan's wife could not find it; she said her husband had it in his pocket on the work. I made that remark to Edwards. He asked me where I was going. I said, "To Waratah." He then said, "Never mind, I will send it"; but he did not send it, and I have never seen it. This is all I know of the case.

Questions by Mr. Burns.

Q. Have you seen me exhibit such a paper?
A. No.
Q. Did you hear me commenting upon any such a document disrespectfully towards Mr. Moody?
A. No.

By the Minister.

Q. How often are you in the company of the station-master?
A. Very seldom.
Q. What are your duties?
A. Painting on the line. I am away from the beginning to the end of the week, and never see the station-master, except to get my wages.
Q. Then Mr. Burns might exhibit anything in the office, or might say anything respecting Mr. Moody for all you would know to the contrary.
A. Yes.

The above evidence has been read over to me and is correctly taken.

ALFRED PETTIT, 8/2/73.

Guard Phelan called in:—

To the Minister.

My name is Samuel Phelan; I am guard. I have been in that position for more than three years. I am not aware why I have been ordered to come here; Mr. Higgs told me to come. Mr. Burns has not told me he wanted me to give evidence in the case between himself and Mr. Moody, and I know nothing whatever about the case.

To Mr. Burns.

Q. You are a guard and it is your duty to be in the station-master's room and to be there for some time by each train from Morpeth?
A. Yes, I am in the habit of going into the station-master's office daily a good many times to transact business.
Q. Do you remember the Governor being up on the line sometime ago and Mr. Moody with him?
A. I do.
Q. Did you see anything of an advertisement or a slip posted up in my office at that time?
A. I did not, except papers relating to railway matters.
Q. Nothing of an inquest held at Windsor?
A. No.
Q. Did you hear me making comments on Mr. Moody's conduct in a disrespectful way towards him.
A. No.
Q. Did you see at that time a newspaper nailed or tacked up in my office?
A. No, I have no recollection of it.
Q. Did I ever call your attention to a paper concerning this inquest?
A. No, I think not. I am almost sure you did not.

By the Minister.

Q. How many hours a day are you in Mr. Burns' office?
A. Only a minute or two at a time. Sometimes only twice a day. Often hurriedly when trains are late.
Q. Could any slip be tacked up in Mr. Burns' office without your seeing it?
A. Yes, and even when I was at the office it might have been tacked up and I not see it.
Q. Could Mr. Burns say anything against Mr. Moody without your hearing?
A. Yes.

This evidence has been read over to me and is correctly taken.

SAML. PHELAN, 8/2/73.

Mail-guard Tighe called in:—

In reply to Minister.

My name is John Tighe; I am mail-guard on this line; I have been in that position eight months. I have come here to day to give evidence in the case of Mr. Burns.

Will you state as concisely as you can what you know of the case?

All that I know about it is, on one Tuesday morning, when His Excellency the Governor was here, I had occasion, as usual, to go into the station-master's room, East Maitland, for the mail bags. I said to Mr. Burns, "I have heard that an inquest was held on Porter Dugdale." He said, "I have the paper." I asked him to lend it to me, and at the same time I took it off the shelf to read it. He said he had borrowed it himself and I was not to take it away. I told him I would either return it or get him another one, and I then took it away. This is all I know of the matter.

In reply to Minister.

This took place about 8 o'clock in the morning.

By Mr. Burns.

Q. How many nails were in the paper tacking it up?
A. None. I am sure there were none.
Q. Did I draw your attention to the paper?
A. No. I referred to it first.
Q. If a slip had been posted on the wall would you have seen it?
A. I must have seen it.

By

By the Minister.

Q. How many minutes a day are you in the station-master's office?
A. Generally from two to five minutes.
Q. Then if a paper was posted up at any other time you would have no knowledge of it?
A. No.
Q. You consider it impossible that a slip could be posted in the station-master's room without your seeing it, if you were there?
A. Yes.
Q. Will you tell me the various papers that were posted up there this morning?
A. I only observed the time-tables.
Q. Did you see no other paper?
A. It is impossible for me to say whether there was any other paper.

The above evidence has been read over to me, and is correctly taken.

JOHN TIGHE, 8/2/73.

Guard Martin called in:—

In reply to Minister:—My name is John Martin; I am guard on the line; I do not know why I am here to-day—I suppose to give evidence in the case of Mr. Burns.

Will you state what you know of the case of your own knowledge?

Edwards called my attention, and said—"That there is a paper stuck up in the office"; and I said, "What paper?" And he replied, "The paper with the inquest in." I did not pay any attention to that, or go to see, but as I was at the office door I did see some paper like a newspaper. I do not know whether it was nailed up or tacked up, or was standing up on the mantel-shelf, but I saw it there, and did not know what it contained, except what Porter Edwards told me. There were no remarks made by the station-master on the matter.

Q. What date do you refer to, and the time of train?
A. I took no heed; it was when the Governor was up, or about that time.

By Mr. Burns.

Q. About the time the Governor was up did Porter Edwards give you letters to carry to Mr. Moody?
A. Yes.
Q. Do you remember how many?
A. I remember taking two up to Murrurundi, and one down towards Newcastle. I cannot be positive that I had any more entrusted to me.
Q. Were these on different days?
A. Yes.
Q. Did you ever hear me commenting upon Mr. Moody's conduct in a disrespectful manner?
A. No. We were always too much engaged to talk about any matter whatever besides business.
Q. Did you ever see any slip containing an account of the inquest posted up in the office?
A. No, except what I have already stated.

This evidence has been read over to me, and is correctly taken.

J. MARTIN, 8/2/73.

Guard Arms called in:—

In reply to Minister:—My name is Wm. Arms; I am guard on this line; I am here, I suppose, to answer any question put to me about Mr. Burns and Mr. Moody. I know nothing of the case whatever.

To Mr. Burns.

Q. Did you at any time when the Governor was up here see a slip or an advertisement of any kind with an account of an inquest which was held at Windsor;—did you see such a document posted up in the station-master's office?
A. No, I did not.
Q. Did you ever hear me commenting upon Mr. Moody's conduct, to degrade him in the Service, or weaken his authority?
A. No, Sir, I did not.
Q. Did you ever carry any letter from Porter Edwards to Mr. Moody at that time?
A. Yes, I have taken such letters.

By the Minister.

Q. You have stated that you saw no slip posted up in the station-master's room—how long in the day are you there?
A. About three minutes a day.
Q. Might a slip or newspaper be posted up in the room without your seeing it?
A. Yes, and even if I was there I might not see it.
Q. Mr. Burns might speak of Mr. Moody in a disrespectful manner without your knowledge, seeing that you would be in the office only three minutes in a day?
A. Yes.

The above evidence has been read over to me and is correctly taken.

WM. ARMS, 8/2/73.

Head Porter Dowling called in:—

To the Minister.

My name is G. T. Dowling; I was formerly guard on this line; am now head porter at Murrurundi.
Q. Will you state to me what you know of the case between Mr. Burns and Mr. Moody?
A. I do not know what the case is. I know nothing about the case. I only know that Mr. Burns has been removed to another station.

To

To Mr. Burns.

Q. You were a guard at the time the Governor was up here?
A. Yes.
Q. Had you occasion to call in at the station-master's office at East Maitland for any purpose?
A. I believe I was in the office every day on the down journey, that is every other day, never more than two minutes, if I was even that, at any one time.
Q. Did you see any slip or advertisement with an account of an inquest posted up in the station-master's office?
A. No; I never saw it.
Q. Did you ever hear me making disrespectful remarks on Mr. Moody's conduct.
A. No; you never mentioned his name to me?
This evidence has been read over to me. It is correctly taken.

G. T. DOWLING, 8/2/73.

Porter Ryan called in:—

In reply to Minister.

My name is John Ryan; I am a railway porter; I have been three years in the Service.
Q. What are you here for to-day?
A. About the inquiry between Mr. Edwards and Mr. Burns.
Q. What do you know of the case referred to—be as concise as you can—only state what you know of your own knowledge?
A. Porter Edwards told me that he did not report Mr. Burns—he told me he did not like to be under Mr. Burns as a station-master.

By Mr. Burns.

Q. Did Edwards mean that he did not report to Mr. Moody that I had a slip posted up in the office containing an account of the Windsor inquest on Porter Dugdale?
A. That is what I understood he meant.
Q. Did he tell you what he did not like me for?
A. No.
The above evidence has been read over to me and is correctly taken.

JOHN RYAN, 8/2/73.

David Williams called, but was not present.

Inspector Newton called in:—

To the Minister.

My name is George Newton; I am Inspector of Rolling Stock on Great Northern Railway; I was instructed by my superior officer to come here, to give evidence in the case of Mr. Burns.
State what you know about the case, and as concisely as you possibly can.
I was in attendance on the Governor's train. On its arrival at East Maitland Station Mr. Moody and myself had some slight conversation respecting the departure of that train to Newcastle, after which he went into the station-master's office. Shortly after I was passing the door, and saw Curran, the guard, standing inside; thinking that they were still talking about the train leaving, I went inside to ascertain if such was the case, but finding there was nothing going on at that time, I immediately retired. Shortly afterwards I heard high voices in the station-master's office, and on passing the door again I saw Mr. Burns with his cap in his hand, and addressing Mr. Moody in these words, "Mr. Moody, I beg to ask if you think I am a fool?" Finding there was nothing concerning me in the matter I moved away. I have nothing more to say.

To Mr. Burns.

Q. Did you hear or see anything on my part disrespectful towards Mr. Moody?
A. I did not.
Q. Did you see Porter Edwards in the office?
A. Yes, afterwards.
Q. Were you aware what he was doing?
A. No; I saw he was apparently writing.
Q. Do you remember me calling you in?
A. I do.
Q. You did not come in?
A. No, I did not, at that time.
The above evidence has been read over to me, and is correctly taken.

GEORGE NEWTON, 8/2/73.

William Burns, baker, Maitland, called in:—

To the Minister.

My name is William Burns; I am apprentice to a baker; I have come here to prove something against Mr. Edwards; to prove that he said it was not him who told Mr. Moody.
State concisely what you know of the case.
Mr. Edwards told me it was not he who told Mr. Moody about the paper being in the office, and said he would swear by his God that it was not he who told Mr. Moody, but that it was Porter Wise told Mr. Scholey, who rode to Morpeth and told Mr. Moody. He said that Mr. Moody had promised him Branxton Station when he was up here on his first visit, and that he never corresponded with Mr. Moody, excepting in reference to what he promised him when he was up here. He also said that there were going to be a great many changes on the commencement of the year; he expected he would be sent to Branxton Station;

Station; and he also said that he was not fined for letting the train run over the points; that a porter in the West was. He was not fined because he had a claim on the Government and great interest; that he could get any information from the office in Sydney, because he was so well known; all he had to do was to write for it, and it was sent back at once. I have also seen him addressing letters to Mr. Moody. On one occasion one to the Honorable the Minister for Works. That is all.

Q. Are you a son of Station-master Burns?
A. Yes.
Q. Did all the conversation which you have related take place at one time?
A. No; in two interviews.

By Mr. Burns.

Q. Did he tell you one time, before I had left East Maitland, that he had just had a telegram from Mr. Moody, asking if I had yet left the house?
A. Yes.
Q. Did he not often converse with you, exulting upon his correspondence with the head office in Sydney?
A. Yes.

By the Minister.

Q. What is your age Mr. Burns?
A. 16 last September.

The above has been read over to me, and is correctly taken.

W. BURNS, 8/2/72.

Constable Allen, at the request of Mr. Burns, called in.

To the Minister.

My name is John Allen; I am a constable in the Police Force; I have been ten years in the Service.
Q. Do you know why you have come?
A. My superintendent told me that I was to come to-day to give evidence in the case of Mr. Burns. I do not know what evidence I can offer.

To Mr. Burns.

Q. Did you ever see an account of an inquest held at Windsor;—did anyone ever show you such an account at this station?
A. A slip was given to me one day at the station containing an account of the inquest; it was cut out of a paper; I asked the party where he got it from; and he said from Porter Edwards.
Q. Do you know anything more about it?
A. I think, previous to this, I was one day on the platform when the mid-day train arrived from Newcastle, and I heard Porter Edwards say to Martin, the guard, "Isn't Burns a fool to have that paper in the office containing an account of the inquest?" After the train left I walked up the platform, and passing the door I cast my eye and saw a newspaper on the mantel-piece.

To the Minister.

Q. Was the paper lying down flat on the mantel-piece?
A. No; it was standing up, folded up into about three parts; I could not say if it was nailed up.

By Mr. Burns.

Q. Could you not say whether it was nailed at the bottom?
A. I could not say; but it has occurred to me that it must have been fixed very close to the wall at the bottom, or otherwise it would not have stood up in the way it did had it been nailed.
Q. Perhaps it was nailed at the top.
A. I could not say; I did not go in to examine it.
Q. Did you notice any documents lying along the mantel-piece?
A. No; I did not.

This evidence has been read over to me, and is correctly taken.

JOHN ALLEN, 8/2/73.

Railway laborer, J. Kerrigan, re-examined, at the request of Mr. Burns:—

By Mr. Burns.

Q. Did Edwards ever at any time tell you that he was in the habit of reporting what occurred about the station?
A. He told me on one occasion, "You would be surprised to see all the foolscap I have written."
Q. Who did he say he had written to?
A. I believe it was Mr. Moody.
Q. Did you understand him to mean that he had much correspondence with Mr. Moody?
A. Yes.

The above evidence is correctly taken.

JAMES KERRIGAN, 8/2/73.

Mr. Burns stated that was all the evidence he had to offer.

In reply to the Minister's inquiry, as to whether he wished himself to make any statement,—

Mr. Burns said, that to his mind there had not been a single charge proved against him. He begged further to say, that he did not wish to deny anything; that he never did deny anything that he did do. He never denied having the newspaper tacked up with one nail only—the second nail-hole he never saw. It was not the first paper he had tacked up, and it would not be the last, unless he got orders to the contrary. He said so to the Commissioner, Mr. John Rae, and he replied to him that he would not believe him, and he certainly begged to say that he had been punished, being an innocent man. He tacked up that paper specially that day because of the mantel-piece having been covered with official documents respecting the running of the specials for the Governor. Had it been anything complimentary to

Mr.

Mr. Moody, the Minister himself, or any other gentleman in the department, it would have been specially noticed by him, as he takes an interest in all matters concerning the railway or railway officials; and he had infringed no law whatever, and he had done nothing with any bad feeling or bad motive regarding that paper; but some one had so turned it as to make a bad use of it, and it could only have been done by an evil-minded man.

There was no one who could see it but Porter Edwards, and it will be seen that Mr. Moody, in his report, states, that Mr. Edwards told him of a slip, and how long it was up there. Now Edwards denies having told him anything whatever. All these guards and men who frequent the station have seen nothing or heard of anything that he had done disrespectful towards Mr. Moody. So be begged to say, that nothing had been proved against him, and that he had suffered very severely—he and his family—and he hoped the Minister would consider the matter and make up what he had suffered and lost. He begged further to say, that he was not a man to boast, but he thought that under the circumstances there was not a more obedient, a more respectful, and faithful servant in the Traffic Branch; and he was certain and confident of it, that had he been in the Honorable the Minister's own private service, he would not have met with the treatment he had. He begged further, however, to say, that he was only a fallible creature, quite sensible that he had shortcomings, and felt them quite as much as other people could feel them.

He would say no more, but leave the matter to Mr. Sutherland's decision, in whose justice he had perfect confidence.

I have had the above read over to me, and it contains the meaning of what I have stated.

JAMES BURNS, 8/2/73.

No. 16.

CHIEF CLERK'S PRECIS OF THE WHOLE CASE.

Insubordination of Station-master Burns.

IN October last His Excellency the Governor paid a visit to the Northern Districts. At this time the Traffic Manager of the Northern Line of Railway was absent on sick leave, and it had come to the Minister's knowledge that the management of the traffic on that line was very indifferent, and that many of the stations were in a disorganized state. In these circumstances it was considered desirable that Mr. Moody, the Traffic Manager of the South and West lines should be sent to the North to make all the necessary arrangements for the running of trains for His Excellency, and instructions were issued to recognize and assist Mr. Moody in the performance of this duty. The maintenance of absolute subordination and discipline was insisted upon with the view to obtain a ready obedience to orders issued during His Excellency's stay in the neighbourhood.

While Mr. Moody was at the North an inquest took place at Windsor on the body of Porter Dugdale, who had committed suicide. Dugdale had received a week's notice that in consequence of his misconduct his further services would not be required. The Coroner's Jury, in bringing in their verdict that the deceased had committed suicide by drowning, whilst labouring under depression of mind, added a rider to the effect that Mr. Moody had dealt harshly with the man by dismissing him from the Service.

It would appear that slips containing the report of the inquest were sent in two anonymous letters to His Excellency the Governor, while travelling at the North—one at Singleton and another at Murrurundi; and that when the train returning with His Excellency arrived at Morpeth, Mr. Moody was informed that Mr. Burns, station-master at East Maitland, had been exhibiting an account of the inquest in the booking office of that station, with the intention to degrade him and to weaken his authority amongst the railway servants.

Mr. Moody, at the request of the Ministers who were accompanying His Excellency, at once returned to East Maitland to make inquiries, and upon questioning Mr. Burns, the station-master, was met with much abuse and such prevarication that he was obliged to put his inquiries in writing. He did so, and forwarded to the Minister for Works the document containing the questions put by him to Mr. Burns, and the answers given by that officer.

The question as to whether the station-master had or had not posted the paper referred to was not considered by the Minister; but the case was determined with reference to the insubordination displayed by Mr. Burns in the written answers which he gave to the Traffic Manager's questions.

See paper marked A (No. 2 in Schedule).

Mr. Secretary Sutherland decided that Mr. Burns should be disrated, and removed from East Maitland to Branxton Station.

On the 21st October, Mr. Burns sent in a written statement of his services in the department, and requested that inquiry might be made into Mr. Moody's complaint against him. Mr. Sutherland was at the Clarence, and nothing was done. On the 9th November, Mr. Burns renewed his application, and the Minister decided to hold the inquiry, and directed Mr. Burns to name his witnesses. Mr. Burns named ten witnesses. As the inquiry was to be held in Sydney, the Minister was desirous of saving useless expense, and Mr. Burns was informed that the only evidence that would be taken would be that bearing upon the cause of his being disrated. The expenses of any other witnesses would have to be borne by him. Mr. Burns, however, reported that he would require ten witnesses.

See No. 12 in Schedule.

The inquiry was held at Sydney on the 3rd January last. The evidence taken is herewith, marked B.

Mr. Moody states therein that he asked Mr. Burns, in a becoming manner and low tone of voice, the following question:—

"Is it true, Mr. Burns, that you have been exhibiting a paper in your office having reference to an inquest at Windsor?" He met me with a violent stamp of his foot and a shaking of his fist, and the words—"I don't know what you mean; you don't cow me." I replied, "I have nothing to cow you for; I want a reply to my question." He then replied, in the same violent manner and loud tone, "Do you think I am a fool, man?—you are not going to cow me." I then said, "Please give me a memo. paper, and I will ask you the question in writing. I saw the memo.-book on the table, and wrote as follows: (See paper marked A.)"

Mr. Burns, in reply to the Minister, admitted that the answers given on the paper were in his handwriting.

Guard

Guard Curran, called by Mr. Moody, states :—"Mr. Moody called to me, and I went to the station-master's office. As soon as I got into the office I heard the Traffic Manager say to Mr. Burns, 'What is the reason you allowed an advertisement to be posted up in your office, contrary to the rules and regulations?' Mr. Burns flew into a great passion, and asked the Traffic Manager if he thought he was a fool, and was very violent; and I thought Mr. Burns was going to strike Mr. Moody, so I considered it best to remain to prevent an assault."

In reply to questions put by Mr. Moody whether he (Mr. Moody) did anything or said anything to put Mr. Burns in the excited state he had described, Guard Curran states, "'No; Mr. Burns appeared to get excited without any cause, raised his voice, and by his manner I thought he was going to strike you.' I remarked to Mr. Inspector Newton that Mr. Burns could not care much about his billet to talk in the way he had."

Mr. Burns stated that, as the evidence given only had reference to his conduct towards Mr. Moody on the occasion of his asking him about the advertisement said to have been posted in the booking office, and not with reference to posting that advertisement, he had no witnesses to call.

Mr. Burns stated that the insubordination with which he was charged arose out of the accusation that he had posted the advertisement in the booking office.

While the evidence given as above was under consideration some friends of Station-master Burns represented to the Minister that Mr. Burns felt aggrieved that he was not called upon to offer evidence, which he was prepared with, to disprove the charge that he had posted the paper in the booking office.

Mr. Sutherland in his minute dealing with this matter wrote as follows :—

"Mr. Moody, at the inquiry, rested his complaint on the insubordination shown by Mr. Burns in the replies, both oral and written, he gave to his inquiries, and did not press the charge out of which Mr. Burns says the insubordination arose; and which, if proved, would certainly be a great aggravation of the offence for which he was punished. As however Mr. Burns *now* denies that he exhibited the paper, and is desirous of being allowed an opportunity of rebutting the charge, I am disinclined to deny him the means of doing so, as it is foreign to my views and feelings that any officer should remain even under an implied accusation, if he can prove that he is free from same."

It was arranged that the inquiry should be held in Sydney; and upon the Minister's minute being sent to Mr. Burns (the terms of which he was thus fully made acquainted with) he named seven witnesses—four in the Traffic Branch, and three in the Engineer's Branch.

Permission was given to these witnesses to come to Sydney, but only two came; and Mr. Burns, at an interview which he had with the Minister, said he would be placed at great disadvantage if the case were proceeded with. As most of the witnesses required by Mr. Burns were men, guards of trains, who could not well be spared from duty, the Minister, after considering many ways of meeting the difficulty, at last decided to go to Maitland and hold the inquiry there; the hearing of the case was fixed for Saturday, the 8th February, and all witnesses were instructed to be in readiness.

The inquiry took place at East Maitland, as arranged, and lasted from 2 P.M. till 10 o'clock P.M. The evidence which speaks for itself is herewith. See paper marked C.

Porter Wise's evidence was that Mr. Burns asked him for the paper to post up, to show that he was not afraid of Mr. Moody; and Porter Edwards declares that he saw the paper posted up, and that it was so conspicuous it could not escape his attention.

It is difficult to understand why Mr. Burns should have put the Government to the expense of this inquiry. Two of his own witnesses clearly proved (see pages 19 and 21) that they saw the newspaper posted up; and at the last moment Mr. Burns admitted that he *had* posted the paper up (with one nail, not two as stated by Porter Edwards) but with no malicious intention. Guard Martin and Constable Allen. See page 21.

On the last point however the evidence of Porter Wise is apparently conclusive. He says (see page 13) :

"It was on the Sunday evening previous to the Governor going to Morpeth, Mr. Burns and I were going along the platform—going home—Mr. Burns said to me, 'Martin promised to bring me the paper with the Windsor case in it, but did not bring it.' I told him I could let him have the paper, and he said, '*that he would put it up in the office to let Mr. Moody see if some on the line were frightened of him; he was not*,' and on the Monday morning I gave him the paper as he passed the shed."

The witnesses brought forward by Mr. Burns are named in the margin. Their evidence, with the exception of that of Guard Martin and Constable Allen, who prove the case against Mr. Burns, is purely negative; most of them asserted that they knew nothing whatever of the case, and though in reply to Mr. Burns' questions they stated they did not see the paper posted up, they admitted, in reply to the Minister, that the paper might have been posted up, and Mr. Burns might have spoken disrespectfully of Mr. Moody without their knowledge, as their presence at the station-master's office did not in some cases take place twice in a month, and in others only for a minute or so at a time, about three or four times a week.

F. Whipp, ganger.
J. Kerrigan, fetler.
Hy. King, railway laborer.
Alf. Pettit, painter.
S. Phelan, guard.
Jno. Tighe, mail-guard.
Jno. Martin, guard.
Wm. Arms, guard.
G. T. Dowling, head porter.
Jno. Ryan, porter.
Geo. Newton, inspector.
Wm. Burns, baker.
Jno. Allen, constable.

The sole object which Mr. Burns appeared to have in view at the inquiry was to bring discredit upon Porter Edwards.

It would seem that in casting about for evidence as to who gave Mr. Moody the information that the paper was posted, suspicion fell upon Porter Edwards. The evidence however proves that he did not give the information, and it was only to relieve himself of the persecution which Mr. Burns and his friends pursued him with, and to clear his character and that of Porter Wise, who was also assailed as being the informer, that he voluntarily wrote to Mr. Moody, stating that although he had not given him the information in the first instance, he and Wise were prepared to prove the posting of the paper, as Mr. Burns was denying the fact that such paper had been posted.

It would appear that the son of the station-master, who was acting as station-master at East Maitland, found the impression of this letter upon the blotting-pad.

It was produced at the inquiry, and will be found attached to the evidence.

The following will be found, I think, to be disclosed in the evidence :—

"That at a time when it was more than usually desirable that subordination and discipline should be maintained, Mr. Burns, in a spirit of opposition and with a desire to discredit the means which the Department had taken to secure the object in view, posted in the booking office of his station a paper reflecting upon the character of Mr. Moody, and this with an expressed intention of degrading that officer and weakening his authority.

"That

"That upon Mr. Moody questioning Mr. Burns as to the truth of the above, he replied to him with insulting and insubordinate language, and from the violence of his manner impressed an eye witness with the belief that he was going to assault that officer.

"That having been for this last offence (the first not being inquired into) disrated by the Minister and removed to another station, he immediately began to agitate for an inquiry and to raise a belief in the minds of a portion of the public that he was an innocent man, and was being harshly dealt with, and that Porter Edwards and Porter Wise had conspired to injure him, and to bear false witness against him.

"That an inquiry being granted, the evidence at which clearly proved the insubordination for which he had been disrated, he, while tacitly admitting the conduct with which he had been charged, alleged that such conduct arose from his having been falsely accused of posting up a paper in his office, and that justice would not be afforded him unless he was allowed an opportunity of rebutting that charge.

"That on a further inquiry being granted, Mr. Burns not only fails to prove that he did not post the paper up, but by his own witnesses convicts himself of having done so, and at the last moment admits voluntarily that he *did* post up the paper."

The papers and evidence are submitted without further comment.

CHAS. A. GOODCHAP,
Chief Clerk.

18th February, 1873.

No. 17.

MINUTE OF THE SECRETARY FOR PUBLIC WORKS.

Government Railways—Minute paper.

Insubordination of Station-master Burns.

THE accompanying statement of the facts connected with the above case and analysis of evidence have been drawn up in accordance with my instructions.

I disrated Mr. Burns for the misconduct of which I considered he was guilty.

Some of the residents of Maitland, Newcastle, &c., as also one or two of the Northern Members, influenced no doubt by Mr. Burns' representations of the case, have expressed a doubt as to whether Burns has not been harshly dealt with.

Two inquiries have since been granted in compliance with the request of Mr. Burns and his friends; the evidence taken is herewith. It will be seen that a charge, not previously inquired into, has now been inquired into at Mr. Burns' special request, and should be dealt with on its merits. I shall feel obliged if my honorable colleague, the Solicitor General, will read over the evidence taken in the case, and will submit to the Cabinet his views as to the course that should be pursued.

JOHN SUTHERLAND,
20 February, 1873.

Under Secretary, Crown Law Department.—JOHN RAE, *by* C.A.G., B.C., 22/2/73.

No. 18.

SOLICITOR GENERAL'S OPINION.

I HAVE read not merely the above *précis* of the evidence, but the whole of the evidence itself; and I have no hesitation in concurring in the conclusions arrived at in this paper. It is, in my opinion, incontestably proved that Mr. Burns has been guilty of conduct grossly insubordinate and directly subversive of that discipline so essential to the public interest in a department such as that of which Mr. Moody and Mr. Burns are officers. And this conduct is not a little aggravated by the shuffling and prevarication displayed by Mr. Burns in attempting to defend himself from the charge. I think that if the punishment imposed upon Mr. Burns errs at all it errs on the side of leniency.

My absence on Circuit and the great press of Parliamentary and official duties have caused the delay in writing upon this matter.

J.G.L.I., 14/5/73.

The Under Secretary for Works.—W.E.P., B.C., 15 May, 1873.

No. 19.

MINUTE OF THE COMMISSIONER FOR RAILWAYS.

Station-master Burns.

THE evidence taken before the Secretary for Public Works, in respect of the conduct of the abovenamed officer, was forwarded in February last for the perusal of the Honorable the Solicitor General, whose absence on circuit, &c., prevented his dealing with the matter until recently. The Solicitor General says that he has not only read the *précis* of the case, but the whole of the evidence; and it is, in his opinion, incontestibly proved that Mr. Burns has been guilty of conduct grossly insubordinate, and directly subversive of that discipline so essential to the public interest in a department such as that of which Mr. Moody and Mr. Burns are officers, and that this conduct is not a little aggravated by the shuffling and prevarication displayed by Mr. Burns, in attempting to defend himself from the charge.

Mr. Secretary Sutherland considers that it would not be an extreme course to take, considering the offence, if Mr. Burns were removed from the Service; but having regard to the punishment already inflicted by the disrating of Mr. Burns from East Maitland to the Branxton Station, and in the hope that this will serve as a warning to be more circumspect in his conduct, Mr. Sutherland has decided to leave matters as they are; Mr. Burns, however, to be given distinctly to understand that any repetition of the conduct of which complaint has so justly been made will result in his removal from the Service.

J.R., 22/5/73.

Mr. Higgs to forward this paper to Mr. Burns, for his perusal.—C.A.G., B.C., 23/5/73.
Mr. Burns to note, and return.—J. HIGGS, 26/5/73.
Noted.—J.B., 26/5/73.
Mr. Burns informed.—J. HIGGS, 27/5/73.

Sydney: Thomas Richards, Government Printer.—1873.

[1*s.* 3*d.*]

1873.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

RAILWAYS.

(PETITION FROM LABOURERS FOR COMPLETION OF WESTERN LINE.)

Ordered by the Legislative Assembly to be printed, 18 *September*, 1873.

To the Honorable the Speaker and Members of the Legislative Assembly, in Parliament assembled.

The humble Petition of the undersigned Railway Labourers,—

HUMBLY SHOWETH:—

(1.) That your Petitioners have for a number of years been engaged on the works in connection with the Great Western Railway.

(2.) That the recent completion of those works as far as the present terminus (Raglan) has resulted in the total stoppage of all farther Railway progress on this line; and consequently, your Petitioners are deprived of the means by which they have hitherto supported their families and themselves.

(3.) That your Petitioners are credibly informed that the supply of labour on the Goulburn and Yass Railway (the only Railway now in course of construction in the Colony) is much in excess of the demand.

(4.) That in this season of the year, coupled with the present stagnation in the mining interest, the completion of the principal road contracts, &c., &c., we find it impossible to obtain employment, and we fear we are on the verge of very great distress, if that distress has not already reached some of us.

(5.) That No. 9 Contract between Raglan and Bathurst is not completed, and the works on it have for some months past been stopped.

Therefore we pray that your Honorable House (through whose instrumentality so many poor people now in Great Britain expect shortly to be placed above absolute want) will take into consideration the case of your Petitioners, and cause the remaining works on the Bathurst extension to be proceeded with at once, thereby finding employment for us, and at the same time lessening the unproductive debt of the Colony.

And your Petitioners, as in duty bound, will ever pray.

[*Here follow* 82 *Signatures.*]

[3*d.*] 75—

1873–4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

RAILWAYS.

(PROPOSED EXTENSION THROUGH NORTH YASS.)

Ordered by the Legislative Assembly to be printed, 29 January, 1874.

RETURN to an *Order* of the Honorable the Legislative Assembly of New South Wales, dated the 20th January, 1874, That there be laid upon the Table of this House,—

"Copies of all Surveys, Applications, Reports, and Minutes having "reference to the proposal to carry the Southern Line of Railway through "North Yass."

(*Mr. Fitzpatrick.*)

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31.	Mr. Grundy's report on proposed line. 21 July, 1873	17
32.	Do. do. 2 August, 1873	19
33.	Mr. Firth, asking the Chairman of Railway Committee to appoint a person to point out Mr. Grundy's proposed line. 12 August, 1873	20
34.	The Chairman, naming Mr. Zouch to point out Mr. Grundy's line. 13 August, 1873	20
34A.	Engineer-in-Chief, that Mr. Grundy's line is not staked out. 15 August, 1873	20
35.	Engineer-in-Chief, suggesting that as the plans, &c., of the deviation through North Yass are nearly ready, the Contractor should be asked to state the price at which he will execute the work. 29 October, 1873	21
36.	Letter to Mr. Williams, contractor, asking him at what price he will execute the work on the deviation. 29 October, 1873	21
37.	Letter from Mr. Williams, in reply. 3 November, 1873	21
38.	Mr. Firth, reporting survey of deviation through North Yass. 27 October, 1873	21
39.	Engineer-in-Chief, do. do. 29 October, 1873	22
40.	Mr. Grundy's report to the Yass Railway Committee. 20 November, 1873	25
41.	Engineer-in-Chief, calling attention to delay in deciding direction of line. 15 December, 1873	28

LIST of Plans, &c., laid on the Table of the Legislative Assembly, in compliance with an Order, on the motion of Mr. Fitzpatrick, M.L.A.

(*As Exhibits only.*)

No. 15. Plan of North Yass, used by Mr. Wade for report.
No. 16. Plan and section of branch line, Bango Creek to North Yass.
No. 19. Roll containing (ten) sections through North Yass, by Mr. Jamieson,—Nos. 1, 2, 2a, 3, 4, 5, 6, 7, 8, and copy of No. 1.
No. 30. Original plan showing trial lines through North Yass, Jamieson.
No. 20. Roll of lithographs, plans, showing lines reported on by Messrs. Wade and Palmer.
No. 22. Roll of plans, showing Mr. De Salis's proposed deviation *viâ* Millbang, and reported on by Mr. Wade, April, 1873.
Mr. Grundy's original plan of deviation with North Yass.
" " section of " "
" " section on blue line, forwarded by the Yass Railway Committee to the Minister for Works.
Plan showing lines through North Yass—scale 4 chs to 1 inch.
Section of " " 4 chs. and 40 feet.
Section, blue line " " " " taken over lines referred to in Mr. Grundy's report to the Yass Railway Committee.

RAILWAYS.

No. 1.

THE COLONIAL SECRETARY to THE SECRETARY FOR PUBLIC WORKS.

WHAT would be the extra expense of taking the Railway into North Yass?

JOHN ROBERTSON.

The Under Secretary for Public Works.—H.H., B.C., 24 June, 71.
Mr. Whitton, for report.—J.R., B.C., 27/6/71.
This matter has been delayed in consequence of work of a pressing nature; it is now in hand and will be proceeded with at once.—J.W.D., 10/8/71.

No. 2.

THE ENGINEER-IN-CHIEF FOR RAILWAYS ESTIMATE OF EXPENSE.

THE extra expense of taking the Railway into North Yass would be about £47,000.
The following are the estimates of cost—

Proposed line	£58,243 0 0
Alternative line through North Yass	105,763 0 0
Difference	£47,520 0 0

J.W., 17/8/71.

Commissioner.—17/8/71.
The Honorable the Chief Secretary—J.B., 21/8/71.
Principal Under Secretary.—J.R., B.C., 22/8/71.

No. 3.

PETITION.

The Honorable James Byrnes, M.L.A., Minister for Public Works, &c., &c., Sydney.

THE memorial of the undersigned members of a Committee appointed at a meeting of the inhabitants held at Yass on the 20th November instant,—

RESPECTFULLY SHOWETH:—

That your memorialists and the inhabitants of Yass generally have learned with much satisfaction that it is the intention of the Government to proceed as rapidly as possible with the further extension of the Great Southern Railway.

That the inhabitants of the town have, however, been greatly alarmed at a report that it is intended to carry the line several miles away from Yass, and that its nearest approach will be over 2 miles and the station 3 or 4 miles distant from the town.

That a very large amount of valuable property will be rendered next to worthless should this course be adopted, and the mere rumour of such intention has already greatly depreciated the value of freehold and house property in Yass.

That your memorialists understand that of the four lines at different times surveyed for the proposed extension three have been brought sufficiently near Yass to meet the requirements of the townspeople, two of these running on to the reserve at North Yass and over a very limited amount of alienated land, and the third at but a short distance therefrom.

That the population of the town (1371) and the enormous amount of capital that has been expended in buildings (in addition to which over £5,000 are now in course of expenditure on two new buildings) appears to your memorialists to justify the inhabitants in urging their claim to consideration in a matter of such vital interest to their prosperity, involving, as it must do, should the line last surveyed be adopted, in the ruin to many persons.

That your memorialists are informed that a supposition exists with the Government that the inhabitants desire the line to pass through Yass, and thus occasion a large outlay in the erection of two railway bridges over the Yass River, but that such is not the fact, as the construction of the line to North Yass, as is now prayed for, will entirely avoid the necessity for this outlay.

That t is understood that a party of surveyors are now in the field making a final survey and staking off the course of the proposed extension towards Yass; and your memorialists respectfully request that you will cause instructions to be given to the surveyors to carefully examine the three lines first surveyed, and to select that found to be the most suitable, and that the Government will order that reported upon most favourably to be adopted.

That upon due consideration your memorialists believe that the wealth and population of the town and the number and valuable character of the buildings (public and private) therein will be found to entitle them to expect that the line will be brought to North Yass, even although it should be found that the adoption of this course will prove somewhat more expensive than by running the line at a considerable distance from Yass, as has been proposed in the last official report that has been made public.

And your memorialists respectfully pray that the interests of a town so long established, and so large and important as Yass, shall not be absolutely ruined by the divergence of the Railway from the town.

THOMAS LAIDLAW, J.P.,
Chairman, Railway Committee.
GEO. C. ALLMAN.
J. R. BROWN.
T. CATTRELL, J.P.

Engineer-in-Chief for Railways.—J.B., 29/11/71.

No. 3A.

No. 3A.

THE COMMISSIONER FOR RAILWAYS to M. FITZPATRICK and J. WATSON, ESQS., M.L.A.

Department of Public Works,
Railway Branch,
Sydney, 28 December, 1871.

GENTLEMEN,

In acknowledging the receipt of a memorial presented by you, signed by the Members of a Committee appointed at Yass, relative to the extension of the Great Southern Railway and the site for the Railway Terminus at that place,—I have the honor to inform you that I referred to the Engineer-in-Chief, and beg to enclose herein a copy of that officer's report on the subject.

I have, &c.,
JOHN RAE,
For the Commissioner for Railways.

No. 4.

REPORT OF THE ENGINEER-IN-CHIEF FOR RAILWAYS.

ON my visit to Yass, on the 8th instant, the gentlemen signing this memorial called upon me with reference to the position of the Railway Station for Yass.

I refused to see them as a formal deputation, and only at the urgent request of Mr. Laidlaw did I consent to see them at all on the subject of this memorial.

I pointed out to them that to bring the station to North Yass would increase the length of the line ¾ of a mile; that the cost would be considerably more than the line I had recommended, probably £30,000 or £40,000 for works done; and that in an engineering point of view the divergence to North Yass could not be entertained.

I pointed out that their application to have the line in North Yass at an increased cost to the country was in reality asking the Government to spend a large amount of public money for the purpose of keeping up the value of private property in South Yass. I also pointed out that the station, if in North Yass, would be on a curve of 20 chains radius, and was altogether the most inconvenient site for a station I had ever had to deal with.

I will take this opportunity to notice a paragraph which appeared in the *Yass Courier* of the following day, purporting to give an account of the interview the abovenamed gentlemen had with me.

In the first place the *Courier* says that "I expressed a wish not to receive a formal deputation, &c." I expressed no such wish, but I positively *declined* to receive a formal deputation. I did not say that the only difficulty of getting to North Yass was a mere question of money. I did not say that I considered the importance of the town of Yass would justify the Government in expending £30,000 or £40,000 to take the line through North Yass. I did not say that I would offer no opposition to the line being brought through North Yass; but I said, if what they (the deputation) said was correct, that Sir James Martin had promised to take the line through North Yass unless some insuperable difficulties (engineering) were met with, that it would form no part of my duty to go out of my way to oppose the wish of the Government, but if my opinion were asked, and probably it would be, I should most decidedly condemn the proposal to go to North Yass. The statement that I said I regretted having taken the line into Goulburn in consequence of the exorbitant charge that had been made in that town for land is nearly a pure invention.

Mr. Laidlaw asked me if the Government had not had to pay very extravagantly for some Glebe land in Goulburn, and I said they had, remarking that if all the land-owners in Goulburn had been as difficult to deal with as the trustees of the Glebe, I doubted if the Railway would ever have been taken into the town.

Mr. Laidlaw called upon me at Yass on my return from Wagga, to apologize for the appearance in the Yass paper of the paragraph alluded to, which he considered an unfair representation of what took place, and a gross breach of faith with me.

J.W., 19/12/71.

Commissioner, 19/12/71.
Copy to be forwarded.—J.B., 27/12/71.
Copy forwarded to Messrs. Fitzpatrick and Watson, 29/12/71.

No. 5.

EXTRACT FROM A LETTER FROM W. DE SALIS, ESQ., to THE COMMISSIONER FOR RAILWAYS.

MR. WILLIAM DE SALIS urges that in anticipation of a future extension of the Southern Railway beyond Goulburn, that the line *viâ* Collector, Gundaroo, and Yass, strongly recommended by that natural engineering genius, Mr. Hamilton Hume, be carefully examined. Mr. De Salis urges the examination of this line—

1st. Because he believes that the engineering difficulties are less than on the present surveyed line.

2nd. Because the country traversed is immeasurably more fertile and populous.

3rd. Because the line suggested will bring Railway traffic 14 miles nearer to all the vast Monaro and Queanbeyan country; and is really the only outlet by which in future times Railway communication can be extended to Monaro.

4th. Because the proposed line would *naturally* pass close to the important town of Yass.

Mr. De Salis refers to the Southern Railway.—W.C.B., 17/6/72. Under Secretary, B.C.
Mr. Whitton to see.—B.C., 25/6/72. Seen.—J.W., 16/8/72.

No. 6.

EXTRACT.

EXTRACT from a letter from L. F. De Salis, Esq., relative to "a line of road between Goulburn and Yass, favourably noticed by Mr. Deputy Surveyor General Thompson, at the suggestion of Hamilton Hume, for the continuance of the Goulburn Railway, the adoption of which in lieu of the Gunning line would be of essential importance to Queanbeyan, Monaro, and the town of Yass."

Railways.—F. WICKHAM, B.C., 27/6/72. Mr. Whitton.—C.A.G., B.C., 3/7/72.

Mr. De Salis admitted to me that to adopt the line he proposes would necessitate the building of two bridges over the Yass River. If this be so, most probably this line would pass through both South and North Yass, which would render its construction very expensive. I have not had this line examined; but probably it will be advisable to send some one over it and report.—J.W., 9/7/72.

Commissioner.—9/7/72. Approved—get report and inform.—J.S., 13/7/72.

Write to Mr. De Salis.—5/8/72. Mr. Whitton.—C.A.G., B.C., 5/8/72.

No. 7.

THE COMMISSIONER FOR RAILWAYS to L. F. DE SALIS, ESQ.

Department of Public Works,
Railway Branch,
Sydney, 5 August, 1872.

SIR,

The Commissioner for Roads has forwarded to me an extract of a letter addressed to him by you, relative to a line of road between Goulburn and Yass, favourably noticed by Mr. Deputy Surveyor General Thompson, at the suggestion of Hamilton Hume, for the continuance of the Goulburn Railway, the adoption of which instead of the Gunning line would be of essential importance to Queanbeyan, Monaro, and the town of Yass.

2. On the recommendation of the Engineer-in-Chief, to whom the question was referred, I have approved of an officer being detached to inspect this line and report thereon.

I have, &c.,
JOHN RAE,
Commissioner for Railways.

No. 7A.

REPORT OF THE ENGINEER-IN-CHIEF FOR RAILWAYS.

SEE Deputy Surveyor General Thompson's report,—Railway papers, vol. 1, p. 107, and Captain Hawkin's report, same volume, p. 109.—J.W.

Mr. Palmer instructed to examine proposed line and report.—W.H.Q., 10/8/72.

No. 8.

MR. SURVEYOR PALMER to THE ENGINEER-IN-CHIEF FOR RAILWAYS.

Yass, 26 August, 1872.

SIR,

I have the honor to inform you that I have examined the country between Goulburn and Yass *viâ* Collector and Gundaroo. There is no possibility of obtaining a line as shewn in blue on Mr. Thompson's sketch, between Collector and the crossing of the Yass River, below Gundaroo, neither could the line be taken as shewn through the Town of Yass.

I have laid down on the same sketch, also on the country maps forwarded herewith, a red line, which shows, I think, the only route by which there is a chance of taking a Railway over this country. This line follows pretty nearly the direction of the blue line as far as Collector, and from there, instead of facing the Carongal Gap, keeps along the foot of the Cullarin Range, skirting the western shore of Lake George as far as Geary's Gap, a very low part of the range, which there would be but little difficulty in surmounting. Having gained the summit of the range, the line now takes a nearly direct course for Yass, crossing at Upper Gundaroo, the Yass River, and the road to Queanbeyan (distant about 22 miles, and passing through a country which I am told is very favourable for railway construction). From Upper Gundaroo the line now passes through the Byrong and Nanmina Estates, and over the Yass Downs, passing about 1½ mile from the Town of Yass to the river, which it crosses at Hatton's Corner, and then proceeds to join the present staked line, following the direction of the Main Southern Road to Bowning.

By a careful selection of the ground I think a good working section might be procured as far as Geary's Gap. From this point the country is broken, and falls very rapidly to Shingle House Creek. From the creek to the crossing of the Yass River, at Upper Gundaroo, the country is not difficult, but from this point to Yass the country generally undulates very considerably, which would necessitate steep gradients, and in some places heavy cutting.

I do not think there is a chance of bringing a line nearer to the Town of Yass (on its southern side) than the one I have shown. Before pronouncing on the certainty of obtaining a line by this route, it would be necessary to make trial surveys of several portions, especially from Geary's Gap to Shingle House Creek, over the Yass Downs, to the crossing of the river, and from the crossing to the junction with the

the staked line. In all of these places the ground rises and falls very rapidly, and trial sections alone will prove whether working gradients over these portions could be obtained The distances by this route would be about as follow:—

	Miles.
Goulburn to Collector	22
Collector to Gundaroo	21
Gundaroo to Yass	31
Total, Goulburn to Yass	74

Waiting your instructions,—

I have, &c.,
HERBERT PALMER.

The dotted red line I examined, with a view of joining the proposed deviation from the present staked line into North Yass, of which I have no plan.—H.P.

As the line reported upon by Mr. Palmer by way of Gundaroo and Collector is 20 miles longer than the line by Gunning, and as the general country does not appear favourable, and in addition two large bridges would have to be constructed over the Yass River, I do not consider it necessary to incur any further expense in connection with this line. I stated this verbally to the Minister, and received his verbal instructions to recall Mr. Palmer, who is now on his way to Sydney.—J.W., 28/8/72.

Commissioner, 28/8/72. Seen and approved.—J.S., 29/8/72. Inform Mr. De Salis.—J.R., 30/8/72. Mr. De Salis, M.P. Mr. L. F. De Salis, 3/9/72.

No. 8A.

THE ACTING COMMISSIONER FOR RAILWAYS to L. F. DE SALIS, ESQ.

Department of Public Works,
Railway Branch,
Sydney, 3 September, 1872.

SIR,

Referring to my letter of the 5th ult., stating, in reply to your inquiry on the subject that an officer would be sent to examine and report upon a suggested line of Railway to Yass, *viâ* Collector and Gundaroo,—I have the honor to inform you that under the following report of the Engineer-in-Chief the Government has decided that the route suggested cannot be adopted:—

"As the line reported upon by Mr. Palmer, by way of Gundaroo and Collector, is 20 miles longer than the line by Gunning, and as the general country does not appear favourable, and, in addition, two large bridges would have to be constructed over the Yass River, I do not consider it necessary to incur any further expense in connection with this line."

I have, &c.,
CHAS. A. GOODCHAP,
(*pro* Commissioner for Railways.)

THE ACTING COMMISSIONER FOR RAILWAYS to L. W. F. DE SALIS, ESQ., M.L.A.

Department of Public Works,
Railway Branch,
Sydney, 3 September, 1872.

SIR,

Referring to the reply which the Secretary for Public Works, represented by Mr. Parkes, made to you in the House on the 9th ult., on the subject of your question as to whether a trial surveyor will be sent to examine and report upon a suggested line of Railway to Yass, *viâ* Collector and Gundaroo,—I have the honor to inform you that the officer detached for this service has duly examined the route suggested, and that under the following report from the Engineer-in-Chief, based upon the result of that examination, the Government has decided that the route suggested cannot be adopted.

Mr. Whitton says:—"As the line reported upon by Mr. Palmer, by way of Gundaroo and Collector, is 20 miles longer than the line by Gunning, and as the general country does not appear favourable, and in addition two large bridges would have to be constructed over the Yass River, I do not consider it necessary to incur any further expense in connection with this line."

I have, &c.,
CHAS. A. GOODCHAP,
(*pro* Commissioner for Railways.)

No. 8B.

L. F. DE SALIS, ESQ., to THE COMMISSIONER FOR RAILWAYS.

Union Club, 4 September, 1872.

SIR,

A letter for me from the Department, but not yet drafted, was shown to me yesterday, stating to the effect that one Mr. Palmer has been employed in examining the suggested extension of Railway beyond Goulburn, *viâ* Gundaroo, as recommended by Mr. Deputy Surveyor General Thompson, instead of *viâ* Gunning, as now surveyed. This letter stated that Mr. Palmer had found that the new route is replete with innumerable natural difficulties, and is 20 miles longer than the rival line; and the department therefore recommend no further expenditure in examining the proposed line.

The

The said difficulties, however, are probably no greater now than when Mr. Thompson recommended this line. I have heard of no serious earthquake occurring since, and as to the line, whose proper examination I am recommending, being 20 miles round out of 57 (I believe)—almost as the semicircle is to the diameter—unless every map that I have seen be in fearful error, such is simply absurd. My measurement on the maps give 3 miles more, which excess will moreover be diminished by taking into account the branch-off to Yass Town on the Gunning line.

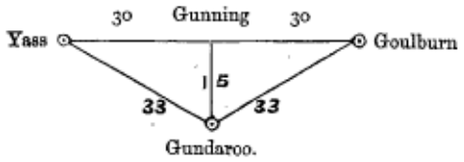
I appeal to yourself to insist upon a more careful testing of the correctness of every datum upon which will be decided the planning of so great a Colonial work on the Great Southern Railway. It is patent that all the traffic of the Upper Murrumbidgee, not being less than that of the Middle Murrumbidgee, will flow into a railway passing by Gundaroo, so that 40 miles of extension in this direction would answer a double purpose—advancing the prosperity of the Upper Murrumbidgee as well as that of Middle Murrumbidgee. Added to this consideration, Gundaroo is the only *point* whence a railway can be extended to Upper Murrumbidgee whenever that shall be desirable; and further, this extension will naturally pass close to Yass town.

If, as Mr. H. Hume and Mr. Deputy Surveyor General Thompson have stated, the country or gradients of this proposed line be better for Railway than of the new surveyed line, and that consequently fewer detours will be requisite, it is physically *impossible* that the difference between the two lines can exceed 3 miles or less. I charitably suppose that Mr. Palmer had been instructed to follow a different route from that we mean.

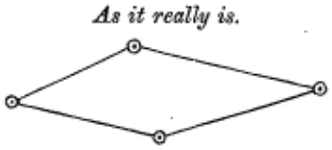
I am sorry to have to suggest that either great carelessness or wilful misguiding is attributable to the Department, through which your instruction to report has been nominally carried out; and I cannot but give words to my indignation, which I am sure you will share in learning the cause—that I, one who have no earthly motive beyond a sincere desire for the benefit of the whole country, at least public cost, should have been steadily refused by that Department a tracing of the surveyed and of the proposed line—I finding the maps and paying for the tracing,—so that I might personally satisfy myself as to the desirability of adopting Gundaroo line without and before putting Government to any expense. I now repeat this request—not from underlings, who seem to have a motive in keeping me in the dark—but from yourself, whose sincerity in a desire to advance our Colony is so notorious.

I have, &c.,
L. FANE DE SALIS.

Greatest possible difference.



As it really is.



Information supplied.—C.A.G.

No. 9.

THE ENGINEER-IN-CHIEF FOR RAILWAYS to THE COMMISSIONER FOR RAILWAYS.

Department of Public Works,
Railway Branch, Engineer's Office,
17 February, 1873.

Minute-Paper.—Proposed Route for Great Southern Railway, *viâ* Gundaroo.

MR. WADE will leave town on Wednesday morning for Goulburn, to explore the route *viâ* Gundaroo, as proposed by Mr. De Salis, for the extension of the Great Southern Railway beyond that town. Mr. Wade's address, at Goulburn, will be "Jones's Royal Hotel."

J.W., 17/2/73.

Mr. De Salis informed.—17/2/73.

No. 9A.

THE ACTING COMMISSIONER FOR RAILWAYS to L. F. DE SALIS, ESQ.

Department of Public Works,
Railway Branch,
17 February, 1873.

SIR,

I have the honor to inform you that Mr. Wade purposes leaving Sydney on Wednesday morning next for Goulburn, to explore the route *viâ* Gundaroo, proposed by you for the extension of the G. S. Railway.

His address will be "Jones's Royal Hotel," Goulburn.

I have, &c.,
CHAS. A. GOODCHAP,
Pro Commissioner for Railways.

No. 10.

No. 10.

THE ENGINEER-IN-CHIEF FOR RAILWAYS to THE COMMISSIONER FOR RAILWAYS.

3 March, 1873.

Suggested deviation of Great Southern Railway through North Yass.

IN forwarding for the consideration of the Commissioner the plans and sections of the Southern Railway from Goulburn to Yass, I wish to call his attention to the deviation which has been suggested, to take the line through *North* Yass.

The line recommended by me is shown upon the plan and coloured red; the deviation through North Yass is shown in pencil.

I have not thought it advisable to show this deviation in ink, as I cannot believe that it will ever be constructed, and for the following reasons, viz.:—

1. That by going through North Yass the line will be lengthened 1 mile and 9 chains.
2. That the cost in the construction of this line will be £36,193 more than by the direct line, exclusive of the compensation which will have to be paid to the owners of town allotments in North Yass.
3. That the station will have to be placed upon a curve of 20 chains radius, which in itself is extremely objectionable; and the difficulty is further increased by the sidings having to be formed partly on an embankment 40 feet high and in a cutting 30 feet deep.
4. That the Great Southern Road would have to be diverted for a distance of ¼ of a mile.
5. That, through North Yass, there would be five public streets and the Main Southern Road to cross on the level, at which gate-houses would have to be erected and gate-keepers provided, in addition to very expensive raised approaches, which would have to be formed for several of the crossings or bridges built.
6. That, if the public road crossing through North Yass be not provided, at least seventy allotments of land would have to be purchased.
7. That by constructing the line through North Yass there is not one public advantage to be gained, everything being in favour of the line recommended by me.
8. That if the line through North Yass should be constructed, it will, in an engineering point of view, be always looked upon as a serious mistake.

The station for Yass, on the line I recommend, will be near to the Main Southern Road, and 2½ miles north of the Yass Bridge.

It having been asserted that a line much cheaper than the one *viâ* Yass, leaving the Yass line at Gunning, and passing through Dalton, Boorowa, and near to Young, could be constructed to Wagga Wagga, I have sent out a survey party to ascertain if this be the case, and probably the final settlement of the direction of the Railway from Goulburn to Wagga Wagga should stand over until this information has been obtained.

I enclose detailed estimates showing the cost of the direct line, which I recommend for adoption; and also the cost of the diversion through North Yass, marked respectively A and B.

JOHN WHITTON.

[*Enclosure.*]

28 February, 1873.

GREAT SOUTHERN RAILWAY EXTENSION—GOULBURN TO YASS.

ESTIMATED cost of a portion of the Line as staked out, commencing at 180 miles 14 chains, and terminating at 188 miles 59½ chains, being a length of 8 miles 45½ chains.

			£ s. d.
118,509	Cubic yards excavation from cutting	2/6	14,813 12 6
8,226	„ „ side cutting	1/6	616 19 0
5,024	„ „ side ditches	1/3	314 0 0
	Culverts.		
11,694	Cubic feet timber in culverts	3/6	2,046 9 0
	Bridges and flood openings.		
10,488	Cubic feet timber work in bridges	5/-	2,622 0 0
	Fencing.		
5,484	Rods two-rail sapling fencing	3/6	959 14 0
No. 1	Level crossing for public road complete	£33	33 0 0
No. 25	Occupation crossing and gates	£22	550 0 0
Miles. Chs.			
8 45½	Permanent-way, laid with 40-lb. rails, partially ballasted, including all materials, labor, and carriage	£2,445	20,950 11 10½
8 45½	Engineering and supervision	£300	2,570 12 6
8 45½	Compensation for land	£144	1,233 18 0
			46,690 16 10½
	Contingencies, 10 per cent.	.....	4,669 1 8
	Rate per mile, £5,993 17s.	£	51,359 18 6½

28 February, 1873.

GREAT SOUTHERN RAILWAY EXTENSION—GOULBURN TO YASS.

ESTIMATED cost of alternative Line taken through the Town of North Yass, commencing at 188 miles 59½ chains. Length, 9 miles 54½ chains.

			£ s. d.
338,070	Cubic yards excavation from cuttings	2/6	42,258 15 0
23,186	„ „ side cuttings	1/6	1,738 19 0
5,676	„ „ side ditches	1/3	354 15 0
	Culverts.		
13,398	Cubic feet timber in culverts	3/6	2,344 13 0
	Bridges and flood openings.		
11,850	Cubic feet timber work in bridges	5/-	2,962 10 0
	Fencing.		
6,196	Rods two-rail sapling fencing	3/6	1,084 6 0
No. 8	Level crossings for public road, complete	£33	264 0 0
No. 28	Occupation crossings and gates	£22	616 0 0
Miles. Chs.			
9 54½	Permanent-way laid with 40-lbs. rails, partially ballasted, including all material, labor, and carriage	£2,445	23,670 13 1
9 54½	Engineering and supervision	£300	2,904 7 6
9 54½	Compensation for land, exclusive of the extra cost of purchasing town allotments through North Yass	£144	1,394 2 0
			79,593 0 7
	Contingencies, 10 per cent.	.....	7,959 6 0
	Rate per mile, £9,043 9s.	£	87,552 6 7

No. 11.

MR. DISTRICT-ENGINEER WADE to THE ENGINEER-IN-CHIEF FOR RAILWAYS.

Sydney, 4 March, 1873.

SIR,

I have the honor to report that I have examined the country between Goulburn and Yass, through which the line recommended by Mr. De Salis will pass. I partly examined the Carangal Gap, through which the line originally advocated by Mr. De Salis would pass, going towards Gundaroo and across the Yass River twice. This Gap is reached through very rough country on both sides, and as Mr. De Salis informed me he had abandoned the idea of urging the merits of this route, I did not think it necessary to make a more thorough examination of it.

Mr. De Salis now wishes to recommend quite a different line, passing through the Millbank Gap, and its general course parallel to and about 7 or 8 miles to the south of the Gunning line. I have examined this line throughout its whole length, and now proceed to describe it in detail, calling it the "Millbank Line," as distinguished from the "Gunning Line" staked out by this Department.

The Millbank line will follow the Gunning line for about 9 miles from Goulburn to the Breadalbane Plain; then strike in a S.W. direction to the Wologorong Lagoon, which it will pass very closely on either the north or south side; then skirt the foot of the small range dividing the waters of Wologorong and Lake George until the test gap is reached across the range (which is about 200 feet high above the adjacent country); then in a W.S.W. direction to the Millbank Gap, leaving the Run of Water to Lake George a little on the left; the ridges at Millbank are the extension of the Cullarin Range; the first rise is over easy ground; the level of the Run of Water to Lake George is 2,550 feet above sea-level; and the first rise at Millbank 2,680 feet. After rising this 130 feet the line will keep to a slightly rising table-land for 1½ mile; then rise on tolerable ground to a level of 2,820 feet, which is kept for some distance; then a gradual fall to Gun Gun Creek, at Mr. Devitt's selection at a level of 2,600 feet, crossing on the way the main source of Lenda Creek. Up to this point there is no great difficulty; the difference of level is pretty large, but the ground is favourable beyond Mr. Devitt's. There is about 1½ mile of very difficult country over the spurs from Mount Chaten when this is passed, the line will be on the ridge dividing the waters of the Murrumbidgee and Lachlan Rivers at a level of about 2,500 feet; from this point the line inclines towards the waters of Jerriwa Creek, and follows a very easy country in a westerly direction at a level of from 2,350 to 2,400 feet for 12 or 13 miles, crossing all the creeks near their sources. After this the Mundawen Range is reached at the Old Gap Road Pass. This Gap is at a level of 2,530 feet with an easy ascent, but a difficult descent of 350 feet down a rough gully. There is probably length enough for an incline of 1 in 40 down the side of the gully. After making this descent the line will bend towards the south, cross the Main Southern Road about 1 mile from the upper bridge, then across Manton's Creek, and over a rather heavily undulating country to within a mile of Yass, where there is a large hill to cut through, and a difficult descent into North Yass, as well as a difficult way out of the town to go westward.

The general section of the Millbank line will be somewhat parallel to that of the Gunning line. There is little difficulty of any importance on either line from the point where they branch to the Cullarin Range; the ascents of the range are about the same on either line, and the heavy descent on the Gunning line has its equivalent in the rough piece through the Mount Chaten spurs on the Millbank line. The country from the Mount Chaten spurs to the Mundooran Range is rather more favourable than the corresponding length on the Gunning line, especially as the watercourses are crossed near their sources. The crossing of the Mundooran Range appears to be easiest on the Gunning line; the remaining portion is about the same on either line, with the exception of the heavy approach to Yass. If it is determined to enter the town over the Millbank line, as shown in black on the accompanying plan, leaving the Gunning line at the point A—if carried through Yass the distance to the point B is 2 miles longer than to the same point by the Gunning line. I think a route could be got on the dotted line C D; this would be 1½ mile longer than by Gunning.

I have, &c.,

W. B. WADE.

Commissioner,—Forwarded for the information of the Commissioner, with plan.—J.W., 6/3/73.
Line *viâ* Millbank to be surveyed. See memo. 73/150 of 7 March.

No. 12.

MINUTE OF THE COLONIAL SECRETARY to THE SECRETARY FOR PUBLIC WORKS.

WHEN on a recent occasion I visited Queanbeyan, I had some conversation with Mr. Leopold Fane De Salis on the practicability of diverting the line of Railway beyond Goulburn, so as to make it more available than by present plan for the traffic from Monaro. He undertook to personally examine the country, and I expressed my concurrence in his doing so, as I was aware that he was an exceedingly good bushman, with an extensive local knowledge. Mr. De Salis writes the letter now transmitted in copy.

H.P., 10/3/73.

The Under Secretary for Public Works.—H.H., B.C., 10 March, 1873.

[*Enclosure.*]

L. F. De Salis, Esq., to The Colonial Secretary.

Cuppacumbalong, Lanyon,
7 March, 1873.

My dear Mr. Parkes,

In accordance with your wish I have carefully examined the country between Goulburn and Yass, with a view to utilize the intended Southern Railway by the additional carriage of the Monaro traffic *at once*, securing at the same time a favourable point whence to diverge a future Railway into Monaro itself, with the minor advantage of satisfying the inhabitants of Yass town.

Mr. Sutherland has also sent an Engineer (Mr. Wade) to report on my line, and apparently to compare it besides with the previous plan.

I trust this gentleman will report what is the real truth, and you will credit me with sincerity that my line compares favourably with the marked line, *supposing Monaro and Yass not to exist at all*. How much more desirable therefore must it be when are taken into consideration the mutual benefit to Sydney and to Monaro, accruing *thro' my line alone*, and the satisfaction of the Yass people so much heightened thereby.

My chief anxiety is that Mr. Whitton, not liking to be controlled, will object that his line is already staked some 40 miles (no more I assert), so as to be ready to invite tenders. Now, as of these 40 some 10 miles coincide with my plan, and as there are *no bridges and no engineering difficulties whatever on my line*, but there are on his marked line, I cannot see that a change of plan will necessitate the loss of a single hour,—tho' as all posterity have to be served a little delay would be preferable to an inferior plan. I should be sorry to think that in these days, when Yankees are laying down Railways at 10 miles per day, our departments fear, or pretend to fear, such imaginary causes of delay on an easy line, but they might; and I am therefore battling for that decisive word from you that will make all idle scruples vanish, regard being solely directed to the real interests of the country. You may depend that I am telling you the disinterested truth.

Yours, sincerely,
L. FANE DE SALIS.

Mr. Whitton for any observation he may have to make.—J.R., 14/3/73.

No. 13.

MINUTE OF THE ENGINEER-IN-CHIEF FOR RAILWAYS.

I MAY here remark that the line now referred to is not that which is known as Mr. De Salis' line, as that particular line has been abandoned. I might make some observations upon the peculiar style of Mr. De Salis's communications, but as he avers most strongly that he is seeking only the public good, I will charitably presume that his great zeal has overcome his little discretion. The line *vid* Millbank is now being surveyed. See Mr. Wade's report herewith. J.W., 14/3/73.

See No. 11 in Schedule. Mr. Wade's report of 4/3/73.

Commissioner, 14/3/73. Seen by Minister.—J.R., 25/3/73.

No. 14.

F. L. DE SALIS, ESQ., to THE SECRETARY FOR PUBLIC WORKS.

Union Club, Sydney,
14 March, 1873.

MY DEAR SIR,

I saw yesterday a rough tracing of the new line between Goulburn and Yass, recently examined by Mr. Wade, and on which that gentleman is at this moment employed.

It appeared to me that this line is now being edged off towards Gunning, *and away from Gundaroo* to such a serious extent as will practically defeat the object, viz., securing the Monaro traffic to the Railway, for the attainment of which I undertook the examination of the country at Mr. Parkes' request.

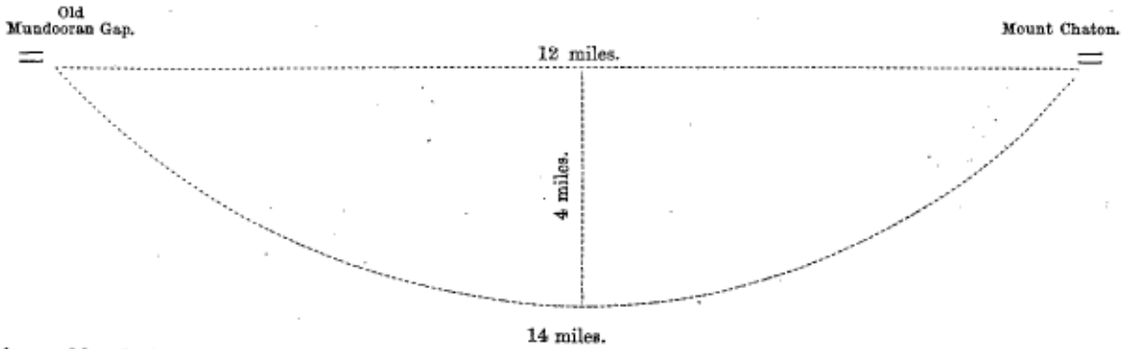
I am in a position to assert that when once the line from Goulburn reaches the western extremity of Mount Chaton Ranges, it will cause but an inconsiderable alteration in gradients or expense, whether the line continue northwards, or (as I suggest) bend southwards, with a view to the convenience of our numerous future customers from Monaro.

I average the direct line between two fixed points through which the line must go (western extremity of Mount Chaton and Old Mundooran Gap) as 12 miles. The whole country between these points is such, that it is a matter of *comparative* engineering indifference whether the line thus bend to the north, or, as I want it, to the south. And it is fortunately just here that it is advisable for the sake of Monaro that it should bend as far south as can be conceded to the acknowledged importance of those districts.

I am of opinion that no part of the country to which I am alluding is such, that if you could concede so much as to bend the line (say) 5 miles south, the engineering expenses of forming an equally available line in all but length *could not* exceed 25°/₀ additional per mile.

As

As to extra length—suppose the line between said fixed points bend 4 miles south of the direct line, thus :—



it would only increase the length by 2 miles—14 miles instead of 12; but as Mr. Wade's line seems to bend too much to the north, let us say 14 miles instead of 13, being only *one* mile extra.

Cost of 13 miles at £6,500	£84,500
Do. 14 miles do.	91,000
25°/₀ extra	22,750
	£113,750

This concession to Monaro would therefore increase the total cost by only £29,250, and against this we may reckon amongst other drawbacks on the staked line the discarded bridges over the Fish, the Gunning, and the Jerrawa Rivers, each of which I maintain to have run as much water in floods as ever did the Yass River at Gundaroo. These three bridges could not be securely constructed at twice £29,000.

I, however, believe that the extra engineering on the deviation southwards, that I have suggested above, *would cost nothing more* per mile, excepting *perhaps* a cutting through the crown of the main ridge on entering the south watershed, and the same on leaving it again. Supposing *each* of these cuttings to extend 200 yards in length and 30 feet at its maximum depth, it would cost only £1,500 if *of granite*, if of schist and (as I believe) not even half that sum. My belief, in short, is that not £30,000, but only £10,000 extra would be required for bringing the Railway 5 miles nearer to the important southern country available for connection at several points.

Never was there a more *politic* and at the same time *economical* suggestion (taken on the whole) than that which I have now had the honor of laying before you.

If the Great Southern Railway cannot be brought as I have suggested, under (say) 5 miles north of Gundaroo, I must warn that there will be no certainty of the Monaro traffic to that line, and perhaps it would be better to return to the original proposition with an intention of building hereafter an entirely new line to Monaro *viâ* Lake George.

In the meantime, if my arguments be of any force, perhaps while Mr. Wade is on the ground, he might be instructed to seek a line between the said fixed points, possessing the requisite conditions, at such extra estimate as you are willing to concede for the immediate mutual benefit of Monaro and of our port and Railway. I also am quite ready again to assist personally in the search.

I am, &c.,
L. FANE DE SALIS.

Mr. Whitton, for report, and look at plan marked in pencil by Mr. De Salis.—J.S.

I have examined this piece of country again and find a line can be taken so far to the south as to pass within half a mile of the allotments marked as Nowland's on the county map.—W.B.W., 29/3/73.

See minute paper, 73/1159.—Mr. Wade's reports.

See paper No. 19 in schedule.

No. 15.

THE ENGINEER-IN-CHIEF FOR RAILWAYS to THE COMMISSIONER FOR RAILWAYS.

Department of Public Works,
Railway Branch, Engineer's Office,
Sydney, 4 April, 1873.

Minute paper.—Forwarding plan, section, and book of reference of line from Goulburn to Yass, to be laid before Parliament.

As I understand that Parliament is likely to be prorogued next week, I forward the plan, section (in three parts), and book of reference of the extension from Goulburn to Yass, for the approval of Parliament as required by the Railway Act, 22 Vic., No. 19, clause No. 9.

This plan shows the line originally proposed by me. With reference to the proposed route leaving the present line at Gunning and passing Dalton and Burrowa, I have received a report from Mr. Firth stating that although the works on this line would be lighter than those of the line *viâ* Yass, the distance would be twelve (12) miles longer.

I have therefore removed the surveyors from this line as the extra length is, I consider, fatal to its adoption.

With reference to the lines proposed by Mr. De Salis, although the surveys are not yet completed, sufficient information has been obtained to justify their rejection, in consequence of the heavier works and the extra length of the shortest line, which would be about 2½ miles longer than the line *viâ* Gunning.

I append a copy of Mr. Wade's report, dated 29th ultimo, on this line.

JOHN WHITTON.

See No. 16 in schedule.

No. 16.

No. 16.

MR. DISTRICT-ENGINEER WADE to THE ENGINEER-IN-CHIEF FOR RAILWAYS.

Yass, 29 March, 1873.

MR. Cowley has completed about 5 miles of pretty easy line from the plain east of Millbank, going westward, and is now getting into the difficult country about the Mount Chaten spurs. I have examined this portion in every direction and can only find one way through it, and that will probably require a tunnel and other heavy works.

Mr. Watson is at work on the descent of the Mundoonen Range, which will also be a heavy work. Mr. Fitzgerald has got a section from Manton's Creek to North Yass. The descent into Yass following nearly the line of Reddall-street is very bad; it gives a gradient of 1 in 30, and a very heavy cutting. I hope by the middle of next week to be able to bring you sections from Millbank to beyond Mount Chaten spurs, and from top of Mundoonen Range to Yass. I think you may safely anticipate that Mount Chaten spurs and descent into Yass will be sufficient to condemn this line.

I have laid out the branch line from Bargo Creek into North Yass, and will forward section as soon as it is levelled and plotted. The line is nearly straight and will give a fair section I think.

With reference to Mr. De Salis' letter of 14th March, I find I sketched in the line too far to the north, having been misled by the position of dividing range as shown on county map.

W. B. WADE.

I have read this report to the Minister for Works and pointed out to him the direction on the map. It will not therefore be necessary to forward it to him at present.—J.W., 2/4/73.

No. 17.

MR. DISTRICT-ENGINEER WADE to THE ENGINEER-IN-CHIEF FOR RAILWAYS.

Yass, 5 April, 1873.

Memorandum.

I ENCLOSE tracing, showing plan and section of the branch-line from staked line at Bargo Creek into North Yass. I tried a 15-chain curve at junction, and a 12-chain curve, starting at 187 miles 20 chains, but each of them threw the line into too high ground.

I am afraid it will be the end of the week before the section of 12 miles at each end of Millbank line are ready.

W. B. WADE.

An 8-chain curve may be used if 12 be found too much.—J.W., 7/4/73. Mr. Wade,—To be returned.—W.H.Q., 7/4/73. Any reduction of the radius of curve will improve the section.—W.B.W., 9/5/73.

No. 18.

MR. DISTRICT-ENGINEER WADE to THE ENGINEER-IN-CHIEF FOR RAILWAYS.

Sydney, 16 April, 1873.

SIR,

I forward herewith tracings of the plan and section of those portions of the line from Goulburn to Yass, by way of Millbank, that are now surveyed and levelled. I also forward the three county maps of this portion of country with the line marked on them, the surveyed portion shown by a full red line, and the unsurveyed portion by a dotted red line. The survey commences at Millbank Ridges, 153 miles 60 chains from Sydney. For the first 9 miles the section is fair, but the direction very bad. I have chosen the ground for this portion very carefully, and am confident the line cannot be straightened without a sacrifice of the section. Beyond this 9 miles there is a length of 3 miles of very rough country. The cutting near 163 miles is now 45 feet deep and 30 chains long, as shown on section, and will be still easier in execution when proper curves are laid out. The embankment over the valley of Meadow Creek at 163 miles 50 chains shows 50 feet deep, and this ground cannot be altered; any variation of the line laid down will largely increase this embankment. The first cutting on the incline is 40 feet deep, and can only be reduced by a complete alteration of direction; the cutting at the top of the range is 55 feet deep; no lower ground can be obtained The incline as now shown is 1 in 40, 1 in 100, and 1 in 33. The survey has only been completed to the further side of this range, and beyond that there is a length of 12 miles 60 chains unsurveyed. This length is measured on a straight line. In all probability all the country is pretty easy. The line would actually be at least 1 mile longer than this measurement of 12 miles 60 chains. The next survey commences on the top of the Mundoonen Range, at 178 miles 20 chains. The descent of this range is very difficult indeed; the incline now shown is 2½ miles of gradients of 1 in 40, 1 in 30, and 1 in 37; the cuttings are respectively 38, 30, 40, 65, and 40 feet in depth; the banks are also very heavy; one of them is 65 feet deep. This part of the line can only be brought to a moderate section by adopting curves of 10 chains or less radius from the bottom of Mundoonen Range; the line is for 8 miles through a heavily undulating country, with several cuttings 30 feet deep. The descent into Yass is the most impracticable part of this line; there is no way of avoiding the hill through North Yass; and the only way of reducing the cutting and incline would be by leaving out the township and carrying the line northwards to the site proposed for a station on the staked line. The line shown on the tracings takes

takes the direction of Reddall-street as nearly as the ground admits. The incline is 1 in 33 for a mile, with a cutting of 55 feet deep and ½ a mile long, and embankment 45 feet high and 1 mile long; and there is no available position for a station on this part of the line. The total length of line, as nearly as can be estimated from the plans, is 2 miles 72 chains longer than the staked line, in addition to which at least 1 mile should be added for additional length, caused by curves on the unsurveyed portions, making in all an excess of about 4 miles in length over the staked line.

I have, &c.,
W. B. WADE.

Forwarded for the information of the Commissioner.—J.W., 16/4/73. Three county maps herewith. Commissioner.—16/4/73.

See maps laid on Table of the House as exhibits only.

No. 19.

MR. DISTRICT ENGINEER WADE to THE ENGINEER-IN-CHIEF FOR RAILWAYS.

Government Railways,
Engineer-in-Chief's Branch,
16 April, 1873.

Memorandum.

IN accordance with your instructions I have informed Messrs. Watson, Cowley, & Fitzgerald that they are not to proceed any further with the surveys on the line I pointed out to them, and that they are to forward their plans and sections to this office, and then rejoin Mr. Frith.

W. B. WADE.

Mr. Frith.—W.H.Q., 16/4/73. Seen.—J.R.F., 16/4/73. J.W., 18/4/73. Commissioner, 20/1/74.

No. 20.

THE ENGINEER-IN-CHIEF FOR RAILWAYS to THE COMMISSIONER FOR RAILWAYS.

Department of Public Works, Railway Branch,
Engineer's Office,
Sydney, 24 April, 1873.

Trial Lines between Goulburn and Wagga Wagga.

THREE trial lines have been surveyed from Goulburn towards Yass :—

1st. The first, which has been staked out as far as Yass, passes over the Breadalbane Plains, Cullarin Range, through Gunning, across the Mundoonen Range, to a point on the Great Southern Road, where a station is to be provided for the town of Yass, distant about 2½ miles. Line proposed to be adopted.

Upon this line, which is shown on the plan now laid before Parliament, there is no curve of a less radius than 19 chains, and no incline steeper than 1 in 40.

The trial sections then proceed to Bowning, Binalong, Murrumburrah, Cootamundry, Bethungra, and Junee, to Wagga Wagga.

2nd. A deviation was suggested, leaving the first trial line at Gunning, passing near to Dalton, Burrowa, Moppity, Houlagan's Creek, and Junee, to Wagga Wagga. Deviation *vid* Burrowa (abandoned).

This line was however abandoned, as it was ascertained that it would be 12 miles longer than the line *vid* Yass.

3rd. A third line was suggested by Mr. De Salis, from Goulburn to Yass, passing the first Breadalbane Plain, Wologorang Lake, Milbang, Lerida Creek, Gun Gun Creek, the Spurs of Mount Chaton, near the head of Jerrawa Creek, crossing Chain of Ponds Creek, then following near to the Old Gap Road, crosses the Mundoonen Range, and descends towards Yass, crossing the Main Southern Road about 5 miles east of Yass, then crosses Manton's Creek, Bald Hill Creek, and reaching North Yass follows nearly the line of Reddall-street, joining the first trial line, which I recommend for adoption, near the proposed station for Yass. Deviation *vid* Milbang and Collector (abandoned).

This line has been abandoned, for the following reasons, viz. :—

1. It would be 4 miles longer than the line *vid* Gunning.
2. The works would be much heavier; gradients of 1 in 30 and 1 in 33, and curves of 10 chains radius, would have to be adopted; and the works through North Yass would be heavier than those on the original section through this town.
3. The gradient through North Yass would be 1 in 33, and station arrangements upon such an incline would be impracticable.

I quote the following from Mr. Wade's report, dated 16th April, 1873 :—

"The descent into Yass is the most impracticable part of this line. There is no way of avoiding the hill through North Yass, and the only way of reducing the cutting and incline would be by leaving out the township and carrying the line northwards to the site proposed for a station on the staked line."

"The line shown on the tracings takes the direction of Reddall-street, as nearly as the ground admits. The incline is 1 in 33 for a mile, with a cutting 55 feet deep and half a mile long, and embankment 45 feet high and 1 mile long; and there is no available position for a station on this part of the line."

Numerous trial lines have been levelled for the purpose of carrying the main line of Railway through North Yass, or nearer to the town of Yass than the line now staked out. Trial lines through North Yass.

It has however been found utterly impossible to carry a line either through North Yass, or even nearer to Yass than the line proposed by me, without involving the Country in a very heavy expenditure, and lengthening the line.

The

The following reasons against carrying the line through North Yass are taken from my report to the Commissioner, dated 3rd March, 1873:—

1. That by going through North Yass the line will be lengthened 1 mile and 9 chains.
2. That the cost in the construction of this line will be £36,193 more than by the direct line, exclusive of the compensation which will have to be paid to the owners of town allotments in North Yass.
3. That the station will have to be placed upon a curve of 20 chains radius, which is in itself extremely objectionable; and the difficulty is further increased by the sidings having to be formed partly on an embankment 40 feet high and in a cutting 30 feet deep.
4. That the Great Southern Road would have to be diverted for a distance of a quarter of a mile.
5. That through North Yass there would be five public streets, and the Main Southern Road to cross on the level, at which gate-houses would have to be erected and gate-keepers provided, in addition to very expensive raised approaches, which would have to be formed for several of the crossings, or bridges built.
6. That if the public road crossings through North Yass be not provided, at least seventy allotments of land would have to be purchased.
7. That by constructing the line through North Yass, there is not one public advantage to be gained, everything being in favour of the line recommended by me.
8. That if the line through North Yass should be constructed, it will, in an engineering point of view, be always looked upon as a serious mistake.

JOHN WHITTON.

No. 21.

MINUTE OF THE SECRETARY FOR PUBLIC WORKS.

Survey into Yass.

INFORM Mr. M. Fitzpatrick, M.P., in reference to the representations made by him of the desirability of affording time for the residents of Yass to make a private survey, in order to ascertain whether or not the Southern Railway can be carried into that town, that the Government will give instructions for the examination of any survey which may be so made within seventy days from this date, and that if it be considered desirable I will myself visit the district and inspect the line of survey. Say that I, and indeed all the members of the Government, would be glad to include the town of Yass in the direct line of Railway, if it could be done without detriment to the Railway itself (as a great public work constructed in the interests of the whole Colony.) Already more than ordinary efforts have been made to carry the extension of the Railway through Yass, and any course in favour of that object which the residents themselves can present for the consideration of the Government, shall be fully and carefully examined; but it is desirable that not a day's delay should take place.

Add that I believe that all that can be done may be effected in less than the time now stated by their surveyor, taking advantage of that which I have always stated they could have, viz., the knowledge by perusal of reports, and of all that has been done by the Government in the matter, and if necessary, authority to take tracings of the plans and sections of the survey proposed for adoption.

J.S., 14/5/73.

Mr. Fitzpatrick informed.—14/5/73. Railways.—G.H., B.C., 16/5/73. Mr. Whitton.—16/5/73.

No. 21A.

THE UNDER SECRETARY FOR PUBLIC WORKS to M. FITZPATRICK, ESQ., M.P.

14 May, 1873.

SIR,

Having reference to the representation made by you of the desirability of affording time for the residents of Yass to make a private survey, in order to ascertain for their own satisfaction whether or not the Southern Railway can be carried into that town, I am now directed by the Secretary for Public Works to inform you that the Government will give instructions for the examination of any survey which may be so made within seventy days from this date, and that if it be considered desirable the Minister himself will visit the district and inspect the line of survey. Mr. Sutherland, and indeed all the Members of the Government would be glad to include the town of Yass in the direct line of Railway, if it could be done without detriment to the Railway itself, as a great public work constructed in the interests of the whole Colony. Already more than ordinary efforts have been made to carry the extension of the Railway through Yass, and any course in favour of that object which the residents themselves can present for the consideration of the Government shall be fully and carefully examined; but it is desirable that not a day's unnecessary delay should take place.

Mr. Secretary Sutherland believes that all that can be done may be effected in less than the time now stated by your surveyor, taking advantage of that which he has always stated you might have, viz., the knowledge by perusal of reports, &c., of all that has been done by the Government in the matter, and if necessary, authority to take tracings of plans and sections of the surveys prepared for adoption.

I have, &c.,
JOHN RAE.

No. 22.

MINUTE FOR THE EXECUTIVE COUNCIL.

Department of Public Works,
Sydney, 19 May, 1873.

I HAVE the honor to submit herewith, for the approval of His Excellency the Governor and the Executive Council, the plans and book of reference, together with draft proclamation of an extension of the Great Southern Railway from Goulburn to Yass, being a distance of 54 miles 21 chains on the line from Goulburn to Wagga Wagga.

JOHN SUTHERLAND.

The Executive Council advise that the plans and book of reference herein specified be approved, and the necessary notice published accordingly.—ALEX. C. BUDGE, Clerk of the Council.

Min. 73/23, 19/5/73. Com., 26/5/73.

Approved.—H.R., 26/5/73.

See list of objections herewith; they are all with reference to claims to compensation and not to route of line. The inhabitants of Yass were allowed seventy days from the 14th May last (will expire on the 23rd instant) to suggest a better route. The confirmation of the plans it is presumed cannot be proceeded with till that time has expired.—C.A.G., 4/7/73. No.—J.S., 9/7/73.

No. 23.

M. FITZPATRICK, ESQ., M.L.A., to THE SECRETARY FOR PUBLIC WORKS.

100, Pitt-street,
12 July, 1873.

SIR,

Referring to my interview with you on the 10th instant, I now beg to state that Mr. Grundy, the engineer chosen by the Yass Railway Extension Committee to examine the country in the neighbourhood of Yass, has made a preliminary report, which leaves no doubt that a practicable and inexpensive line to Yass can be laid down. But in order to elaborate the details further time is necessary.

Of the very brief period allowed by the Government for this purpose, a considerable portion was used in unavoidable office-work in Sydney, and another portion was wasted by the unusually wet weather.

Relying on the oft repeated assurance of the Government that they are willing and anxious to carry the line into Yass if it can be done with justice to the public interest, I now entreat that you will grant an extension of the time allowed for this survey to (say) three weeks beyond the time originally limited; or, if there be any State reasons (of which I am unaware) rendering it undesirable to comply with this request, then I beg that the tenders to be opened on Tuesday next may not be absolutely accepted for that portion of the line beyond Manton's Creek; or, that the Government will reserve the right to amend the line hereafter.

As I understand the tenders are called for on schedules of prices, there can be no public inconvenience in this course. I earnestly press for an early reply.

I have, &c.,
M. FITZPATRICK.

No. 24.

MINUTE OF THE SECRETARY FOR PUBLIC WORKS.

Public Works Department
22 July, 1873.

THE sections that I have already verbally requested the Engineer-in-Chief to prepare of the deviation of the line through North Yass will be a working section, and the contractor for the extension from Goulburn to Yass will be requested to state the amount (if any is required in accordance with his right to amend his price as reserved by his agreeing to the deviation if required by the Government) for which he will be prepared to execute the work, so that a reliable comparison can be made between the cost of the line as laid out and the deviation through North Yass as prepared. I should be glad if this work can be attended to at once.

JOHN SUTHERLAND.

Mr. Whitton.—J.R., B.C., 23/7/73. In accordance with the Minister's verbal instructions I have taken steps to commence this survey at once.—J.W., 23/7/73. Commissioner.—23/7/73.

No. 25.

MINUTE OF THE SECRETARY FOR PUBLIC WORKS.

INFORM Mr. Fitzpatrick that, the Government being anxious to get this matter settled as early as practicable, I have requested the Engineer-in-Chief to have staked out on the ground what he believes to be the best and shortest line through North Yass, and make working sections of what he has now only trial surveys of, so that when the private surveys are completed (the time for which may be extended for fourteen days longer than at first stated) a decision can be at once arrived at, without losing the time which would otherwise be necessary to check the private survey. The right to amend the line south of Manton's Creek has been reserved on certain conditions.

J.S., 19/7/73.

Wrote M. Fitzpatrick, 23/7/73.

No. 26.

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No. 26.

THE COMMISSIONER FOR RAILWAYS to M. FITZPATRICK, ESQ., M.L.A.

Department of Public Works,
Railway Branch,
Sydney, 23 July, 1873.

SIR,

In reply to your letter of the 12th instant, requesting, on behalf of the Yass Railway Extension Committee, that the time granted to them to have surveys made may be extended, in order that the surveyors may complete their work, I have the honor to inform you, that with a view to afford every possible facility to the people of Yass, who have interested themselves in this matter, the Secretary for Public Works has approved of the time being extended fourteen days from this date.

The Government being anxious to have this matter settled as early as possible, the Engineer-in-Chief has been requested to have staked out on the ground what he believes to be the best and shortest line through North Yass, and to make working sections of that portion of which he has now only trial surveys, so that when the private surveys are completed a decision can at once be arrived at without losing the time which would otherwise be necessary to check the private surveys.

I may add, that in accepting the tender for this extension the right to amend the line south of Manton's Creek was reserved on certain conditions.

I have, &c.,
JOHN RAE,
Commissioner for Railways.

No. 27.

MINUTE OF THE SECRETARY FOR PUBLIC WORKS.

Extension—Goulburn to Yass.

Except as regards errors in plans; see clause 15.

IT would appear that the Railway Act gives no power to deviate a line after it has once been confirmed. At the same time the Act provides that the works shall not be commenced until after forty days from date of confirmation. In view of a possible deviation of the line into North Yass, and to prevent delay in commencing work, it is proposed that the line should be confirmed at once as far only as Mantou's Creek.

C.A.G, 23/7/73.

Approved.—J.S., 23/7/73.
Public Works, for minute of Executive Council.

No. 28.

MINUTE FOR THE EXECUTIVE COUNCIL.

Department of Public Works,
Sydney, 23 July, 1873.

REFERRING to the minute of the Executive Council of 26th May last, approving of the plans and books of reference of an extension of the Great Southern Railway from Goulburn to Yass, being a distance of 54 miles 21 chains on the line from Goulburn to Wagga Wagga, I have the honor to inform His Excellency the Governor and the Executive Council that the necessary notice has been duly given of the intention to make the said line of Railway, and that no valid objection has been received thereto in terms of such notice.

As, however, the inhabitants of Yass have not yet completed the private survey of the proposed line through North Yass, I do not ask the Governor and the Council to confirm the whole of the line, as first proclaimed, but only that portion of it which terminates at Manton's Creek, being a distance of 45 miles and 60 chains from Goulburn, in order that, in the event of the adoption of a route into North Yass, the deviation from the present proposed line may be duly proclaimed.

JOHN SUTHERLAND.

THE Executive Council advise that the intended formation of the Railway extension from Goulburn towards Yass, viz., to Manton's Creek, a distance of 45 miles and 60 chains from Goulburn, be now confirmed, as herein recommended, in accordance with the provisions of the Railway Act, 22 Victoria, No. 19.

ALEX. C. BUDGE,
Clerk of the Council.

Min. 73/35, 28/7/73.
Approved,—H.R., 28/7/73.
Confirmed.—30/7/73. Railways.—H.H., B.C., 1/8/73.

No. 29.

THE COMMISSIONER FOR RAILWAYS to MR. D. WILLIAMS.

Department of Public Works,
Railway Branch,
Sydney, 16 July, 1873.

SIR,

Referring to your tender for the construction of the Railway line from Goulburn to Yass, I have the honor to inform you that, in accepting a tender for this service, it is necessary to make provision for a deviation in the line, should the Government determine to adopt, at the instance of the inhabitants of Yass, a survey which they are now having made with that object in view.

I have the honor, therefore, to request that you will have the goodness to state whether, in the event of the acceptance of your tender for this work, you will consent if any such deviation should be made to your contract being altered to accord therewith, and to the cost of the work in such deviation being paid for at the schedule of rates in your tender,—the deviation to be considered in all respects a portion of the original contract?

I have to request the favour of an early reply.

I have, &c.,
JOHN RAE,
Commissioner for Railways.

No. 30.

MR. D. WILLIAMS to THE COMMISSIONER FOR RAILWAYS.

Sydney, 17 July, 1873.

SIR,

I have the honor to acknowledge the receipt of your letter of the 16th instant, accepting (conditionally) my tender for the Goulburn and Yass Railway Extension, and in reply I am willing that the prices in schedule to my tender shall apply to the present line, if carried out; but in the event of the North Yass deviation being constructed, the prices in schedule shall apply only up to the point of deviation, leaving the prices for excavation of the proposed deviation to be further considered and agreed upon.

With respect to the deviation, what I mean is, that I will do all the work required on it at the schedule of prices, except the excavation, the price for which, in consequence of the deviation probably running through a country in which there is a large proportion of granite rock, no such rock occurring on the present line, is to remain open until it is ascertained what class of rock or earthwork is comprised in the excavation, when the price for excavation is to be agreed on between the Engineer-in-Chief and myself; and if we differ and cannot agree as to price, I am willing to leave the matter to the Minister for Works for the time-being, whose decision shall be final.

I have, &c.,
DANIEL WILLIAMS.

No. 31.

MR. GRUNDY'S REPORT ON PROPOSED LINE.

(*Presented to the Minister for Public Works by M. Fitzpatrick, Esq., M.P., 24 July, '73.*)

Yass, 21 July, 1873.

To the Gentlemen appointed as a Committee to endeavour to bring the Main Southern Line of Railway into North Yass,—

GENTLEMEN,

Since my arrival in Yass, as you are already aware, I have been occupied in endeavouring to find a practicable line of Railway into North Yass.

My progress report will have informed you that in consequence of the many trial sections taken by Mr. Whitton's instructions, I at first feared that there was little chance of achieving your object,—Mr. Whitton's most reasonable arguments against the line, then considered the best practicable one, as stated by him to the Commissioner on the 3rd March last, seeming conclusive; but I have now succeeded in obtaining a line which will, I hope, alter the decision of that gentleman and of the Minister for Works. At least many of the objections disappear, especially that of increased cost as compared to the line then recommended, and now, I understand, contracted for.

I submit a description of the line into North Yass, which I recommend.

I adopt the line of diversion from Manton's Creek to 186 miles 67 chains on the section; but whilst accepting the line laid down upon the plan obtained from the Railway Department, I have submitted it to various alterations of gradients, similar to those usual upon sections elaborated for letting contracts. This, though very carefully done upon the section prepared for letting the contract upon the present main line, had not been done at all on the abandoned section. The consequence is that, with gradients contrasting not unfavourably with the present contract line, a saving of some 50,000 cubic yards of earthwork is effected up to the point already mentioned as 186 miles 67 chains (point marked A on plan), hence to the length of 187 miles 43 chains 50 links the same line as that shown on plan and sections already referred to is kept, excepting that some few short curves of 20 chains radius are eased to much larger radii.

From this point commences an entirely new line, which passes through the town of North Yass with easy curves (not less than 30 chains radius) and gradients not steeper than those on the approved line, to the Great Southern Road, which is crossed on the level. The cuttings on this portion are heavy, of necessity, but from them is obtained all the extra material required to form the embankment of a portion of the station yard.

The station ground commences after crossing the Great Southern Road and will extend at least ¼ of a mile on the level, entering with a curve of 40 chains radius, the remaining distance being straight.

Thence the line goes to Bango Creek, and there rejoins Mr. Whitton's abandoned line, but crosses the creek with much less embankment. From this creek to the junction with the contract line the direction is nearly the same, but a slight deviation again causes a further reduction in the earthwork of several thousand yards.

I now proceed to give a comparative statement of the improved line I recommend with the abandoned deviation, based necessarily as to details of prices upon the comparative estimates drawn out for the Commissioner by Mr. Whitton on 3rd March last, and subsequently printed.

MR.

Mr. Whitton.	F. H. Grundy.
1. The line would be lengthened 1 mile and 9 chains.	1. The line would be lengthened about 40 chains only.
2. The cost will be £36,193 more.	2. The cost will be about £13,000 more only.
3. The station will be on a curve of 20 chains radius.	3. Part of the station will be on a curve of the same radius as that on the contract line; the remainder on the straight.
and	And
on an embankment 40 feet high and cutting 30 feet deep.	three-fourths nearly on a level. The remainder on an embankment specially provided to receive the excavation necessitated by the descent through North Yass.
4. The Great Southern Road diverted ¼ mile.	4. Not diverted at all.
5. That five public streets and the Southern Road have to be crossed at great expense; or	5. The cost of purchasing seventy allotments—but
6. Seventy allotments purchased.	6. by my line seemingly not more than forty—will be better known by yourselves than by me; but I am repeatedly informed that it would not exceed £1,000. Nevertheless, I have allowed £3,000 in my estimate.
7. That the line through North Yass offers not one public advantage, everything being in favour of the other.	7. Surely a public advantage to Yass at any rate, a town of very considerable importance evidently; and surely, also, to the agricultural district for miles round.
8. That the line through North Yass would be a serious mistake in an engineering point of view.	8. Under the altered circumstances this objection will, I suppose, be withdrawn.

It is necessary to supplement the foregoing statement, which is, of course, a professional one, by a practical comparison of cost.

Undeniably, to bring the main line through North Yass, will increase the length of that main line, not by 1 mile and 9 chains, but by (say) 40 chains only. This will entail an additional expenditure of (say) £13,000 only, because, deducting the improvements upon the abandoned line and the deviations from it, a reduction of £23,000 is effected upon the supposed increase of £36,000, as per Mr. Whitton's report to the Commissioner, of 3rd March.

But it appears to me that one item of vital importance has been overlooked. I believe I am correct in saying that a branch line to Yass has been promised. If it has not been promised it will certainly be required.

The comparative estimates differ only to the extent of £13,000. Now, the adopted line, with a branch to Yass, would be (say) at least one mile and a half longer than a main line through North Yass, and the expenses consequent upon two stations, extra rolling stock, officials, &c., would be much greater.

One other comparison between the main line and the deviation proposed may yet be made. None of the three comparative estimates provide for the extra expense of earthwork for stations; but nevertheless *the cost* of the earthwork in the station I propose is included, because the heavy cutting necessary at the highest part of North Yass *must* be taken into the small gully where the station ground ends. But for the station on the main line no extra excavation is provided, although it must be found and must be paid for. Probably some 20,000 cubic yards will be required, but the moderate estimate of 12,000 cubic yards would still further reduce the comparative estimate by £1,500.

The estimate will now be as follows:—

193,752 cubic yards excavations from cuttings, at 2s. 6d.	£24,219	0	0
1,200 cubic yards side cutting, at 1s. 6d.	90	0	0
5,342 cubic yards side ditches, at 1s. 3d.	333	17	6
11,694 cubic feet timber in culverts, at 3s. 6d.	2,046	9	0
Bridges, flood openings, and level crossings, or purchasing allotments	4,500	0	0
Fencing...	1,013	6	0
Permanent-way	22,267	0	0
Engineering and supervision	2,717	0	0
Compensation for land	1,324	0	0
	£58,510	12	6
Contingencies, 10 per cent	5,850	0	0
	£64,369	12	6
Contract line as per same estimate	51,350	18	6

Thus the difference of cost is reduced from £36,000 to £13,000. Further reduction for excavation, main line station, £1,500.

This diminished excess of £13,000 (or £11,500), will, I suppose, be somewhat lessened if the contract line is, as has been reported, taken at a cost less than Mr. Whitton's estimate, because the comparison of difference will be in favour of the larger sum.

I regret that the further extension of time, for which I advised you to ask, has not been granted, as I could, if permitted ten days' additional time, have provided the drawings, &c., which should accompany this report, and which as it is will not be ready for a few days. These will not alter my estimate, which so far as the material upon which I have to work will allow is final. Indeed, the most minute elaboration could not, I venture to say, alter the conclusion by (say) £1,500.

In conclusion, I feel justified in saying that the line through North Yass will eventually not cost more, indeed probably less, than the one now contracted for, with the branch if necessitated, and I confidently anticipate its adoption.

I am, &c.,

FRANCIS H. GRUNDY, C.E.

LETTER accompanying the above Report.

"Colls' Hotel,"
Yass, 22 July, 1873.

To the Gentlemen of the Yass Deviation Committee,—
Gentlemen,

I have now the pleasure and honor to present my report. I may mention that the consequence of no reply being received to your application for an extension of time is, that the plans which I should have wished to accompany it are not ready. Indeed, the rough material necessary to compile the report at all was not ready until 4 o'clock this morning, so that I will not make any excuse for not having performed the impossible.

Of course to the line of Railway I now recommend, objections may, and very likely will, be taken. I can only say that it is practicable, contrasts not unfavourably with its rival one, taking its superior importance into fair consideration, and is the best I believe to be found.

I should mention, in allusion to the startling reduction from £36,000 to £13,000, that from the first my astonishment was excited by this vast difference, because, notwithstanding all the acknowledged difficulties of the approaches to Yass, I could not see where this great sum of money was lost. I know now. The comparison of March last might well be in favour of the shorter line. It was a comparison bitterly unfavourable to you—a comparison of a highly elaborated finished line, with gradients studied and constantly altered to suit the undulations of the country, with a crude trial line, having had no care taken with its details. Hence the fact of the large reduction of 50,000 cubic yards.

I am, &c.,
FRANCIS H. GRUNDY, C.E.

No. 32.

MR. GRUNDY'S REPORT ON PROPOSED LINE.

(*Presented to the Secretary for Public Works by M. Fitzpatrick, Esq., M.P., 4 August,* 1873.)

"Coll's Hotel,"
Yass, 2 August, 1873.

To the Gentlemen of the Yass Deviation Committee,—
Gentlemen,

In presenting to you the sections of the proposed Railway through North Yass, and the plan of deviation from the abandoned line, I complete the service you required.

I have nothing to add to my earlier reports, excepting such minor modifications as a more intimate knowledge of a subject always suggests.

From first leaving the junction with present line at Manton's Creek, I have substituted a 50 for a 60 chain curve, thus making an excavation somewhat lighter. Immediately beyond my eighth mile I have made a similar change. For the rest of the distance the line of section is adopted, excepting as presently described, as taken for the abandoned line, but the gradients upon it are entirely changed.

I submit for your consideration two lines through North Yass, diverging at a distance of 6 miles from the abandoned section, and rejoining it at Bango Creek, one red, the other blue. Either is practicable at a cost not in excess of the additional £13,000 already named. I recommend the red one. It is a little longer, and goes through somewhat more improved allotments; but the blue line would require a diversion of the Great Southern Road of a few chains, and even then would not have so good a station ground, and has more earthwork in it to the value of £2,500 or £3,000.

The difficulty connected with the Railway into North Yass centres in the necessity of a quarter of a mile of level for a station. Every chain it could be shortened would reduce cost and improve gradient; width of good station ground there is in abundance.

The red line passes between two buildings of comparative importance, immediately before crossing the Great Southern Road; neither of these will be touched, and would both be available for station purposes; and the point chosen is certainly the best upon which to enter the station ground. Nevertheless, the whole question is one of cost; the blue line, the red line, or even a third dotted line upon the plan, which would, however, considerably increase the earthwork and make the cutting heavier in the station ground, besides entailing embarrassment with the Great Southern Road, which would be many feet below the Railway level.

One point more in support of the line into Yass. The gradients, on either the contract line or ours, are necessarily severe, and on paper there is little to choose between them; but on my line there is no longer continuous gradient of 1 in 40 than 47 chains; on the contract line there is an unrelieved drag of 1 in 40 for some 96 chains. Everyone must appreciate the difference between a hill 1¼ mile long and undulations chiefly of ¼ of a mile in length.

The work I have now finished is probably not in detail absolutely correct. This remains, I think, for the Government engineers to do, or to find a still better line, which may very probably be done to a small extent; but I am certain of this, that a comparative good line into North Yass, at a small increase of expense, not exceeding the £13,000, so frequently referred to, at the most, over the line which leaves Yass unprovided for, can be found, is found indeed; and I believe that it will cost less than the distant one when a branch to Yass is provided.

I apologize for any omissions I have made; but you are aware that my work has been a run against time; and it would not have been completed to-day had it not been for the untiring help of the gentleman who has assisted me—Mr. Trotter.

I have, &c.,
FRANCIS H. GRUNDY.

Appendix.

ALTERATIONS having been made in my previous estimates, I append a final one. It will be observed that here I have omitted all cost of compensation or purchase of property in North Yass, because the estimates of the approved contract line and the abandoned North Yass one do not contain it, and the comparison would consequently be an unfair one to me. However, holding myself bound to the frequently-mentioned £13,000 only, it will be seen that a margin remains of double the sum included in my former estimate :—

170,000 cubic yards excavation, at 2s. 6d.	£21,250	0	0
Side-cutting—none.			
5,240 cubic yards side ditches, at 1s. 3d.	327	10	0
12,368 cubic feet timber in culverts, at 3s. 6d.	2,164	8	0
10,939 cubic feet timber-work in bridges and flood openings, at 5s.	2,734	15	0
5,620 rods two-rail fencing, at 3s. 6d.	983	10	0
8 level crossings, at £33	264	0	0
26 occupation crossings and gates, at £22	572	0	0
8 miles 77 chains permanent-way, at £2,245	20,120	1	3
Engineering and supervision	2,600	0	0
Compensation for land other than through North Yass, at £144	1,290	12	0
	£52,307	11	3
Contingencies, 10 per cent.	5,230	15	1½
2nd August, 1873.	£57,538	6	4½

No. 33.

THE ENGINEER IN CHARGE OF SURVEYS to THE CHAIRMAN OF THE YASS RAILWAY COMMITTEE.

"Coll's Hotel,"
Yass, 12 August, 1873.

SIR,

Having received instructions from the Engineer-in-Chief for Railways to make a survey and complete plans of Mr. Grundy's proposed line through North Yass, I shall be extremely obliged if you will appoint some one to meet me and point out its direction on the ground, as I have failed to discover any stakes or marks to enable me to make an accurate survey.

I have, &c.,
THOMAS R. FIRTH,
Engineer in charge of Surveys.

No. 34.

THE CHAIRMAN OF THE YASS RAILWAY COMMITTEE to THE ENGINEER IN CHARGE OF SURVEYS.

Yass, 13 August, 1873.

SIR,

I have to acknowledge the receipt of your note of to-day's date, asking that some one should be appointed to meet you on the ground and point out Mr. Grundy's proposed line for the Railway through North Yass.

In the absence of Mr. Grundy, with whom I shall put myself in communication, Mr. Zouch, who has great local knowledge, and has already partially followed the proposed line, will be happy to meet you at the "Commercial Hotel," Yass, to-morrow, at 2 o'clock, and proceed to the ground.

I am, &c.,
THOS. LAIDLAW,
Chairman.

Forwarded for information of the Commissioner.—J.W., *pro* W.H.Q., 14/8/73.

No. 34A.

THE ENGINEER-IN-CHIEF FOR RAILWAYS to THE SECRETARY FOR PUBLIC WORKS.

"Coll's Hotel,"
Yass, 15 August, 1873.

MY DEAR MR. SUTHERLAND,

I enclose for your perusal Mr. Grundy's telegram, in reply to Mr. Laidlaw's inquiry about the staking of the line. He admits that his lines never have been staked, and coolly suggests that the measurements can be taken from the plan of 10 chains to an inch. The 10 chain plan is the one he copied in my office at Sydney, and therefore he made no survey, and it is quite evident his section has been plotted from distances measured by him from this plan. Mr. Grundy has written a letter to the *Evening News* stating that the telegram in Tuesday's *Herald* is not in accordance with the facts. He does not however say in what particular. I believe it to be perfectly true. It will be impossible to fix upon Mr. Grundy's line with any degree of accuracy, but the surveyors are doing all they can in the matter. I am just leaving for Binalong.

Believe me, &c.,
JOHN WHITTON.

Seen.—To be put with other papers on this subject.—J.S., 16/8/73.

New South Wales Electric Telegraph.

August 13, 1873.

TELEGRAM from F. H. Grundy, Sydney, to T. Laidlaw, Yass.

NOT time to peg, take off plan plotted to ten scale.

No. 35.

No. 35.

THE ENGINEER-IN-CHIEF FOR RAILWAYS to THE COMMISSIONER FOR RAILWAYS.

Department of Public Works,
Railway Branch,
Engineer-in-Chief's Office, 29 October, 1873.

G.S.R.—Proposed deviation through North Yass.

As the plans and estimates of the proposed deviation through North Yass are nearly ready to lay before the Legislative Assembly, I suggest that Mr. Williams be asked at what price per yard he will undertake the excavations on this length, in the event of Parliament authorizing its construction.

The other works would, I presume, be executed at the prices stated in his schedule for the main line.

J.W.

Yes; it is so stipulated in the agreement.—C.A.G.
Approved.—J.S., 28/10/73.
Mr. Williams asked to say.—29/10/73.

No. 36.

THE COMMISSIONER FOR RAILWAYS to MR. D. WILLIAMS.

29 October, 1873.

SIR,

Referring to your letter of the 17th July last, on the subject of your tender for the Goulburn and Yass Railway Extension, in which you state, with respect to the contemplated deviation into the Town of Yass, that you would do all the work required on it at your schedule of prices, except the excavation, the prices for which, in consequence of the deviation running through a country in which there is a large proportion of granite rock, should be determined at a future time when fuller information of the strata had been obtained,—I have now the honor to inform you that the Engineer-in-Chief has reported that the plans of this deviation are ready, and to request that you will say, to enable the Government to determine the matter, at what price per yard you will undertake the excavations on this length, should it be decided to make the deviation.

The price you name will be submitted to the revision of the Engineer-in-Chief, as stipulated.

I have, &c.,
JOHN RAE,
Commissioner for Railways.

No. 37.

MR. D. WILLIAMS to THE COMMISSIONER FOR RAILWAYS.

Railway Works, Goulburn,
3 November, 1873.

SIR,

I have the honor to inform you that I have received tracing of the proposed deviation of the Goulburn and Yass extension, and have since examined the course of country through which the new line passes; and, in accordance with my letter to you of the 17th July last, I now submit the price for the earthwork on the new line. I shall require an advance of 1s. 4d. (one shilling and four-pence) per cubic yard, or for all earthworks from cuttings excavated in the new line from point of deviation to the end of contract to be at the rate of 3s. 8d. (three shillings and eight-pence) per cubic yard, instead of the price named in schedule accompanying tender.

As the leads are much longer, it must be understood that a further quantity of rails be allowed for temporary purposes, so as to facilitate the pushing on with the works.

I have, &c.,
DANIEL WILLIAMS.

Mr. Whitton.—J.R., B.C., 5/11/73.

In my estimate of the extra cost of this deviation, as compared with the main line, I assumed the price of the earthwork would be 3s. per cubic yard. If the works be executed at the price stated by Mr. Williams, viz., 3s. 8d. per cubic yard for excavation, the additional cost beyond my estimate will be £8,609 15s. 4d., or £55,338 12s. 6d. more than the cost of the main line.—J.W., 11/11/73.

Commissioner.—11/11/73.

No. 38.

THE ENGINEER IN CHARGE OF SURVEYS to THE ENGINEER-IN-CHIEF FOR RAILWAYS.

Great Southern Railway.—Trial Surveys—Goulburn to Wagga.

Sydney, 27 October, 1873.

SIR,

In accordance with your instructions I have had completed a correct survey of the deviations from the main line and through North Yass, as proposed by Mr. Grundy, and I now do myself the honor to submit the plan (drawn to a scale of 4 chains to 1 inch) showing the "Main Line," the deviations as formerly surveyed under your direction, and the lines recommended by Mr. Grundy; also "working sections" of the two latter lines accompanying the plan.

In completing this survey the greatest accuracy has been insured, so that the quantities and estimates made are strictly correct.

On

On receipt of your instructions to survey the proposed deviations I examined the ground, and found that the line first proposed by Mr. Grundy, and called the "blue line," was only partially marked out, the curves were inaccurate, and the *straight* portion (as shown by marks on the fences) was very *crooked*.

The "red line," being the one finally recommended for adoption by Mr. Grundy, was not pegged out at all; and how any engineer could profess to give a correct estimate of the cost of a line consisting of several curves and over a rough piece of ground, with such unreliable data, I have as yet failed to ascertain; and as the difference between the estimate made by Mr. Grundy and the actual result of correct surveys is so great I am thoroughly satisfied as to the absurdity of the former.

The line has been staked out from the 10-chain plan supplied by Mr. Grundy to the Yass Railway Committee, and referred to by him, and is as correctly laid down as the inaccuracies of the plan will admit; that is to say, the curves are correct arcs, and the straight portions are tangential to the curves. In laying down the gradients I have copied those of Mr. Grundy, giving the same heights, lengths, and ratio, but from the difference between guessed levelling and actual reduced levels the sections are very unlike each other.

The line is identical with your previously made trial lines from Manton's Creek to Hovell-street in North Yass; it then crosses Pollux-street, where an over bridge will be required, through section No. 30, and crosses Hope and O'Brien streets at their junction. Here a long skew bridge will be required, as well as the deviation of the former street. Section No. 12 is then traversed diagonally, when Ford, Mount, and Hume streets are crossed. These three streets must be closed, and by deviation made to cross the line *on the level* midway between Ford and Hume streets. Section No. 24 is then passed through to Glebe and Mount streets; the latter must be diverted to the former, and cross the line by a bridge. Section No. 26 is then crossed (the line going through a building of some importance), and the Great Southern Road will be crossed on the level, and the proposed station ground reached. The station will be partly in a cutting from 2 to 13 feet deep, and partly on an embankment varying in height from 1 foot to 29 feet. The line then crosses a gully, a small cutting, and "Bango Creek" is reached. By Mr. Grundy's improvement on your former trial line the embankment is shortened, but at the expense of putting the line in the creek, which will necessitate either a very long bridge or a retaining-wall of considerable height and length; the former being the cheapest and most suitable for the circumstances. From this point to its junction with the "main line," near the "Telegraph Inn," your original trial line has been followed.

Carefully calculated estimates of the quantities of work in both of Mr. Grundy's proposed lines, and also of the main line, are herewith appended; and as the whole of them have been calculated from finished plans, and the amounts from the same schedule, they are perfectly reliable, and the comparisons just.

I have, &c.,
THOMAS R. FIRTH,
Engineer in charge of Trial Surveys.

G.T.W., 15/1/74.

GREAT SOUTHERN RAILWAY.

ESTIMATED cost of Mr. Grundy's proposed Lines through North Yass, and of the Main Line from Manton's Creek to the "Telegraph Inn," and also Mr. Grundy's estimate of the Red Line, which was recommended by him to the Yass Railway Committee.

Description of Work.	Mr. Grundy's proposed		Main Line.	Mr. Grundy's estimate of the Red Line.
	Blue Line.	Red Line.		
Lengths	miles c. lks. 9 2 54	miles c. lks. 9 14 74	miles c. lks. 8 38 0	
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Earthworks—Including cuttings, side-cuttings, road approaches, and deviation of water-courses	40,226 11 3	39,568 17 11	16,697 13 10	21,577 10 0
Culverts and flood openings	9,432 6 11	9,710 16 11	3,711 16 5	4,899 3 0
Road bridges	2,996 3 0	4,590 12 7	408 19 7	.....
Permanent-way—Includes rails, sleepers, ballast, gates, and level crossings	31,638 3 4	31,846 14 6	27,918 0 6	20,956 1 3
Fencing	1,964 18 6	1,998 0 0	1,846 16 0	983 10 0
Land—Including compensation for severances, &c.	8,238 0 0	8,415 0 0	3,266 0 0	1,290 12 0
Engineering and supervision	2,708 15 0	2,750 0 0	2,550 0 0	2,600 0 0
	97,204 18 0	98,880 1 11	56,399 6 4	52,306 16 3
Contingencies, 10 per cent	9,720 9 7	9,888 0 3	5,639 18 8	5,230 13 7
Total cost.....£	106,925 7 7	108,768 2 2	62,039 5 0	57,537 9 10

T.R.F.—27/10/73. A.W.T., 20/1/74.

No. 39.

THE ENGINEER-IN-CHIEF FOR RAILWAYS to THE COMMISSIONER FOR RAILWAYS.

Railway Department,
Sydney, 29 October, 1873.

SIR,

In compliance with the instructions of the Minister for Public Works, dated 23rd July last, I have had a careful survey and estimates prepared of the cost of the proposed deviations of the Southern Line through North Yass.

Probably it will be advisable, before giving the particulars of the cost of this length, to state as briefly as possible the circumstances which led to the preparation of detailed plans, sections, and estimates of these deviations.

Originally

Originally it was intended to take the main line of the Southern Railway through Yass; but on my first visit to that district, in 1867, I was apprehensive that to do so would greatly increase the cost, not only by reason of the heavier works which it appeared to me would be inevitable, but also in the purchase of private property.

Trial sections were, however, ordered to be taken, and several lines were levelled between 1867 and 1872. Finding from these sections that the cost of a line through North Yass would be considerable, I had other sections taken, which, when completed, gave a much shorter line with lighter works; and, as no private property of any great value had to be passed through, I decided upon recommending the construction of the shorter and cheaper line.

This line will be hereinafter referred to as the "main line," the plans and sections of which were laid before Parliament and approved in April last.

The position of the station on this line is about 2½ miles from Yass, and close alongside the Great Southern Main Road, thus giving easy access to the Railway by a thoroughly good metalled road.

The inhabitants of Yass were, however, dissatisfied at having the station so far from the town, and decided to have a survey made, independent of the Railway Department, at their own cost, as they were of opinion that an inexpensive line could be constructed through North Yass which would give all the accommodation they required and would not much increase the length of the line.

This decision having been communicated to the Minister for Works, every assistance was promised to the committee which had been appointed by the residents in the district, and instructions were given by the Minister to place at the disposal of the committee all the plans and sections in this department, both of the main line and the trial lines through Yass, and to give every possible facility to the gentleman who might be appointed to furnish plans and sections of a shorter and cheaper line than those discovered by this department.

Mr. Grundy having been appointed to perform this duty, made application to me for the plans, sections, and other documents in my possession, and I think he will admit that every information he required was freely given to him.

I pointed out on the plans the different lines which had been levelled with a view of bringing the main line through North Yass, and I also gave him my reasons for abandoning them.

Mr. Grundy, therefore, commenced the work he had undertaken in full possession of all the information that had been obtained by this department.

The lines most favourable for the construction of a Railway through North Yass were laid down upon a plan drawn to a scale of 10 chains to an inch, upon which the main line was also shown. This plan and the sections of each line were copied by Mr. Grundy's assistants.

The same lines are laid down upon the working plan, which has been prepared to be laid before Parliament, and is drawn to a scale of 4 chains to an inch.

These trial lines are numbered 1, 2, and 3, and are respectively 1 mile and 9 chains, 57 chains, and 33 chains longer than the main line.

In addition to these extra lengths beyond that of the main line, it will be seen on reference to the plan that each line passes through valuable building allotments in North Yass. It may be urged that the allotments are not valuable, but I have had sufficient experience to know that the most worthless land is assumed to be valuable when at any time required for Railway purposes.

The trial line No. 1 leaves the main line at 180 miles 13 chains from Sydney, near to Manton's Creek, follows the Gap Road to near the boundary of the township of North Yass, crosses Hovell-street, Hope-street, O'Brien-street, Grampian-street, Ford-street, and Hume-street, and enters the township reserve for public recreation, where a station was required by the inhabitants of Yass; then crossing the Great Southern Road at 27 chains from the bridge over the Yass River, follows the general direction of the Main Southern Road, crossing Bango Creek about 3 chains south of the road bridge over that creek, and, recrossing the Main Southern Road, joins the main line at 188 miles 51 chains from Sydney.

Trial line No. 2 diverges from trial line No. 1 at 185 miles 33 chains, being 5 miles and 20 chains from the junction of trial line No. 1 with the main line, and crossing Hovell-street, Hope-street, O'Brien-street, Mount-street, Ford-street, Hume-street, Glebe-street, Mount-street (2nd crossing), the Main Southern Road or Laidlaw-street, at a distance of 48 chains north of the bridge over the Yass River, rejoins trial line No. 1 at 14 chains south-east of Bango Creek.

Trial line No. 3 diverges from trial line No. 2 at 186 miles 5 chains, and after crossing Hovell-street, O'Brien-street, Ford-street, Hume-street, Orion-street, Glebe-street, Reddall-street, Bango Creek (20 chains north of the Main Road bridge), joins the main line at 187 miles 70 chains.

These three trial lines were taken by the officers of this department under my direction, as being the most favourable, should it be deemed advisable to carry the main line through North Yass; but they were all abandoned by me in favour of the main line.

Trial line No. 1 would have been the most convenient for the inhabitants of Yass, as it provided for a station on the Government reserve at a distance of 27 chains only from the bridge over the river, and, although it passed through a great number of building allotments in North Yass, the property was of less value than the allotments further to the north. The length of this line was however 1 mile and 9 chains longer than the main line.

Trial line No. 2, notwithstanding it was only 57 chains longer than the main line, passed through the best building sites in North Yass, would have been more expensive to construct than No. 1 line, and the position of the station would have been 50 chains north of the bridge over the river.

Trial line No. 3 was only 33 chains longer than the main line, but the works would have been much heavier than those on the other trial lines, and no satisfactory site could have been provided for a station.

The plans and sections of these three lines were placed at Mr. Grundy's disposal, to assist him in finding a cheaper line and one that would be more satisfactory to the inhabitants of North and South Yass.

Mr. Grundy's lines, or as it would probably be more correct to say, his slight deviations from my trial lines, are numbered 4 and 5 on the accompanying plan.

The line numbered 4 was the first recommended by Mr. Grundy, and is called the blue line.

It diverges from my trial line No. 1 at 186 miles 22 chains, and joins the same trial line at 188 miles 24 chains, being a divergence of 2 miles and 2 chains, out of a length of 9 miles and 47 chains.

This line is stated by Mr. Grundy to be 40 chains only longer than the main line; but as he afterwards abandoned it in favour of another line, shown in *red*, and numbered 5 upon the plan, it will not be necessary for me to notice it further than by appending an estimate of its cost if constructed.

The

The red line No. 5, which Mr. Grundy finally recommended, is in reality my trial line No. 1, from its junction with the main line at Manton's Creek to 186 miles 22 chains; and from this point, until it again joins No. 1 line at 188 miles 24 chains, it is very nearly identical with my trial line No. 2.

At no point is it distant more than 4 chains from my line, and generally less than 2 chains.

It is difficult to understand why any alteration should have been made, as the deviation by Mr. Grundy not only increased the cost of the works but extended the length 13 feet beyond that of my trial line No. 2.

I can explain the matter only by assuming that Mr. Grundy was anxious to say that my line had not been entirely adopted.

Mr. Grundy's so-called deviation crosses the same streets through North Yass as those crossed by my line No. 2, but, from the objectionable manner in which some of them are intersected, the expense of construction would be greater.

Hovell-street must be diverted, Pollux-street must be carried over the Railway by a bridge, Hope-street and O'Brien-street would be crossed where they intersect each other—Hope-street being diverted, and O'Brien-street crossed by a skew bridge, the Railway being carried over the street, Ford-street, Mount-street, and Hume-street must be diverted and carried over the Railway by one crossing on the level. Glebe-street must be crossed by a bridge over the Railway, Mount-street must be again diverted so as to cross the Railway by the bridge provided at Glebe-street, and Laidlaw-street, or the Main Southern Road, must be crossed on the level.

The proposed station ground joins up to the Southern Road, and the position for the station would be 54 chains north of the bridge over the Yass River, or 4 chains further from Yass than that proposed on my line No. 2, and 27 chains further from Yass than the station shown on my line No. 1.

Three bridges would therefore be required—one under and two over the Railway, besides the diversion of six streets.

The alteration made by Mr. Grundy in the direction of the line between his proposed station ground and the "Carrier's Arms Inn," on the Southern Road, necessitates a long bridge over Bango Creek, as the line runs for some distance parallel to the creek, and so close that the only alternatives to the bridge would be a retaining-wall or a diversion of the stream.

From the "Carrier's Arms" Inn to the junction with the main line my trial line No. 1 has been adopted.

The lengths of these various lines are as under:—

No.	Miles.	Chains.
1	9	47
2	9	15
3	8	71
4	9	3
5	9	15
Main Line	8	38

The estimate of the cost of the deviation forwarded by Mr. Grundy to the Yass Railway Committee does not contain correct quantities, nor does it give a fair value for the work to be done.

Mr. Grundy has taken the excavation on this deviation at the same price per yard as I gave in my estimate on the whole average between Goulburn and Yass, viz., 2s. 6d. per yard; but as the material composing the cuttings on the deviation would be much more expensive to remove, an additional price should have been named. I have taken the cost of this excavation at 3s. a yard,* and I do not believe that any contractor would undertake the work for a less sum, if even at that amount.

Mr. Grundy's estimate of the cost of the culverts and bridges has been arrived at, as it appears to me, in a peculiar manner. The length of the main line between Goulburn and Yass is 54¼ miles; the deviation is about 9 miles. Mr. Grundy has apparently divided my estimate for bridges and culverts on the whole length by six, the amount being for the main line £29,588 5s., and for the deviation £4,899 3s.

This system may be convenient, but it is certainly very erroneous.

The following are correct comparative estimates of Mr. Grundy's deviation shown on the plan in *blue*, also the deviation shown on the plan in *red*, and finally recommended by him to the Yass Railway Committee.

I also append an estimate of the cost of the main line recommended for adoption by me, and *Mr. Grundy's estimate of the cost of his line marked in red and numbered 5 on the plan.*

GREAT SOUTHERN RAILWAY.

ESTIMATED Cost of Mr. Grundy's proposed Lines through North Yass, and of the Main Line from Manton's Creek to the "Telegraph Inn," and also Mr. Grundy's estimate of the Red Line, which was recommended by him to the Yass Railway Committee.

Description of Work.	Mr. Grundy's proposed		Main Line.	Mr. Grundy's Estimate. (Red Line.)
	Blue Line.	Red Line.		
Lengths	miles c. lks. 9 2 54	miles c. lks. 9 14 74	miles c. lks. 8 38 0	
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Earthworks—Including cutting, side-cutting, road approaches, and deviation of water-courses	40,226 11 3	39,568 17 11	16,697 13 10	21,577 10 0
Culverts and flood openings	9,432 6 11	9,710 16 11	3,711 16 5	4,899 3 0
Road bridges	2,996 3 0	4,590 12 7	408 19 7	.....
Permanent-way—Includes rails, sleepers, ballast, level crossings, and gates	31,638 3 4	31,846 14 6	27,918 0 6	20,956 1 3
Fencing	1,964 18 6	1,998 0 0	1,846 16 0	983 10 0
Land, including compensation for severances ...	8,238 0 0	8,415 0 0	3,266 0 0	1,290 12 0
Engineering and supervision	2,708 15 0	2,750 0 0	2,550 0 0	2,600 0 0
	97,204 18 0	98,880 1 11	56,399 6 4	52,306 16 3
Contingencies, 10 per cent.	9,720 9 7	9,888 0 3	5,639 18 8	5,230 13 7
Total cost ..... £	106,925 7 7	108,768 2 2	62,039 5 0	57,537 9 10

From

* The Contractors price, since ascertained, is 3s. 8d. per yard. See Mr. Whitton's further report of 11/11/73, as to the effect of this.—C.A.G.

From the foregoing estimates it will be seen that Mr. Grundy's *blue* line would cost £44,886 2s. 7d., and his *red* line £46,728 17s. 2d., more than the main line recommended by me. Mr. Grundy's own estimate of the cost of the *red* line is £57,537 9s. 10d., and my estimate for the same line £108,768 2s. 2d., being a difference in the cost of 9 miles of Railway of £51,230 12s. 4d. This difference is somewhat startling, but it must be remembered that Mr. Grundy never did make an estimate of the work to be done, nor even take out proper quantities to enable him to do so.

It may be said that I have placed too high a value upon the land which would have to be purchased through North Yass; but supposing that I have done so, which I do not for one moment believe, if the whole amount be struck out the extra cost over Mr. Grundy's estimate would still be £42,815 12s. 4d.

In my report to the Commissioner on trial lines between Goulburn and Wagga Wagga, dated 24th April, 1873, and reprinted from the original report, dated 3rd March, 1873, I gave eight reasons against carrying the main line of the Southern Railway through North Yass.

I place side by side the opinions I then expressed with those I now entertain on the same subject.

"1. That by going through North Yass the line will be lengthened 1 mile and 9 chains."	That by going through North Yass the line will be lengthened, by taking Mr. Grundy's line, 57 chains, and the station will be 54 chains from the bridge over the river, instead of 27 chains as on my line No. 1. Mr. Grundy's line will also be more costly.
"2. That the cost in the construction of this line will be £36,193 more than by the direct line, exclusive of the compensation which will have to be paid to the owners of town allotments in North Yass."	That the cost in the construction of the red line, calculated from very carefully prepared working sections, will be £46,728 17s. 2d., including the cost of the purchase of building allotments in North Yass; or, if the value of the town allotments be omitted, as in my former estimate of line No. 1, the cost will be £41,828 17s. 2d. more than the main line recommended by me.
"3. That the station will have to be placed upon a curve of 20 chains radius, which is in itself extremely objectionable, and the difficulty is further increased by the sidings having to be formed partly on an embankment 40 feet high and in a cutting 30 feet deep."	That the station on Mr. Grundy's red line will be partly in a cutting from 2 to 13 feet deep, and partly on an embankment from 1 foot to 29 feet high. On the main line the station will be on an embankment from 1 to 9 feet high, and cutting not exceeding 7 feet in depth.
"4. That the Great Southern Road would have to be diverted for a distance of a quarter of a mile."	That the Great Southern Road will not in this case have to be diverted, as the station ground has been removed 27 chains further from the town of Yass.
"5. That through North Yass there would be five public streets, and the Main Southern Road to cross on the level, at which gate-houses would have to be erected and gatekeepers provided, in addition to very expensive raised approaches which would have to be formed for several of the crossings, or bridges built."	That through North Yass six public streets will have to be diverted and three bridges built, one under and two over the Railway; the Southern Road and Mount-street will have to be crossed on the level, and two gate-houses built.
"6. That if the public road crossings through North Yass be not provided, at least seventy allotments of land would have to be purchased."	That if public road crossings through North Yass *be provided*, at least fifty-eight allotments of land would have to be purchased.
"7. That by constructing the line through North Yass there is not one public advantage to be gained, everything being in favour of the line recommended by me."	That by constructing the line through North Yass there is not one public advantage to be gained. The line will be lengthened 57 chains, which will be a serious tax upon the public in perpetuity, private building allotments in North Yass will have to be purchased at an estimated value of £4,900, which can be avoided, and the cost of the works decreased by the sum of £41,828 17s., 2d. by adopting the line recommended by me.
"8. That if the line through North Yass be constructed, it will, in an engineering point of view, be always looked upon as a serious mistake."	This I repeat, with the addition that, having had most careful estimates prepared of this proposed deviation, I am more than ever satisfied of the soundness of the views expressed in my former reports, and I again strongly advise the construction of the main line as originally recommended by me and approved by Parliament.

I have, &c.,
JOHN WHITTON.

No. 40.

MR. GRUNDY'S REPORT TO THE YASS RAILWAY COMMITTEE.

(Presented to the Secretary for Public Works by Messrs. T. Robertson, J. Hurley (Narellan), & M. Fitzpatrick.—12/12/73.)

183, Pitt-street, 20 Nov., /73.

"To the Gentlemen of the Yass Railway Committee,—

"GENTLEMEN,

"From the time of my leaving you to the present I have been, and I still am, anxiously expecting the report of the Railway officers upon your proposal to bring the main line of the Southern Railway through North Yass. I was at first very hopeful of success, but as time progressed I became aware that doubts were accumulating, and that opinions amongst yourselves even were less sanguine than

at

at first. It will be remembered that from the first I begged your earnest recognition of the fact that I but pointed out one or more routes by which the line could be brought in and out again (the ridiculous notion which has been promulgated that I only endeavoured to point out a line into North Yass as being the extent of my instructions, leaving the getting out again to discover itself, if even more than a joke, and a very bad one, was at least anything but flattering to the honesty of a sane man, who must certainly know that the subscriptions of your community were not given for the enjoyment of a '*reductio ad absurdum*' joke). But I never said I had discovered the very best line; indeed I distinctly stated, on the contrary, that I had neither time nor means to elaborate details to anything like the extent necessary for that purpose; that I considered such elaboration the duty of the Government engineers; and that I had every expectation that those gentlemen would succeed in finding something superior in detail to either of my suggestions. But, to my disappointment and surprise, I learn that this is not so. I hear from good authority that the Department has confined itself to setting out my suggested lines, and even those are not followed out with exactness,—neither of the two lines set out by them being the same as those chosen by me. Mr. Trotter, the gentleman who was with me during the time I was at Yass, and whom I have since sent up again, as will be presently explained, examined these lines and gave me this information. He says further that in neither case is the line now staked out equal to mine, but that the divergencies of as much as a chain to one side or other must largely increase the works to be performed; moreover, that the red line goes through one if not two houses, which I carefully avoided. An explanation of this variance is probably due to the absence of minute detail; I imagine that the exact curve or precise length of straight stated in my report or shown in my sections will not quite 'fit' on the ground, and that then it has been set out as it came, regardless of increase to the works, although proper humouring could have brought the line where I wished it. That this could be done is certain, as there is nothing in the nature of the curves or straights to make it difficult. I fear that no improvement has been attempted; if this be so it is not just to you or to me. Besides this probable increase in quantity, I hear that the material in the North Yass cuttings is so hard that an addition to the price per cubic yard will be necessary. Be it so—the price of 2s. 6d. per yard is Mr. Whitton's own, adopted in his printed report, both for his main staked line, as now let, and for his abandoned line into North Yass. My estimates for all my lines are made from these prices, necessarily, because to obtain a schedule of my own would have alone occupied all or more than all your time, and, when obtained, I could not have made any comparison with the lines of Mr. Whitton by it, but must have after all adopted his. Again, I hear that the bridge over Bango Creek will cost £10,000. Now, my proposed crossing of this creek on my former sections is at the same place and on the same level as Mr. Whitton's. His printed estimate allows £2,962 10s. for all bridges over 9 miles 54¼ chains, including Bango Creek. Bango Creek alone is now to cost £10,000. Verily the part is monstrously greater than the whole. Thus it seems now probable that although the very formidable list of reasons advanced for avoiding Yass cannot now be maintained, although there can now be nothing like 'an increase in length of 1 mile and 9 chains,' although the 'extremely objectionable' features of the station ground have disappeared, and there will now be no '40 feet high' embankment or '30 feet deep' cuttings upon it, although the quantity of earthwork will no longer be anything approaching to '338,000 cubic yards', &c., &c.—yet will arise a new phalanx of hitherto undiscovered objections, forcing you again into the far background.

"Nevertheless it is not to be denied that the 2 or 3 miles of Railway represented by my red and blue lines, from Hovel-street to the rejunction with the main staked line, present a succession of works, which not individually of alarming magnitude, yet are collectively of serious increase to the total cost of the desired North Yass line, and I have been always hoping that some improvement might be discovered in them. It seems that improvement has not been discovered. Although my time was too limited when at Yass to enable me to make the exhaustive examination of the country thereabouts which I desired, yet I did not fail to notice what seemed to me to be a practical route, which after following either the red or the blue line through the greater part of North Yass, should diverge to the north, and crossing the Great Southern Road the second time 20 or 30 chains on the Yass side of Bango Creek, should come out into the open land, crossing Bango Creek on the plain (when, if the creek is even more than bank high, there is abundant room for the water to spread), should then by a gradual ascent keep upon the surface, or nearly so, until it joined the staked line, about 187 miles 65 chains, instead of some three-quarters of a mile further on, as previously shown. So much was I impressed with the practicability of such line, that hearing from a sure source that no new line had been attempted by the Government engineers, I sent my assistant in the previous work to North Yass once more on the 24th October, with instructions carefully to examine the country I have just described, and furnished with a rough sketch of the lines I thought might be obtained. He returned on the 4th November, since which time I have given every spare moment myself, and one, often two assistants, to elucidating my theory. I have now the honor to forward to you the result of my endeavours, comprising a very rough plan and sections, in which the draughtsman's merit is wanting, but which show the large degree of success which has again attended my efforts. One change more I have made, after mature consideration: In my previous sections, red and blue, I have adopted a minimum gradient of 1 in 40 in deference to the instructions issued from the head office of the engineering department, which rule that this gradient of 1 in 40 should be adopted as the minimum. Now, although I have I think clearly shown that with a gradient of 1 in 40 a line can be brought into and out of North Yass at a cost not even approaching prohibition, yet, as I have before stated, this gradient necessitates an ugly cutting in probably very ugly material, through the heights of North Yass. But why prohibit, under peculiar circumstances, gradients less than 1 in 40? Surely if anything *can* warrant the extravagant expenditure, the immense engines, the weighty rails which we have adopted, in order to run one train a day with an extra one on Mondays, Wednesdays, and Fridays, at a rate of twenty miles an hour, it is that *in extremis* a great extra power may be available on just such an occasion as this. Besides, a gradient of 1 in 33 leads away from the Picton station—which by-the-by is on a sharp curve, and in heavy cutting—for some 3 miles. I have therefore adopted in my new comparative sections gradients of 1 in 33, and 1 in 35 respectively—45 chains of 1 in 33 in one case, and 22 chains of 1 in 25 in the other. By one quarter of a mile of a gradient of 1 in 35, and by adopting the new line No. 2, every difficulty seems to be overcome, excepting, of course, that of the passing through North Yass, its streets, and allotments.

"A description of these alternative lines is now appended.

"It will be recollected that on the former sections, blue and red, submitted to you, each diverged from the original abandoned section at a point marked B—

"Still adopting this point B as the divergence point, we will first follow the red line section. I still adopt precisely the same line as that shown upon my former plan, through North Yass, across the Great Southern Road (Laidlaw-street), and to the further end of the station ground, but with different levels, whereby a far better section is obtained.

"The gradient before adopted is now continued for chain and a half from B. Hence about 41 chains of 1 in 44, 10 chains of level, and 22 chains (only) of 1 in 35 give favourable crossings of the various North Yass streets, cross the Great South Road on the level, and then the line enters upon a quarter of a mile of station, whose deepest cutting is about 10 feet. From the end of the station ground an S curve of about 22 chains radius brings the line across the Great Southern Road, again by an over-bridge, probably lowering the road (or diverting it a few chains) about 4 feet, the gradient being 1 in 40 for half a mile. Next a level of 4¾ chains, then 1 in 100 for 9 chains, again level for 10 chains. The line here crosses Bango Creek 20 feet above the bed of the creek, hence 1 in 42 for about half a mile further to the junction with the contract line, as staked out. This line is called the *red* line *No.* 2, and is shown on the lower section. The blue or upper section line, commencing as before at *B*, follows the blue line upon the first plans as far as Hume-street; hence it diverges rapidly to the north, and escaping the comparatively costly allotments encroached upon by the red section, crosses Castor and Pollux streets and the reserve between them; then the Great South Road, which must be diverted several chains, or raised 6 or 7 feet, enters the station ground 12 chains further, commands a very satisfactory 20 chains of level station, favourably placed in light cutting and embankment, whence it joins the red section No. 2, already described, at the point marked B 2, and follows the same lines and levels to the junction with the staked line. It is somewhat lighter in work through North Yass, but has gradients more severe; it avoids the improved allotments between Glebe and Laidlaw streets, passing through the unimproved and public property between Castor and Pollux streets. Its station is nearly, if not quite, a quarter of a mile further from South Yass, however, and for this reason, and the heavier gradients, I incline to the *red* line, as I did in my former report.

"Leaving out, as has been done invariably, the cost of passing through North Yass, *i.e.*; cost for puchase of allotments and road crossings, the estimate for the red line would now be, by comparison with Mr. Whitton's abandoned line estimate, and adopting his prices:—

"Excavation—144,568 cubic yards, at 2s. 6d.	£18,071	0	0
"All other costs adopted from Mr. Whitton's estimate. This line is some half mile shorter than was his abandoned one, which reduces the total by £3,000 to £4,000, but time prevents further detail...	34,000	0	0
	£52,071	0	0
"Contingencies, 10 per cent.	5,207	0	0
"Total	£57,278	0	0

"The main staked line being £51,359 by Mr. Whitton's estimate.

"The difference in cost would therefore be about £6,000 excess for line accommodating North Yass over line two and a half miles away. But calculating the certainty of a branch line into Yass at—

"2 miles Railway complete, at (say) £7,000 per mile	£14,000	0	0
"Double station, including earthwork, permanent-way station	6,000	0	0
"Extra cost of men, &c., capitalised, £400 per annum, (say) at 10 per cent. ...	4,000	0	0
	£24,000	0	0
"Add to this the usual 10 per cent.	2,400	0	0
	£26,400	0	0
"From which deduct the £6,000	6,000	0	0
"Excess of eventual cost of present contract line over red line No. 2... ...	20,000	0	0

"Thus it now appears that to construct the present contract line of Railway means to distress a large and influential district at an expense of £20,000.

"To be absolutely just, however, it would be necessary to deduct the cost of one mile of extra haulage twice per diem, which I think I have seen calculated at 3s. and some pence per train—say 8s. per day, or in round numbers £150 per year, or £15,000 from the principal sum of £20,000. But then comes the intricate string of questions as to this two and a half miles of road traffic and its cost to man, beast, and loading, *quos enumerare*, &c.

"I am, &c.,
"FRANCIS H. GRUNDY, C.E."

"Note.—The gradients of the blue section No. 2 would be about the following:—From B a few chains level, then 35 chains of 1 in 44, followed by 45 chains of 1 in 38 gradiency. The station ground of a quarter of a mile level succeeds, and thence to the junction of main staked line at 187 miles 65 chains. The line is identical with the red section No. 2.

"This heavy gradient of 1 mile averaging 1 in 38 contrasts very unfavourably with the red line No. 2 through North Yass, which has the comparatively easy fall of an average of half a mile only 1 in 44 followed by 10 chains of level, and a quarter of a mile only of 1 in 35. The difference which will be noticed in the lengths from B to the two stations is due to the different routes and different heights of the two station grounds—the red, No. 2 station, being between 30 and 40 feet higher than the other. It is also more than a quarter of a mile nearer to North Yass. The blue section No. 2 is certainly about 12 chains the shorter, and avoids the block of property bounded by Mount, Glebe, Castor, and Laidlaw streets. I believe the No. 2 red section to be in all some three-quarters of a mile longer than the main staked line. This is longer by several chains than the original red line, because of the sweep to the right, and the S curve necessary to avoid all heavy work at Bango Creek, but the added length is paid for many times over by the improved section obtained. The saving in earthwork amounts to 30,000 cubic yards, which, at 2s. 6d. (the fixed price), is £4,000 more or less, and the Bango Bridge difficulty, be it £10,000 or £2 or £30,000, avoided.

"It

"It should be noticed, moreover, that this red section No. 2, so far as the position between Bango Creek and the junction at 187·65 is concerned, is a marked improvement upon the main staked line itself between the same points. The main line has two cuttings together about 42,000 cubic yards in quantity, and between them an embankment of about 40,000 yards; the new line has one embankment and one cutting, each containing about 27,000 cubic yards only."

The Mayor then moved,—"That the report just read and the plans produced be forwarded to the Member for the district, with a request that he will place himself in communication with the Hon. the Minister for Works, to put him in possession of the information they contain."

The resolution having been seconded by Alderman Grosvenor, was carried unanimously.

The meeting then adjourned *sine die*.

[One plan gives the sections of two lines through North Yass, diverging from the lines of which plan and sections were furnished by Mr. Grundy in August last—the blue line at or about Hume-street, the red line at the south end of the station ground. In the red line the steepest gradient is 22 chains at 1 in 35; in the blue line, 22 chains at 1 in 33. The other plan shows the red line passing from Hovel-street to the intersection of O'Brien and Hope streets, thence to the intersection of Ford and Mount streets, thence curving south of Mount-street to near the intersection of Glebe and Mount streets, thence crossing the present Great Southern Road, over Bango Creek, and on to the main staked line. The blue line starts from Hovel-street, crosses Pollux-street and O'Brien-street, thence curving a little north of the intersection of Ford and Hope streets, to the intersection of Glebe and Castor-streets, thence joining the red line.]

No. 41.

THE ENGINEER-IN-CHIEF FOR RAILWAYS to THE COMMISSIONER FOR RAILWAYS.

MINUTE PAPER.—Delay in deciding direction of Southern Extension beyond Manton's Creek, Goulburn to Yass.

[Urgent.]

Department of Public Works,
Railway Branch, Engineer's Office,
Sydney, 15 December, 1873.

I DESIRE to draw attention to the delay which has taken place in deciding whether the Southern line shall or shall not pass through North Yass.

Mr. Williams' tender for the extension as far as Manton's Creek was accepted in July last, and there can be little doubt that he will apply for an extension of time equal to that which has been lost to him, viz.:—Five months.

It is a matter of considerable importance, and I trust the question will be settled as early as practicable.

JOHN WHITTON.

Sydney: Thomas Richards, Government Printer.—1874.

[1*s.* 3*d.*]

1873–4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

RAILWAYS.

(PROPOSED EXTENSION THROUGH NORTH YASS—FURTHER RETURN.)

Ordered by the Legislative Assembly to be printed, 3 *March*, 1874.

ADDITIONAL CORRESPONDENCE, comprising—

1. Letter from Mr. Grundy to the Yass Railway Deviation Committee, with reference to Mr. Whitton's report of 29th October, 1873, dated 22nd January, 1874.
2. Mr. Whitton's report on Mr. Grundy's letter, dated 19th February, 1874.

Laid upon the Table of the Legislative Assembly as addenda to the Return ordered by the House to be printed on the 29th January, 1874.

F. H. GRUNDY, ESQ., to THE YASS RAILWAY DEVIATION COMMITTEE.

183, Pitt-street,
Sydney, 22 January, 1874.

GENTLEMEN,

I have this day received from Mr. Fitzpatrick Mr. Whitton's report of the 29th October, upon his own and my first two lines through North Yass.

Considering that it bears a date now some three months past, it is hard, I think, that I should not have had it earlier, but must begin a reply to the many assertions contained in it after Mr. Fitzpatrick has moved in the House that all papers, &c., be laid on the Table, which necessitates hurry at the time, when, in consequence of my thoughts being for six months directed to other subjects, this comes upon me with some of the strangeness of novelty.

The report is, as was to be expected, directly opposed to your wishes; it is long, and far more minute than Mr. Whitton's previous one of April last.

To reply to it requires a re-examination of plans, sections, and reports from me; and I find myself at much disadvantage in thus contending with a department having so large a staff, any or all of whom can be put to this work and kept to it till finished, whilst I have to give my personal attention to every minute detail,—an attention constantly divided by the necessary conduct of my every-day work.

You already know that Mr. Whitton gave me every facility for examining his plans and sections through North Yass and his "main line," but only one line of section through North Yass was copied, for the sufficient reason that Mr. Whitton himself told me that that one, which I have called in my previous reports his abandoned line, and which Mr. Whitton now calls "Trial line No. 1," was *the* one which would have been chosen had he brought the line through North Yass at all; was *the* one from which he had prepared his estimate—consequently the *only* one with which I had or could have to deal. The lines I recommended diverge from this "Trial line No. 1" fully a quarter of a mile, and never even approach it during the passage through North Yass township. As I have before stated to you, numerous lines in various colours were shown on the plan, but although Mr. Whitton now calls them "Trial lines Nos. 2, 3, &c.," they were then considered of no moment, although it is quite likely that they may have been worked up in the months which lapsed between my report of the beginning of August and Mr. Whitton's of October, in order to contrast them with mine.

Mr. Whitton, by his printed report of 24th April, 1873, distinctly confines himself to his trial line No. 1. He says the line would be a certain length—the length of trial line No. 1 only; he says the station will be on a curve of 20 chains radius, on embankment 40 feet high, or cutting 30 feet deep, as would have been the case on trial line No. 1 only; he gives an exact quantity of excavation—only to be arrived at from trial line No. 1, &c.

Mr. Whitton says: "Mr. Grundy's lines, or as it would probably be more correct to say, his slight deviations from my trial lines, are numbered 4 and 5 on the accompanying plan."

Mr. Whitton soon afterwards states that I had abandoned No. 4. No such thing; on the contrary, I stated that although I offered No. 5 as an alternative line, which I recommended as perhaps slightly superior to No. 4, yet, that there was so little to choose between them, that I hardly knew which was the better, and that when the Government engineers began to improve upon the minor details of my work, they might likely enough adopt No. 4.

Mr. Whitton continues: "At no point are Nos. 4 and 5 distant more than 4 chains from my line and generally less than two chains."

It is unjust to offer to the inspection of the non-professional a plan having upon it lines seemingly very close together and keeping nearly parallel, and to tell them that these are almost identical, because, in fact, a distance of 4 or 2 chains, or even less, means a complete change of the work to be done. It would be nothing like 2 chains in distance, measured horizontally, between the height of Sydney South Head and the depth of the ocean, and 2 chains on Mr. Whitton's zigzag would alter the levels hundreds of feet. Now, the distance between Mr. Whitton's trial line No. 2 and mine is, at the Great Southern Road, considerable, and the difference of level is many feet. A fair comparison can only be made from plans and sections together, and I dismiss the unimportant circumstance, of which so much is made in Mr. Whitton's report, that my lines are his lines, by stating the fact that I never noticed any lines of his —never saw any sections of his, other than "trial line No. 1," and that such repeated assertions as "Mr. Grundy's so-called deviation," &c., are of no use, unless to "abuse the plaintiff."

Mr. Whitton says: "The red line, No. 5, which Mr. Grundy recommends, is in reality my trial line No. 1, from its junction with the main line at Manton's Creek to 186 miles 22 chains." On the plan—yes, as I have already reported to you; on the section, very different—for, on Mr. Whitton's section the gradients (which in fact rule the quantity of work to be done) were laid down with so little care that I was able to reduce the amount of excavation between the points he mentions (although the line passes over a very easy country) by some 40,000 cubic yards, and, however this question may terminate, it will always remain a grave charge of injustice against the department that it gave to the public two documents purporting to make fair comparisons of the expense of two lines of railway, the earthwork in one of which was taken from an estimate carefully finished for letting the contract, in the other from a section upon which the gradients were so carelessly laid down that it almost seemed purposely done. I had the curiosity to take out the number of changes of gradient which occurred upon some six miles of each of these "comparisons." Had they received equal care, the North Yass line should have had the most changes, because the contract line has an unchangeable and objectionable 1 in 40 gradient 90 chains long, yet the fact was that the main line had some three or four times as many—*i.e.*, great pains had been taken in the one case to reduce the earthwork to a minimum by suiting the undulations of the railway to the undulations of the country; no pains had been taken in the other case. "This system" might "be convenient," but is certainly very wrong.

Mr. Whitton says: "It is difficult to understand why any alteration should have been made, as the deviation by Mr. Grundy not only increases the cost of the works, but extends the length 13 feet beyond that of my trial line No. 2."

It is difficult to understand why this observation should have been made, as Mr. Whitton's trial line No. 2, if even it be all he states, existed on paper only, and its levels were very different from mine. That I should set out a line for myself was simply a necessity. I deny its near approach to his. From 2 to 4 chains is not near at all in so confined a space as North Yass, with already so many trial lines running through it as Mr. Whitton tells us. Such approach as exists is the accident of contour of country. Its being 13 feet longer is not worth notice.

Mr. Whitton says: "I can explain the matter only by assuming that Mr. Grundy was anxious to say that my line had not been entirely adopted."

Does not Mr. Whitton know that assumption is not explanation? Nor had I, after the examination just explained, such unbounded confidence in Mr. Whitton's lines as to desire to adopt any of them unnecessarily.

Mr. Whitton's next objections refer to the crossing of the various streets in the town of North Yass. Of course my line is worse than his. It is grievous that no effort whatever from first to last to improve any portion of any of the lines recommended by me has been made by the gentlemen following me. My assistant, Mr. Trotter, C.E., for some years in the Railway Department, has carefully examined the lines laid down by those gentlemen. He says that they are not even the lines set out by me, being in some places nearly 100 feet away, and giving a largely increased amount of excavation.

I have said already that yours being an undertaking sanctioned by the Government—that the time allowed you being so short, that minute elaboration being impossible, that your resources as compared with those of the Government being inconsiderable—it was my hope and expectation that the Government engineers following me would give their attention to further improvement of the lines I submitted, or would find better. What has been done?

Notwithstanding my earnest statement that absolute correctness in minute details was not to be expected, my plans have been dealt with as though a Government staff of engineers had been preparing them since 1867.

Instead of humouring the lines on my plan to suit the ground, my lengths seem to have been taken almost to inches, the result being a line which must be a worse one than that which could have been obtained by the generous method of adaptation I expected to be adopted. This would, after all, have been nothing more than the usual course pursued in laying out a final section, which mine does not profess to be, and would have been but justice to you; and I repeat that, until you have got a comparison of the very best line to be obtained through North Yass with the main line, you have not got justice.

Referring to the street crossings, it seems to me that difficulties are suggested which do not exist. For example, the crossing of O'Brien-street by a skew bridge. I have, as you know, in dealing with them, adopted your views, which are that most of the allotments are of little importance, and that the streets could readily be closed or diverted. Certainly, if the desolate appearance of those which go on paper to make up an alarming number may be considered any evidence of their value, one-half of them could be closed altogether without disadvantage; nevertheless objection remains to this passing through North Yass, the money value of which you estimate at £1,000.

Mr. Whitton continues: "The proposed station ground joins up to the Southern Road, and the position for the station would be 54 chains north of the bridge over the Yass River, or 4 chains further than proposed on my line No. 2, or 27 chains further from Yass than that proposed on my line No. 1. Three bridges would therefore be required, one under and two over the railway, besides the diversion of six streets."

This is beyond me. "Why three bridges, besides the diversion of six streets" should be required because the proposed station ground "joins up" to the Southern Road, and is a certain distance from the bridge over the Yass River, I do not know. My estimate, however, left a margin of £6,000 for these works.

Mr.

Mr. Whitton again says: "The alteration made by Mr. Grundy between his proposed station ground and the Carriers' Arms Inn, on the Southern Road, necessitates a long bridge over Bango Creek, as the line runs for some distance parallel to the creek, and so close that the only alternative to the bridge would be a retaining wall or a diversion of the stream."

This, also, is incomprehensible. If my line necessitates a long bridge over Bango Creek, how can there be any "alternatives"? As a matter of fact, Bango Creek must be diverted into Sydney Harbour or Hobson's Bay, or the stream be miraculously stopped, otherwise the line must cross it, and there must be a bridge somewhere. But before crossing Bango Creek my diverted line rejoins Mr. Whitton's abandoned one, and the levels for the creek crossing were actually taken upon the pegs for his own line still remaining in the ground; moreover, I crossed at a somewhat lower level than that shown on Mr. Whitton's section, and my bridge consequently should be cheaper than his. However, my latest suggestion to you is to abandon this particular crossing of Bango Creek altogether, and curving from the end of the proposed station to the eastward, to cross the creek many chains further from the Yass River, where the ground is open and the channel clear, at such a level as will enable me to construct a much cheaper bridge, besides doing away with the heavy cutting succeeding immediately after crossing by the other lines. Of this alteration I have already furnished you with a report and rough plans. I consider this change in the route a marked improvement, and certainly far away from any of Mr. Whitton's trial lines, if that be of any consequence.

I see this proposal is not noticed by Mr. Whitton, but I trust it is not to lose consideration because sent in necessarily after the time allowed you by the Government.

Mr. Whitton says: "The estimate of the cost of the deviation forwarded by Mr. Grundy to the Yass Railway Committee does not contain correct quantities, nor does it give fair value for the work to be done."

We are of course at direct issue as to the correctness of the quantities; only, as Mr. Whitton did not obtain sections of the lines I proposed, he can know nothing about it. Respecting the value, I will proceed to his next statement, which is: "Mr. Grundy has taken the excavation on this deviation at the same price per yard as I give in my estimate on the whole average between Goulburn and Yass, viz., 2s. 6d. per yard; but as the material composing the cuttings on the deviation would be much more expensive to remove, an additional price should have been named. I have taken the cost of this excavation at 3s. per yard, and I do not believe that any contractor would undertake the work at a less sum, if even at that amount."

Mr. Whitton forgets strangely. I have taken the price for this excavation from a document of which the following is a copy:—

"Great Southern Railway B—Extension, Goulburn to Yass. Deviation through North Yass.

"Estimated cost of alternative line taken through the town of North Yass—

"Commencing at 188 miles 59½ chains.

"Length—9 miles 54½ chains.

"338,070 c. yds. excavation from cutting at 2s. 6d., £42,258 15s."

Mark! Commencing at 188 miles 58½ chains—length, 9 miles, 54½ chains. Now, 188 miles 59½ chains is the length at Manton's Creek from Sydney, and 9 miles 54½ chains the length of the deviation, so that B extension is only for the deviation, and not in any way for the "whole line," although it suits Mr. Whitton now to say so. I never even saw Mr. Whitton's estimate for the whole length of the line, and only knew on reading his present report that the price throughout was 2s. 6d. There is in Mr. Whitton's report much harping upon "prices." Let it be distinctly understood that I have in every case adopted his deliberately—nay more, that had you been allowed twelve months time and thousands of pounds, I should have done so—no other course could have produced a comparative estimate. Moreover, were it not so, the time actually allowed you made any other impossible. Mr. Whitton has now increased many of our prices, and he should have better means of judging than I can have. If 3s. or more for earthwork should have been the price, why did he not make it so? It was his mistake—not mine.

Mr. Whitton goes on to say: "Mr. Grundy's estimate of the cost of the culverts and bridges has been arrived at, it appears to me, in a peculiar manner. The length of the main line between Goulburn and Yass is 54½ miles; the deviation is about 9 miles. Mr. Grundy has apparently divided my estimate for bridges and culverts on the whole length by 6, the amount being for the main line £29,588 5s., and for the deviation £4,899 3s. This system may be very convenient, but is certainly very erroneous."

Again, this 54½ miles of main line between Goulburn and Yass—the estimate for which I have never seen. Mr. Whitton is again forgetful. Returning once more to that Appendix B, I find—

"Timber in culverts, £2,344 13s.

"Bridges and flood-openings, £2,962 10s.

"Total, £5,307 3s.

Now, Mr. Whitton's abandoned line was some half mile longer than mine, and, comparatively, the amount for bridges and culverts would on mine be the £4,899 3s. referred to. I adopted that amount, although in fairness to myself it should have been still less, my line being on much higher ground through North Yass, and as a sequence requiring fewer and less culverts; Mr. Whitton's line, moreover, crossing a considerable gully near the Yass River, which I avoid altogether. Mr. Whitton's system of putting a bad construction on all things may be convenient, but it is certainly very erroneous, besides being unjust. Mr. Whitton might at least have given me credit for being able to divide £29,588 5s. correctly by 6.

Respecting the two next sentences, so far as regards the earthwork, Mr. Whitton's "correct comparative estimates," as he calls them, are not estimates of my lines, as I have already said.

I regret the very great length to which my report is extending, but nothing less than a paragraph by paragraph examination of Mr. Whitton's report will vindicate me or fairly plead your cause. Not satisfied with the oppressive advantage he has over me in command of money, time, and labour, skilled and unskilled, he has adopted a course which is manifestly unfair.

Amongst the latest documents emanating from Mr. Whitton were the following,—A and B, which refer only to the 9½ miles near Yass, and are simply comparative estimates of this disputed portion. They are necessarily made to the same list of prices! My lines on plan are either A or B or between them, and A and B are themselves never more than 2½ miles apart, yet Mr. Whitton says that I ought not to "adopt his prices"! Well, it turns out that they are not much to be depended upon, for they are most of them now altered—(making the comparison about £7,000 more unfavourable to you)—as six months

afterwards,

afterwards, on the 29th October, 1873, Mr. Whitton adopted a new schedule of prices, and altered the whole system of "permanent way." Instead of 40-lb. rails, partially ballasted, "at £2,245 a mile," he now has the heavy (I think 75-lb.) rail, &c., costing about £3,300 a mile; instead of "sapling fencing at 3s. 6d. a rod," the price is increased at least 6s. 6d. [Prices, with the exception of earthwork, are wisely not given in Mr. Whitton's last report. I had therefore to get at them from the quantity and total cost of the various descriptions of work, and have ignored fractional quantities, shillings and pence, &c., so that 6s. 6d. perhaps should be 6s. 6½d. and so on.] Instead of 2s. 6d. for earthwork, it is now 3s. And then Mr. Whitton makes an estimated cost. Side by side he places thus:—

Mr. Grundy's proposed Blue Line.	Red Line.	Main Line.	Mr. G's estimate— Red Line.
£106,925 7s. 7d.	£108,768 . 2s. 2d.	£62,039 5s.	£57,537 9s. 10d.

Not one word in the whole report about any change of prices (other than earthwork), although the first three estimates, viz., Mr. Grundy's proposed blue line, red line, and main line, are all calculated at the increased prices, which I could not know, and then "Mr. Grundy's estimate" is set down at the old prices. Of course by this "half truth" my estimate is made to look absurd, as costing less money than even the main line, although known to be longer, and confessed to have more of difficulty in construction. And then Mr. Whitton says "the difference is somewhat startling," and "Mr. Grundy never did make an estimate, or even take out proper quantities." Surely the gentlemen for whom this report was prepared will not take advantage of a trick like this. If it is thus that your claims are considered, you are simply deluded out of your money and time. Let my estimate be honestly altered in every copy of Mr. Whitton's report to meet the new prices, retaining my quantities. It would then be about £82,000,—no such "startling" difference; indeed ordinarily there is greater difference between the various tenders for the same works than this 20 per cent. See the injustice to you of making Mr. Whitton judge in his own case. Mr. Whitton's estimate of my proposed lines I do not accept. Why I know not, but it is too evidently made from a hostile point of view, and after all is not an estimate of my lines, but of his own lines, which are sometimes 100 feet distant from mine. The earthwork particularly is immensely in excess of what it would have been had Mr. Whitton's assistants tried ever so little to improve. By the system adopted you must suffer, and never could be fairly treated. But an examination of even Mr. Whitton's estimate of my supposed blue line (the red is nearly similar) is not so disastrous to your wishes after all. Earthwork, 270,000 cubic yards, less by 70,000 yards than estimate B. Had Mr. Whitton been estimating for the eastern route, he would have avoided the cutting beyond Bango Creek and the high embankment or long bridge over it. This would reduce the excavation by 30,000 yards. Then the passing through North Yass, I am quite confident, might be readily diminished by 40,000 cubic yards—nay, I have no doubt that the gentlemen themselves who set out my lines from my plan would admit that had they only humoured my line they could easily have made that reduction. At all events, I would undertake to do it. The earthwork would now be 200,000 cubic yards; but it is all, says Mr. Whitton, such difficult material to move, that it could not be done for less than 3s. per yard. Very well: now nearly or quite all of you have travelled upon the existing lines, and will have noticed that wherever hard rock is passed through, the cuttings are perpendicular; but although the rock is so very hard, the quantity is calculated at a slope of 1 to 1—it is not required for embankment, and these cuttings too must be calculated as perpendicular. Now, a cutting 15 feet deep, with perpendicular sides contains exactly half the quantity of a cutting 15 feet deep with sides sloping 1 to 1, and a cutting 30 feet deep one-third the quantity under similar circumstances. A fair average depth would probably be 10 to 15 feet, and a fair reduction in quantity would be one-third, which would reduce the excavation to 130,000 yards.

Culverts and flood openings.—By the eastern line Bango Creek is crossed quite as favourably as by the main line, and besides that, the North Yass line would be generally at a higher level, and therefore with smaller flood openings; it avoids a crossing of Yang's River [Manton's Creek ?], quite as difficult as Bango. The cost of the main line is to be £3,711, and £2,000 would be ample for this one. In road approaches Mr. Whitton calculates £2,996. According to your views this estimate should be reduced one-half, as it is nearly all due to North Yass crossings. The other items would stand, excepting that one for land, which would be some £4,000. The estimate would be—

Earthwork, 130,000 cubic yards, at 3s.	£19,500
Culverts and flood openings	2,000
Road approaches	1,500
Permanent way	32,000
Fencing	2,100
Land and compensation, say	5,000
Engineering and supervision	2,800
	£64,900
Contingencies, 10 per cent.	6,490
	£71,390

There would thus be a difference of cost in favour of the main line of £9,800 only. This, although the raising of prices must of course tell against your line (the longer one) in every instance.

Mr. Whitton puts his comparisons into many forms of objection, but as I believe I have met all his substantial reasons, I will not burden my report with useless repetition. Mr. Whitton at last comes to a recapitulation of his eight reasons of April, 1873, for leaving out North Yass, and also gives his present ones.

Mr. Whitton says in April.	In October.
"1. That by going through North Yass the line will be lengthened 1 mile and 9 chains."	"That by going through North Yass the line will be lengthened, by taking Mr. Grundy's line, 57 chains, and the station will be 54 chains from the bridge over the river, instead of 27 chains, as on my line No. 1. Mr. Grundy's line will also be more costly."

Of course the objections which I had previously to meet were those of April only. It was but fighting shadows if Mr. Whitton is to introduce new objections at discretion. However, I will try to meet all he says.

The length of the line is admitted to be reduced nearly one-half. This constant comparison of my line, first with trial line No. 1, then with No. 2, is embarrassing and unfair, because if the more favourable bits of either of these two, Nos. 1 and 2, are to be picked out and compared as best suits them with my one, the result is comparing a reality to a fancy line, often skipping away many chains right or left, and a manifest impossibility. Mr. Whitton abandoned his line No. 1, and as it could not be made, what advantage is gained by pointing out how far an impracticable station would have been from the bridge over the river? Mr. Whitton advocates a station 2½ miles from the bridge, I, one 57 chains. Mr. Whitton estimates my line at £108,000. His schedule B, altered for increased prices, would be additional—

For excavation	£8,451
For timber in bridge (at least)	2,000
For fencing	1,000
For those expensive roads and allotments	4,200
For permanent way	10,000
	£25,651
Contingencies	2,565
	£28,216

But £28,216 and £87,552 are together £115,768. Is not this more than £108,763?

"2. That the cost in the construction of this line will be £36,193 more than by the direct line, exclusive of the compensation which will have to be paid to the owners of town allotments in North Yass."

"That the cost in the construction of the red line, calculated from very carefully prepared working sections, will be £46,728 17s. 2d., including the cost of the purchase of building allotments in North Yass; or, if the value of the town allotments be omitted, as in my former estimate of line No. 1, the cost will be £41,823 17s. 2d. more than the main line recommended by me."

By the light of Mr. Whitton's present experience the cost of construction of his abandoned line would be £54,000 more than his direct one, and I might fairly retaliate upon his comments on my estimate. By my estimate the cost of construction through North Yass would be £10,000 more than the main line, including purchase of allotments. Mr. Whitton's "carefully prepared working sections" are not of my line, still less of my eastern one. Would it not have been better to perfect the best line on the ground than carefully to prepare working sections of an inferior one?

"3. That the station will have to be placed upon a curve of 20 chains radius, which is in itself extremely objectionable; and the difficulty is further increased by the sidings having to be formed partly on an embankment 40 feet high and in a cutting 30 feet deep."

"That the station on Mr. Grundy's red line will be partly in a cutting from 2 to 13 feet deep, and partly on an embankment from 1 foot to 29 feet high. On the main line the station will be on an embankment from 1 to 9 feet high, and cutting not exceeding 7 feet in depth."

Eighteen out of twenty chains of the proposed station ground are very good; the depth of 13 feet is at the summit point of a cutting averaging a few feet only, which is about the best station ground possible, and the embankment of 29 feet is the very tail end of the 20th chain only, in an abrupt gully; a chain further back the embankment is light; practically the great width of available good station ground would be taken advantage of, and that last chain required for the main line only. The eastern line would escape this gully altogether, which is only caused by wet spongy ground becoming rotten and being washed away, and which ceases a few chains more easterly. Another proof, if another were wanted, of the change a few chains will make on the face of a country.

"4. That the Great Southern Road would have to be diverted for a distance of a quarter of a mile."

"That the Great Southern Road will not in this case have to be diverted, as the station ground has been removed 27 chains further from the town of Yass."

The road will not be diverted, and the station will be some 2 miles nearer Yass than the only one proposed by Mr. Whitton.

"5. That through North Yass there would be five public streets and the Main Southern Road to cross on the level, at which gate-houses would have to be erected and gate-keepers provided, in addition to very expensive raised approaches which would have to be formed for several of the crossings, or bridges built."

"That through North Yass six public streets will have to be diverted and three bridges built, one under and two over the railway; the Southern Road and Mount-street will have to be crossed on the level, and two gate-houses built."

These, or such of them as would be found necessary, are provided for in the increased estimate, and beyond the mere money question there is nothing even approximately serious in these works.

"6. That if the public road-crossings through North Yass be not provided, at least seventy allotments of land would have to be purchased."

"That if public road-crossings through North Yass be provided, at least fifty-eight allotments of land would have to be purchased."

Whilst I was in North Yass the allotment adjoining the inn and fronting the Great Southern Road was sold for £39. This is undoubtedly one of the very choicest of all the allotments, of quite five times the value of the average ones, and, taking this purchase as a basis, I am sure that an average of £10 is an ample value. The whole cost would therefore be £580; but it is of little consequence if it were three times that sum.

"7.

"7. That by constructing the line through North Yass there is not one public advantage to be gained, everything being in favour of the line recommended by me."

"That by constructing the line through North Yass there is not one public advantage to be gained. The line will be lengthened 57 chains, which will be a serious tax upon the public in perpetuity, private building allotments in North Yass will have to be purchased at an estimated value of £4,900, which can be avoided, and the cost of the works decreased by the sum of £41,828 17s. 2d. by adopting the line recommended by me."

This is an assertion deliberately repeated. Who are the public? Are not the inhabitants of Yass the public? Are not the inhabitants of its rich surrounding districts the public?

That a difference in length of 57 chains should be called a "serious" tax upon the public upon a line some 400 or 500 miles long is an evident exaggeration, just as is the assertion that not one public advantage will be gained. The question of the allotments and roads has been already advanced in objections 5 and 6 and elsewhere, and but that it represents nearly the sole substantial objection to the North Yass line need hardly be so often brought forward. The excess of £41,000 is, as is already often stated, Mr. Whitton's estimate of Mr. Whitton's (my) line, and can be reduced more than one-half by ordinary engineering usage.

"8. That if the line through North Yass be constructed it will, in an engineering point of view, be always looked upon as a serious mistake."

Mr. Whitton repeats this assertion now, but it is so mere an assertion, such a mere expression of individual opinion, that it may be allowed to go upon its merits without further comment.

It must have been perfectly understood that in giving you permission to endeavour to obtain a line through North Yass, all that could be expected from you was to improve upon Mr. Whitton's abandoned one. The line round into Yass must be longer, but if not 1 mile and 9 chains longer you had gained something. The allotments must always be some difficulty, but if you could show that the difficulty was exaggerated, you gained more. The longer and more difficult line must be more expensive, but if not so much more expensive as £36,000, you gained again. If you could find a station ground without all the objections stated, you gained a point more, and so on. On this basis only could you have acted, and you have succeeded in my opinion thoroughly. Some of the original objections have disappeared and others are modified. The most important of all, that of the very bad station ground, is in reality moved, and next in importance, the increased length, is no longer very formidable. But there are reasons for your line, and objections to the main line, which, although mentioned in my former report, remain unnoticed by Mr. Whitton. They may be chiefly summed up as follows:—

Reasons why the Great Southern Railway should pass through North Yass:—

1. Because the additional length stated to be required has been reduced nearly one-half.
2. Because the additional cost of construction stated to be required has been or may be reduced by almost one-half.
3. Because there will be a good practical station ground which if rather short can be of any required width, having moderate cuttings and embankments, instead of the impracticable one before reported.
4. Because the Great Southern Road will be undiverted.
5. Because the line through North Yass will be a great boon to a flourishing town and district. To abolish yearly expenditure required for the haulage for 2 miles backwards and forwards to Mr. Whitton's proposed station, would in itself warrant the expenditure of even the £40,000 supposed by Mr. Whitton to be required.
6. Because the great traffic will soon necessitate a branch to North Yass, if the line be not brought there. An additional station and its various expenses will more than represent a principal sum of £40,000. The North Yass line will then be the cheaper.
7. Because the difference in cost may be reduced much by the substituting of one or more short gradients of 1 in 33, already in use upon the Railways of this Colony. Surely as light works have been abandoned, the best use should be made of the heavy engines and permanent-way, namely, to diminish earthwork by suitable gradients. Besides, two gradients of 1 in 33 of one quarter of a mile each are much less objectionable than the unchanging drag of 1 in 40 for 96 chains in length, which there is to be in the main line.
8. or 9. Because you were led to believe, and to invest money in the belief, that if you could improve upon the abandoned line your wishes would be granted, and you have improved upon it—even by Mr. Whitton's own showing. You have a shorter line with considerably less excavation (70,000 cubic yards), and a better station ground, costing, by Mr. Whitton's own estimate, some £7,600 less than schedule B corrected to present prices.

I am compelled to conclude that there is great prejudice against your line. It seems that right or wrong you are not to have it. First you are offered a comparison altogether unfair. Then your efforts, instead of being impartially considered and removable difficulties removed, are treated as final and complete, although you have repeatedly said that they were not so. Why should the Government staff be put upon a line which they were told they could improve, and not try to do it? They are not Mr. Whitton's servants but those of the Government, and ought to have tried for the very best line to be obtained. They had time enough, and had they done this there would have been no £40,000 between this and the main line. It may be said that I am prejudiced also, but I am an advocate in this matter. Mr. Whitton is judge. Should not a judge balance objections? Should he not have said, "This 96 chains of 1 in 40 is objectionable." "It would be well to be able to run in to North Yass if it could be done without too great expense." "Mr. Grundy's first estimate must be corrected to altered prices,"—and so on. Then, indeed, he could have given a valuable opinion.

I am, &c.,
FRANCIS H. GRUNDY, C.E.

Presented to the Secretary for Public Works by M. Fitzpatrick, Esq., M.P., on the 16th February, 1874.

Mr. Whitton, for report.—J.S., 16/2/74.

THE ENGINEER-IN-CHIEF FOR RAILWAYS to THE COMMISSIONER FOR RAILWAYS.

Railway Department,
Sydney, 19 February, 1874.

SIR,

Mr. Grundy's further report to the Yass Railway Committee, dated the 22nd January, 1874, having been referred to me, I have to state that I can see little in it which, in my opinion, requires either refutation or explanation. I do not withdraw or qualify any of the statements contained in my report dated 29th October, 1873.

The only matter which may be termed *new* in this report is the ingenious suggestion that, with a view to reduce my estimate of the cost of the deviation, the slopes of all the cuttings should be dispensed with, and the sides of course left perpendicular. This, if practicable, would hardly make the reduction in cost Mr. Grundy takes credit for, as he could not expect solid rock to be excavated at 3s. per cubic yard. These cuttings, however, would not be compact rock, and therefore this "theory" may be abandoned.

Mr. Grundy also suggests the use of gradients of 1 in 33 instead of 1 in 40; but as inclines of 1 in 40 can be obtained at a reasonable cost on the main line, I do not consider such gradients as 1 in 33 advisable.

There is one matter for which I think Mr. Grundy is entitled to take credit, and that is, the foresight he displayed in *not* marking his lines on the ground. It gave him an opportunity, of which he has largely availed himself, of denying the accuracy of the sections taken under my direction, although he admits that "the officers of the Works Department have adhered with the greatest exactitude to the lines shown on a plan furnished" by himself "to the Yass Railway Committee."

If Mr. Grundy had been anxious to have the statements in his first report tested, he would have had his *improved* lines staked, but in order to render a comparison impossible, he did not stake them; and upon being asked to point out his lines on the ground, he referred the officers of this department to a plan drawn to a scale of 10 chains to an inch, upon which his lines are very imperfectly laid down.

Mr. Grundy, in fact, *refused* to stake out his lines, and now complains that the sections taken by this department have not been taken over them.

Mr. Grundy has been induced, as "an advocate in this matter," to give eight reasons why the railway should pass through North Yass. The fifth points out the whole secret of the opposition to the line recommended by me, and is as follows:—

> "Because the line through North Yass will be a great boon to a flourishing town and district."
> "To abolish yearly expenditure required for the haulage for two miles backwards and forwards to Mr. Whitton's proposed station, would in itself warrant the expenditure of even the £40,000 supposed by Mr. Whitton to be required."

Be it so. I am not an "*advocate*" in this case, and consequently recommended, in the interests of the public generally, the construction of the shortest and cheapest line.

I have, &c.,
JOHN WHITTON.

Sydney: Thomas Richards, Government Printer.—1874.

[6*d*.]

[illegible]737

1873-4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

RAILWAYS.

(TRIAL SURVEYS.)

Ordered by the Legislative Assembly to be printed, 25 *June*, 1874.

RETURN to an *Order* of the Honorable the Legislative Assembly of New South Wales, dated 18 June, 1874, That there be laid upon the Table of this House,—

"A copy of any Instruction given by the Secretary for Public Works to "the Engineer-in-Chief for Railways, or any other person, with reference "to Trial Surveys for the future extension of Railways throughout the "Colony, or the reservation of land for that purpose, with a full report of "the progress made up to date."

(*Mr. Nelson.*)

SCHEDULE.

NO. PAGE.

Trial Surveys.

1. Minute of the Honorable the Secretary for Public Works, dated 4th November, 1873, instructing the Engineer-in-Chief with regard to trial surveys, and forwarding Maps showing contemplated routes 2
2. Engineer-in-Chief's Progress Report. 24 June, 1874..... 2

Reservation of land for Railway purposes.

1. Commissioner for Railways to Under Secretary for Lands, requesting that the land four miles on each side of trial lines, Goulburn to Wagga Wagga, may be temporarily reserved from sale and selection. 19 May, 1873..... 3
2. Minute of the Honorable the Secretary for Lands, as to width of reserve, and suggesting one mile on each side of proposed Railway. 24 July, 1873 3
3. Minute of the Honorable the Secretary for Public Works, affording his reasons for requiring the reservations which he directed the Commissioner for Railways to apply for. 28 July, 1873 4

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RAILWAYS.

Trial Surveys.

No. 1.

MINUTE OF THE SECRETARY FOR PUBLIC WORKS.

IN continuation of verbal instructions given from time to time in regard to trial surveys, Mr. Whitton is requested to take steps for ascertaining in the readiest manner possible, without incurring any large expenditure in regard to minute details, what the best routes would be, and approximately the cost and distance of railway lines to the following places. It is desirable that the capabilities of the country passed through should be noted, as regards the localities where suitable timber and material for railway purposes exist, as also the quality and description of the soil and natural features.

For the purpose of more easy reference, a map of the country is forwarded herewith, on which I have marked in red pencil the suggested line, not of course to be rigidly followed, but as indicating the probable direction of the different routes.

No. 1.

A line from Wagga Wagga to Deniliquin, *viâ* either Conargo or Cooree, the latter being a deviation to avoid possibly the Bilabong Creek.

No. 2.

A line from Wagga Wagga to Albury.

No. 3.

A line from Cootamundry, through the Lachlan and Darling Pastoral Districts *viâ* Booligal, to Pooncaira and the South Australian border, with the view of joining the line of that Colony.

No. 4.*

A line from Orange to Currajong, and thence by nearest route to the Darling River. (See map.)

No. 5.*

A line from either Kelso or Bathurst, *viâ* Hill End, Mudgee, and Gulgong, to Walgett, as shown on map.

No. 6.*

A line leaving the present proposed line between Murrurundi and Tamworth at a point somewhere near Quirindi, and thence by Breeza and Gunnedah to Narrabri; thence by a line to Moree, in the Gwydir District; and also by another line by way of Wee Waa to Walgett, on the Darling.

No. 7.

A line from Tamworth, *viâ* Armidale, to Glen Innes; also, to Bingera and Warialda. (See map.)

Surveys are already being made of the country for a railway line from Grafton to Glen Innes. This should be extended on to Inverell; and, as regards the line to the more northern parts of the New England District, surveys in connection with which are in hand, I require trial lines run, and careful surveys of the country made from Lawrence or Grafton, *viâ* Casino, Tabulam, and Tenterfield, to Maryland, regard being had to the desirability of the line being made through the most valuable parts of the country, and to the prospective advantages to be afforded by giving railway communication to those districts, the produce of which is best calculated to supply traffic. (See map.)

JOHN SUTHERLAND.
4/11/73.

* Alternative lines.

No. 2.

REPORT ON PROGRESS OF TRIAL SURVEYS, CLARENCE TO NEW ENGLAND.

Grafton to Tenterfield.

Several lines have been explored, with a view of connecting the Clarence District with New England by railway, viz.,—from Grafton, through Moleville, Copmanhurst, Pulganbar, Yarrcalkiarra, Ogilvie, Keybarbon, Alice, Picarbin, Tabulam, along the Timbarra River, Cataract River, and Barney Downs, to Tenterfield.

Another line commencing also at Grafton through Bangabba near to Battens Bight, Six-mile Swamp, Wyon, Busby's Flats, Pickapene, joining the line already described at Tabulam.

Two other lines have been explored, commencing at Laurence, joining the line last described near to Pickapene.

Grafton to Glen Innes.

From Grafton to Moleville, Copmanhurst, crossing the Clarence River near to its junction with Deep Creek through Bralesford, Jackagery, following the Mitchell River to Skeleton Creek, crossing Beardy Plains to Glen Innes.

This line is now being surveyed, starting from Moleville, but the progress has been greatly delayed by the difficult nature of the country, and wet weather. Plans and sections have been received for a distance of about 29 miles, and about 24 miles additional have been surveyed, but the plans have not yet been received at the office.

A line has also been partially explored from South Grafton through Buccarumbi, to join the line last described from Moleville to Glen Innes, near to Newton Boyd.

The following lines in the Northern District have also been explored :—

Curabubula to Walgett.

From Currabubula (on the extension from Murrurundi to Tamworth), through Breeza, Gunnedah, and Bogabri, to Narrabri ; thence by Wee Waa, following the river Namoi to Walgett.

Inverell to Maryland, and Inverell to Bonshaw.

From Inverell a line has been explored, *via* Wellingrove, Deepwater, and Tenterfield, to Maryland ; also from Inverell to Bonshaw.

Tamworth to Inverell.

The survey of this line was commenced about March last. Plans and sections for 28 miles have been received at this office ; about 20 miles additional have been surveyed, but the plans have not yet been sent in.

Orange towards Wellington.

About 30 miles of this extension have been surveyed, but the plans have not been completed.

Sydney to Illawarra.

This survey was commenced at the end of last year ; about 24 miles have been surveyed, but the progress has been impeded by the difficult nature of the country and the unfavourable weather.

Wagga to Deniliquin.

This line has been explored, and the survey will be commenced immediately.

Wagga to Albury.

This line has been partially explored, and the survey was commenced about six weeks ago.

Wallerawang to Mudgee.

This line has been explored, but the survey has not been commenced.

JOHN WHITTON.

Department of Public Works,
Railway Branch, Engineer's Office,
Sydney, 24th June, 1874.

Reservation of land for Railway purposes.

No. 1.

THE COMMISSIONER FOR RAILWAYS to THE UNDER SECRETARY FOR LANDS.

Department of Public Works,
Railway Branch,
Sydney, 19 May, 1873.

SIR,

I have the honor to request that you will be good enough to cause to be temporarily reserved from sale and selection, all the land for 4 miles in width on each side of the trial lines as laid out and staked for the proposed Railway between Goulburn and Wagga Wagga.

I have, &c.,
JOHN RAE,
Commissioner for Railways.

Mr. Ellis, 2 June, 1873. Submitted.

The line will have to be shown on the office maps prior to description. Plans probably should be forwarded and chart by Mr. Willis.—M.E., 4 June. Mr. Willis.—P.H.W., 6 June, 1873.

The last amended survey of the railway line between Goulburn and Yass, now charted on the counties of Argyle and King, from plans in the Railway Office.—H.W., July 16, 1873.

The extension from Yass towards Wagga Wagga will be charted as soon as we can get the plans (which are not yet ready) from the Railway Department.—H.W.

No. 2.

MINUTE OF THE SECRETARY FOR LANDS.

Is it necessary to make a reserve as wide as that proposed? Unless there is some special reason, I should think a mile on each side would be sufficient.

J.S.F.
24/7/73.

No. 3.

No. 3.

MINUTE OF THE SECRETARY FOR PUBLIC WORKS.

THIS application was made by the Commissioner for Railways in pursuance of my instructions, resulting from the decision of the Cabinet, to whom I submitted the proposal. My honorable colleague was not present when I explained my reasons for requiring this temporary reservation of land, and I may now shortly state them:—

1st. That the Government may have, free of cost, the land required for railway purposes, and not have to pay, as hitherto has been the case, in many instances ten times its value to private owners.

2nd. That when after inspection it has been found that portions of the land contain suitable timber, clay for bricks, road metal, and building stone, sufficient portions of same may be permanently reserved for railways, roads, and other public works. By this precaution we should cease to be subjected, as we too often now are, to the almost extortionate demands of those who, foreseeing our necessity for this material, have previously selected the land where it is known to exist.

3rd. That after the site of a station has been fixed, the adjoining country may be carefully surveyed and the roads marked out, not on paper alone, but on the land, and be made to direct the traffic to those centres of population the neighbourhood of railway stations.

These objects having been secured, the country temporarily reserved should be surveyed for town, suburban, and country allotments, and reserves made for future water supply and other purposes.

It is of the greatest importance to the Country that this proposal should be carried out; for not only thereby will our railways and other public works be cheaper in construction and cheaper in maintenance, but the land revenue will be greatly benefited, by the enhanced value of the land *previous* and not as heretofore *subsequent* to its sale by the Crown.

JOHN SUTHERLAND.
28/7/73.

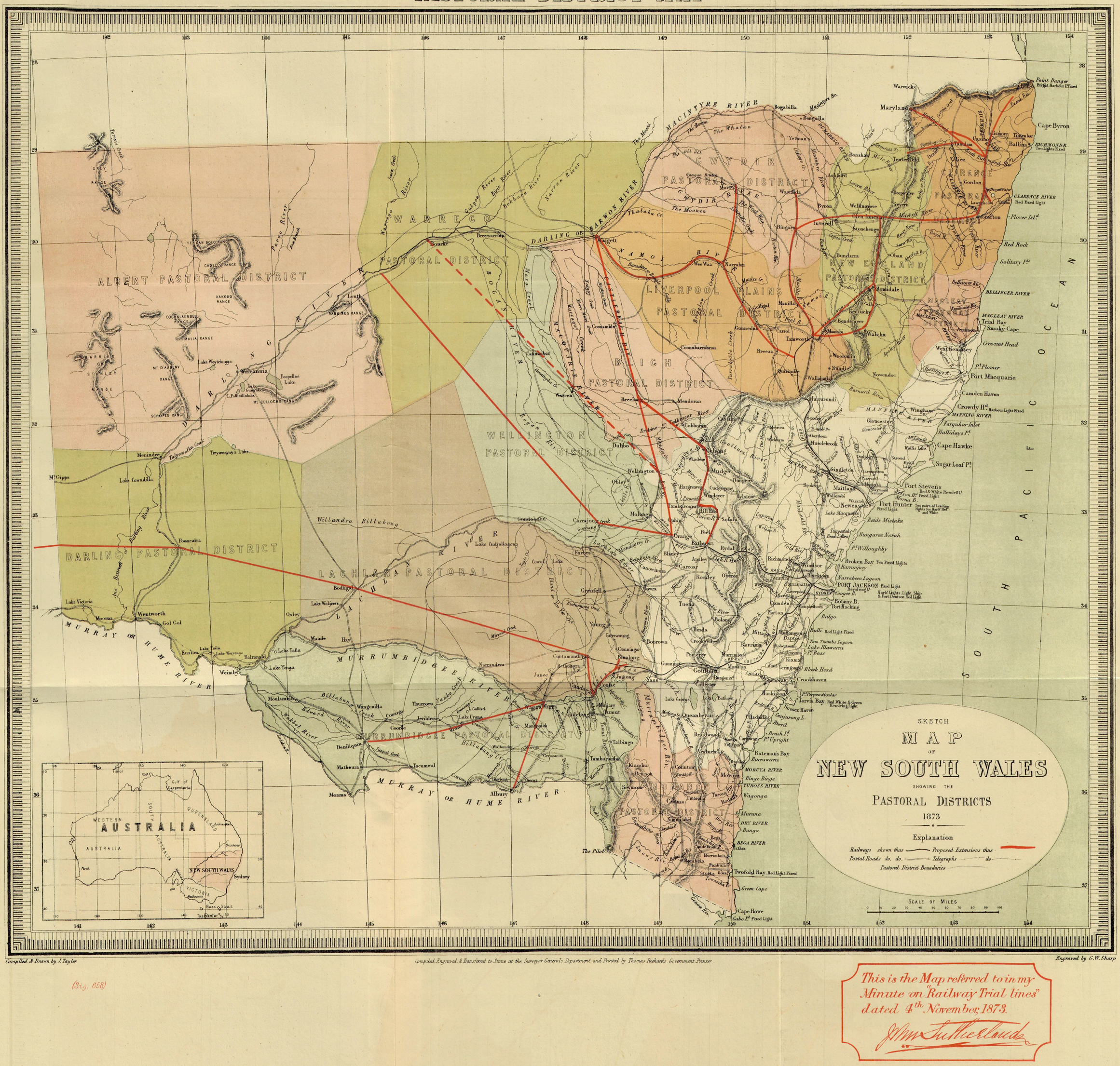
By some oversight this paper has been left undealt with. It should now be sent on to Lands.
Under Secretary for Lands.—B.C., 30/10/73, J.R.

[Three maps.]

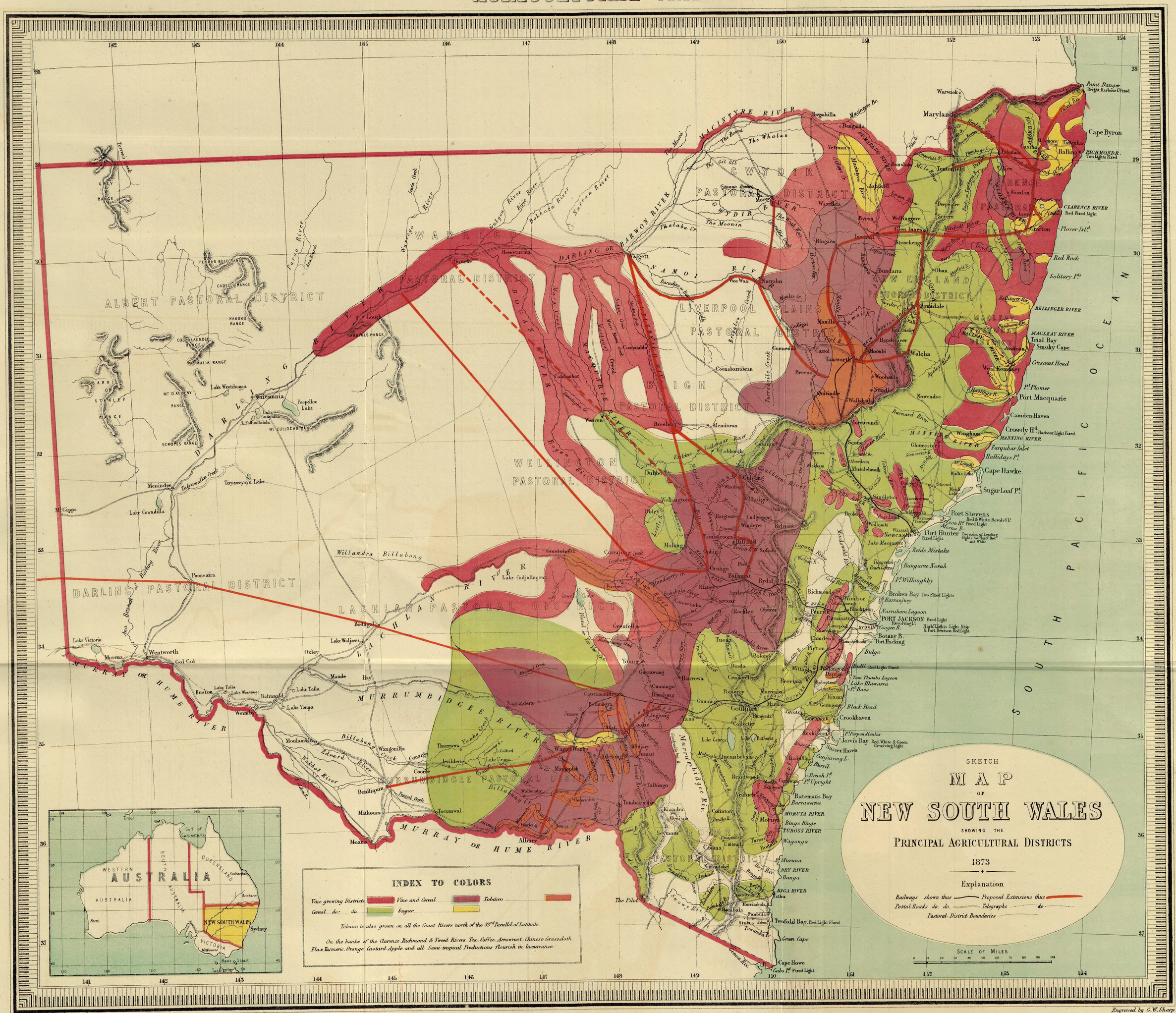
Sydney: Thomas Richards, Government Printer.—1874.

[3*s*.]

PASTORAL DISTRICT MAP


ALBERT PASTORAL DISTRICT
DARLING PASTORAL DISTRICT
WARREGO PASTORAL DISTRICT
GWYDIR PASTORAL DISTRICT
LIVERPOOL PLAINS PASTORAL DISTRICT
BLIGH PASTORAL DISTRICT
WELLINGTON PASTORAL DISTRICT
LACHLAN PASTORAL DISTRICT
MURRUMBIDGEE PASTORAL DISTRICT
MORIARO PASTORAL DISTRICT
CLARENCE PASTORAL DISTRICT
NEW ENGLAND PASTORAL DISTRICT
MACLEAY PASTORAL DISTRICT
MACINTYRE RIVER
DARLING OR BARWON RIVER
NAMOI RIVER
MACQUARIE RIVER
BOGAN RIVER
MURRAY OR HUME RIVER
MURRUMBIDGEE RIVER
LACHLAN RIVER
CLARENCE RIVER
BELLINGER RIVER
MACLEAY RIVER
MANNING RIVER
SOUTH PACIFIC OCEAN
Point Danger
Cape Byron
Red Rock
Solitary Is.
Trial Bay
Smoky Cape
Crescent Head
Pt. Plomer
Port Macquarie
Camden Haven
Crowdy Hd.
Cape Hawke
Sugar Loaf Pt.
Port Stevens
Broken Bay
Port Jackson
Botany B.
Port Hacking
Red Light Fixed
Plover Isl.
Bateman's Bay
Burrawarree
MORUYA RIVER
Binge Binge
TUROSS RIVER
Wagonga
DRY RIVER
Bunga
BEGA RIVER
Twofold Bay. Red Light Fixed
Green Cape
Cape Howe
Gabo Is. Fixed Light
The Pilot
Jervis Bay. Red White & Green Revolving Light
Sussex Haven
Crookhaven
Black Head
Kiama
Bulli Red Light Fixed
Lake Illawarra
Pt. Bass
Tom Thumbs Lagoon
Bulgo
Botany B.
Broken Bay Two Fixed Lights
Barranjuey
Narrabeen Lagoon
Reids Mistake
Bungaree Norah
Pt. Willoughby
Lake Macquarie
Tuggerah Beach Lights
Port Hunter Two pairs of Leading Lights for Harbr Bar and White
Fixed Light
Port Stevens Red & White Revolvg Lt.
Fixed Light
Point Danger Bright Harbour Lt Fixed
Tweed R.
Terranora Creek
Tumbulgum
Murwillumbah
Tweed Range
Mt. Warning
Condong Creek
Tomewin Mt.
Cudgen Creek
Tweed River
Tweed Heads
Coolangatta
Burleigh Head
Southport
Nerang River
Broadwater
Logan River
Moreton Bay
Stradbroke Island
Amity Point
Cleveland
Redland Bay
Point Lookout
Dunwich
Brisbane
Moreton Island
Caloundra
Mooloolah River
Maroochy River
Noosa River
Tewantin
Gympie
Mary River
Maryborough
Hervey Bay
Fraser Island
Sandy Cape
Double Island Point
Wide Bay
Burnett River
Bundaberg
Gin Gin
Mt. Perry
Gayndah
Mundubbera
Eidsvold
Monto
Biggenden
Isis River
Childers
Howard
Maryborough
Tiaro
Gympie
Nambour
Caboolture
Redcliffe
Pine River
Sandgate
Hamilton
Eagle Farm
Ipswich
Bremer River
Warwick
Stanthorpe
Texas
Inglewood
Goondiwindi
Mungindi
Boggabilla
Bengalla
Yetman
Bonshaw
Tenterfield
Wallangarra
Glen Innes
Inverell
Stonehenge
Bundarra
Oban
Armidale
Uralla
Walcha
Walcha Road
Wingham
Gloucester
Scone
Aberdeen
Muswellbrook
Singleton
Maitland
Newcastle
Wollombi
Broke
Windsor
Richmond
Penrith
Parramatta
Liverpool
Camden
Picton
Mittagong
Berrima
Robertson
Kangaroo Valley
Nowra
Berry
Kiama
Gerringong
Gulgong
Mudgee
Rylstone
Kandos
Capertee
Lithgow
Bathurst
Blayney
Carcoar
Orange
Molong
Cudgegong
Windeyer
Hargreaves
Obley
Wellington
Dubbo
Geurie
Coolah
Merriwa
Muswellbrook
Scone
Aberdeen
Musclebrook
Singleton
Maitland
Newcastle
Port Stephens
Port Hunter
Lake Macquarie

AGRICULTURAL MAP



Compiled & Drawn by J. Tayler

Compiled, Engraved, & Transferred to Stone at the Surveyor General's Department, and Printed by Thomas Richards Government Printer.

Engraved by C.W. Sharp

(Sig. 658)

This is the Map referred to in my Minute on "Railway Trial lines" dated 4th. November, 1873.

J. Whitton

MINERAL MAP

PROCLAIMED GOLD FIELDS

NORTH

Appletree Flat
Bingara
Boorook & Lunatic
Ironbark
Little Riv. or Boyd
Peel River
Rocky River
Upper Hunter
Solferino
Timbarra
Tooloom Creek
Cangai

SOUTH

Adjungbilly Creek
Adelong Creek
Araluen
Back Creek
Black Range
Burrungong
Corowa
Crackenback
Delegate
Emu Creek
Gulph
Gundagai
Gilmore
Goobarragandra
Jembaicumbene Swamp
Kiandra
Long Flat
Maragle Creek
Mogo
Mongarlowe River
Moruya or Deua River
Muttama
Nanima
Warriga
Nerrimunga
Ouranie
Shoal Ck & Nacka Nacka
Shoalhaven River
Tumbarumba
Tyagong
Warrambooka Creek
Jugiong Ck or Gumbamura River
Gundaroo

WEST

Abercrombie
Bathurst
Belubula
Benarce
Billabong
Buckenbar Reef
Caloola
Campbell's River
Carag
Chatsbury Creek
Cooke Vale Creek
Cudgegong River
Gilmandyke Creek
Grattai Creek
Gulgong
Gunners Dam
Isabella River
Kings Plains
Kirkconnell
Lachlan
Macquarie River
Mitchell Creek
Muckarra
Mulgunnia
Oberon
Ophir
Pipeclay Creek
Rocky Bridge Creek
Tambaroora
Tallawang
Tuena Creek
Tuglow Creek
Turon River
Warbarndale Rivulet
Woods Flat

Compiled & Drawn by J. Tayler

Compiled, Engraved & Transferred to Stone at the Surveyor Generals Department and Printed by Thomas Richards Government Printer

Engraved by G.W. Sharp

INDEX TO COLORS

Gold (Proclaimed) — Silver — Tin
Gold (Unproclaimed) — Iron — Coal
Diamonds & other Gems — Copper — Kerosene Shale

The proclaimed Gold Fields, embracing an area of about 14200 square Miles are Proved Auriferous Lands partly reserved from sale by the Government for the purpose of public mining for Gold.

Diamonds and other Gems, comprise the Diamond, Noble Opal, Ruby Sapphire, Topaz, Zircon, and Corundum.

SKETCH
MAP
OF
NEW SOUTH WALES
SHOWING THE
LOCALITIES OF THE PRINCIPAL MINERALS
1873

Explanation

Railways shown thus — Proposed Extensions thus
Postal Roads do. do. — Telegraphs do.
Pastoral District Boundaries

SCALE OF MILES

This is the Map referred to in my Minute on "Railway Trial lines." dated 4th November, 1873.
J. M. Fitzherbert

[959 658]

1873.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

RAILWAY FROM THE CLARENCE TO NEW ENGLAND.

(PETITION OF CERTAIN RESIDENTS.)

Ordered by the Legislative Assembly to be printed, 24 September, 1873.

To the Honorable the Legislative Assembly of New South Wales, in Parliament assembled.

The Petition of the undersigned Residents of the Clarence District,—

HUMBLY SHOWETH:—

First. That during the last Session of your Honorable House it was proposed to make provision on the Estimates for a sum of money (to be raised by Loan) towards the construction of a line of Railway for the purpose of connecting the navigation of the Clarence with the tableland of New England and the Northern Border.

Second. That after considerable debate, that proposition was rejected by a majority of the Members of your Honorable House, in consequence of, as your Petitioners believe, your not being placed in possession of the necessary information concerning—and trial surveys of—the various probable routes which might be adopted, and because no estimate of the probable cost of such work had been obtained, all of which were alleged to be necessary before a favourable vote could have been given by your Honorable House.

Third. That your Petitioners are of opinion that the time has arrived when the rapid advancement of these districts demand that some active steps should be taken for the purpose of connecting them by a line of Railway, which would provide a regular and speedy means of communication, and that such a line would prove alike beneficial to the interests of the Colony at large as to these districts.

Fourth. That notwithstanding the present difficulties and expense of carrying merchandise from Grafton to the northern interior, and the conveyance of the produce of the Northern Districts to Grafton for shipment to the port of Sydney, the traffic is such as would justify the carrying out of such a scheme.

Fifth. Your Petitioners also find that the number of inhabitants already settled along the different lines of road from Grafton to the tableland of New England is equal to that settled along the routes where Railways have since been constructed in the districts south and west.

Sixth. And your Petitioners respectfully submit that examples are not wanting, in the Australian Colonies and other Countries, where no population existed along a Railway route previous to its construction. These examples prove that the facilities afforded for carriage have uniformly attracted population, and vastly increased the value of adjoining lands, and as a consequence the wealth of the Colony or State.

Seventh. From such examples, your Petitioners would respectfully submit that a previously existing population is not necessarily a condition in questions so momentous to the interests of the Colony, but on the contrary, they prove that Railway facilities are rather a condition of settlement than settlement a condition of Railways.

Eighth. Your Petitioners therefore humbly beg that your Honorable House will take into your early and favourable consideration the advisability of constructing a line of Railway for the purpose already mentioned, as hereinafter suggested.

Ninth. Your Petitioners humbly suggest that the point of departure of such a line should be at Grafton, at the head of navigation on the Clarence River, for the reasons—

1st. That Grafton is the natural and principal shipping port of the Clarence, and the central depôt of its trade and commerce.

2nd. That it is at the present time the general depôt for the transmission of by far the largest amount of merchandise forwarded to the tableland of New England, and also for the reception of the products thereof for shipment.

3rd. That from that point a branch line to the Richmond River could be easily constructed, thereby affording that district the means of speedy communication with a good shipping port.

Tenth. Your Petitioners further humbly suggest that such a line of Railway should be carried by the shortest and most practicable route to the most central point on the tableland of New England, at or in the vicinity of Glen Innes, for the reasons—

1. That as such a route offers comparatively few engineering difficulties, the cost of its construction would therefore be less than by any other.
2. That the connection by Railway of Grafton with that centre would be the means of opening up a very large tract of rich agricultural and mineral land, thereby causing the settlement of an industrious and highly desirable population.
3. That such a route is the most favoured by a majority of the towns on the tableland of New England.

Eleventh. Your Petitioners humbly suggest, lastly, that the point named should be the terminus of the proposed line on the tableland, for the reasons—

1. That it is the most central in New England.
2. That it is the most available as a point from which to construct branch lines—north to Tenterfield, south to Armidale, west to Inverell, and ultimately to Warialda.
3. That in the absence of, or previous to the construction of such branch lines, these towns would be placed within easy distance (over good level roads) of Railway communication.
4. That it would be the means of opening up the whole of the district around and between those towns and the terminus, for agricultural purposes, and become a boon to the pastoral and mining interests therein.

Twelfth. Your Petitioners, therefore, humbly pray that your Honorable House will take into your favourable consideration the facts herein set forth, as in your wisdom you may deem fit and expedient in the interests of these districts and of the Colony at large.

And your Petitioners, as in duty bound, will ever pray.

[*Here follow* 1,820 *Signatures.*]

Sydney: Thomas Richards, Government Printer.—1873.

[3*d.*]

1873.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

RAILWAY FROM THE CLARENCE TO NEW ENGLAND.

(PETITION OF INHABITANTS OF NORTHERN NEW ENGLAND AND TENTERFIELD.)

Ordered by the Legislative Assembly to be printed, 5 November, 1873.

To the Honorable the Speaker and the Members of the Legislative Assembly of New South Wales, in Parliament assembled.

The Petition of the undersigned residents of Tenterfield and the Northern New England Districts,—

HUMBLY SHOWETH:—

First. That in the last Session of Parliament it was proposed to place on the Estimates a sum of money for constructing a railway line in order to connect the table-land of New England with the Clarence District.

Secondly. That after much discussion of the subject by the Members of your Honorable House, the proposal to construct the said line was negatived by a majority of Honorable Members, by reason of their insufficient data respecting the proposed route, together with the probable cost per mile, and the eligibility of any particular route not having been pointed out clearly.

Thirdly. That your Petitioners humbly suggest the paramount importance of at once (or as soon as possible) beginning this work, so as to obtain quick communication by railway between this district and Grafton, and thus to be able to forward to the latter city a portion of the enormous quantities which are now forwarded to Sydney by way of Warwick and Brisbane; and also, through this line, to expedite the conveyance of goods to and from both places, and to create a market for the profitable interchange of the various products peculiar to each district.

Fourthly. That the connecting of the Clarence District with that of Tenterfield, and the continuance of the line thence south to Inverell, would result in opening up for public competition and settlement about two million over six hundred and twenty-four thousand (2,624,000) acres of good agricultural and pastoral land, and thus furnishing a revenue more than sufficient to defray the expenses of the proposed line of railway; whereas the country lying between Glen Innes and Grafton is not adapted for these purposes, that portion extending between Glen Innes and Inverell only being sufficiently fertile to warrant so large an expenditure of the public funds.

Fifthly. That owing to the late discovery of tin in the New England Districts, especially in those tracts adjacent to and just beyond the Queensland Border, the immense traffic across the said Border has added considerably to that already existing between Tenterfield and Grafton, thus creating an amount of steady trade which would go very far, if not altogether, towards paying off the interest on the loan proposed to complete this work.

Sixthly. That, what with the trade thus described, the contiguity of Tenterfield to the Queensland boundary, which would divert to this Colony a large portion of the business now engrossed by Queensland, the few obstacles presented to the engineer, in the way of constructing the railway between Grafton and Tenterfield, as compared with those, well nigh insuperable, of extending it across the Great Dividing Range from Glen Innes to Inverell, the reduction of the cost to less than four thousand pounds (£4,000) per mile,—your Petitioners humbly affirm that these facts point irresistibly to Tenterfield as the best and most natural site with which to connect by railway the Clarence and New England Districts.

Seventhly. That the crops of cereals in this district far exceed those of Glen Innes; that this year ours were twenty-five thousand (25,000) bushels of wheat, averaging twenty-five (25) bushels to the acre, whereas Glen Innes produced but six thousand (6,000) bushels, with an average of fifteen (15) bushels to the acre.

Eighthly. That your Petitioners beg most respectfully to submit to your Honorable House that the statements enumerated herein are thoroughly reliable and convincing, and also to point out that the enterprise is one of national importance, inasmuch as many thousand pounds would be annually added to the revenue of the Colony by our securing the Queensland Border traffic, and that for years to come the said traffic must inevitably be lost to the Colony if the intended line of railroad be not constructed between Tenterfield and Grafton.

Ninthly.

Ninthly. To conclude: That your Petitioners desire strongly to impress upon the notice of your Honorable House the facts before-mentioned, since it is with the most earnest view to benefit the whole Colony that they have endeavoured to put forth the above statements, believing that in the positions they have assumed the evidence of their truth is incontestable.

Your Petitioners therefore humbly pray that your Honorable House will take the foregoing statements into its early consideration, and cause to be taken the necessary steps to carry the same into effect.

And your Petitioners, as in duty bound, will ever pray, &c.

[*Here follow* 635 *Signatures.*]

Sydney: Thomas Richards, Government Printer.—1873.

[3*d*.]

1873.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

RAILWAY FROM THE CLARENCE TO NEW ENGLAND.

(PETITION OF RESIDENTS OF GLEN INNES.)

Ordered by the Legislative Assembly to be printed, 5 *November*, 1873.

To the Honorable the Legislative Assembly of New South Wales, in Parliament assembled.

The Petition of the residents of Glen Innes,—

HUMBLY SHOWETH:—

1st. That in consequence of the advancement of these districts and the constantly increasing produce of the tin mines, the present mode of transit to the port of Grafton is quite inadequate, and consequently great inconvenience and loss is felt by your humble Petitioners.

2nd. That at the present time large quantities of the produce of New England, which would under favourable circumstances be forwarded to Grafton for shipment, are sent to Sydney *viâ* Brisbane, and hundreds of tons of tin ore are lying in these districts awaiting carriage.

3rd. That your Petitioners learn that during the last Session of your Honorable House a scheme was proposed for the construction of a line of railway from the Clarence to the table-land of New England, and was rejected, owing to the insufficient information afforded as to the necessity of such an undertaking, and an estimate of its probable cost.

4th. That although Grafton is situated only one hundred and ten miles from Glen Innes the usual time of transit is no less than two months.

5th. That not only would some speedy means of communication from the port of Grafton be remunerative to the Government, but the increased facilities afforded thereby for sending produce for shipment be the means of the settlement of a large population, and the increased revenue derived from the sale of Crown Lands in these districts produce a sufficient amount to repay the cost of such an undertaking.

6th. That at the present time the districts of New England afford to Grafton a traffic of no less than twenty thousand tons of goods and produce per annum, which would be greatly augmented by the introduction of speedy means of communication.

7th. That your Petitioners therefore humbly pray that your Honorable House will take into your early and favourable consideration the advisability of providing some more efficient means of communication in the construction of a line of railway from the shipping port of Grafton to Inverell *viâ* Glen Innes.

And your Petitioners will, as in duty bound, ever pray.

[*Here follow* 277 *Signatures.*]

1873.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

RAILWAY EXTENSION TO ORANGE.

(PETITION RESPECTING—INHABITANTS OF BLAYNEY AND CARCOAR.)

Ordered by the Legislative Assembly to be printed, 14 *November*, 1873.

To the Honorable Members of the Legislative Assembly of New South Wales, in Session assembled.

The humble Petition of the Residents of Blayney, Carcoar, and surrounding district,—

RESPECTFULLY SHOWETH:—

That we, the undersigned, desire by this our humble Petition to bring under your notice the advantage to be obtained by adopting the Blayney route.

1st. That the first surveyed line from Bathurst to Orange, passing through "Upper King's Plains," and near "Guyong," will pass through more private property than the surveyed line "*viâ* Blayney," and, therefore, a larger sum of money will be required for compensation on the first surveyed line than on the Blayney route.

2nd. That the centre of population, and also the most extensive wheat-growing district in New South Wales, *will* be intersected by the line recently surveyed, whereas the first surveyed line passes through the most sparsely populated part of the locality.

3rd. That the Railway, if brought *viâ* Blayney, will bring the whole of those important pastoral and mining districts south-west of Blayney four miles nearer to Railway communication.

4th. That the growing importance of Carcoar, Grenfell, and Forbes, including the surrounding country, will at no distant date call for a branch in that direction.

5th. That the distance from Bathurst to Orange, *viâ* Blayney Township, we are informed, exceeds the Upper King's Plains line by about two miles; but the extra cost (so far as can be ascertained) will be small in comparison to the advantages to be obtained by adopting the Blayney route, which will be a saving of four miles in the construction of any "branch Railway line" in the Lachlan direction which may at a future period be decided upon.

And your Petitioners do humbly pray that your Honorable House will give this Petition your favourable consideration, by adopting the Blayney route of Railway.

And your Petitioners will, as in duty bound, ever pray, &c., &c.

[*Here follow* 210 *Signatures.*]

1873–4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

RAILWAY FROM BATHURST TO ORANGE.

(PETITION RESPECTING—INHABITANTS OF ORANGE, ICELY, AND BYNG.)

Ordered by the Legislative Assembly to be printed, 15 *January*, 1874.

To the Honorable Legislative Assembly of New South Wales.

The humble Petition of the undersigned residents of Orange, Icely, Byng, Guyong, Lucknow, Cornish Settlement, and other places,—

RESPECTFULLY SHOWETH :—

That your Petitioners deem it of the utmost importance that the Main Western Line should be constructed over that part of the country which will be most conducive to the benefit of the inhabitants generally, from Bathurst to the extreme west and north-west, and humbly suggest to your Honorable House that it should be constructed over the shortest route so as to save every mile of distance.

That in order to accomplish this end, every branch line and feeder to the Railway should succumb to the main line. Your Petitioners, further, are of opinion that a few thousands of pounds extra, judiciously expended, if required, in the first construction to shorten the distance of the main line, would considerably reduce the expense of running gear and in keeping the line in repair, and also the cost of carriage of every ton of goods, and of passage to travellers both ways from and to Sydney to the extreme west and north-west of the line of road as long as it may exist. Thus, by shortening the distance on the main line, the extra amount of cost of construction, if any, might be saved a thousand times over in the course of time.

That in order to accomplish this desirable end your Petitioners respectfully suggest the line between Bathurst and Orange should be taken as originally surveyed by King's Plains, in preference to that *viâ* Blaney, as it will shorten the distance several miles, and reduce the cost of the first construction some thousands of pounds.

Whilst your Petitioners believe that the main line should not be lengthened to favour any particular locality or district, your Petitioners would submit that the King's Plains line has stronger claims than that of Blaney, if it be conceded to any part.

In the first place, on the north side of the King's Plains line the land is generally good both for grazing and agriculture and is occupied by settlers.

In the next place, there are, or have been, twelve or thirteen copper mines in working, whereby some hundreds of persons are supported and producing large quantities of copper. The produce of the mines during the past four years has reached a considerable amount, and there is no doubt that many more of the copper lodes which are cropping out of the ground, but as yet have not been worked, will be at no distant period, when they become more fully developed and capital available to work them.

That if the consumption of wood for the engines and smelting works continues as great for a few years to come as it has been for four years past, and it may increase, there will be a greater weight of coals brought from Hartley to the mines than the weight of all the goods and produce now carried through Bathurst both ways, besides other supplies for the mines and miners.

That it may be reasonably supposed in few years hence a branch line will be taken to Carcoar, and thus remove any disadvantage that district may suffer from by the adoption of the King's Plains line, which will only be a distance of 4 miles further to carry the goods from Blaney over a comparatively level road to get to the Railway until the branch line be constructed. But if the Blaney line be adopted the mines and most of the country on the north side of the King's Plains line, and all the towns and villages, and all the inhabitants on each side of the line from Bathurst to Bourke, and all who travel or send goods from the northern country will for ever suffer from the divergence in consequence of the increased distance.

That if the line be carried *viâ* Blaney it will cause such a curve to the south as will exclude all access to the Railway from the mines, and most of the locality to the north of the King's Plains or Guyong line, as in that event the most accessible point would be Bathurst. And that all to the west of the divergence would for ever suffer from the increased distance.

That

That if the King's Plains line be adopted, a landing stage about Pretty Plains would be accessible to all those places on the north side of the line, which would produce a vast traffic of goods and passengers, independently of shortening the distance to all passengers, and for the carriage of all goods, live stock, &c., to and from the most extreme distance to the west and north-west, that may come over the main trunk line.

That if the Blaney line be adopted, all the places referred to, including the mines, will for ever suffer from the divergence, as there is no probability that there will ever be a branch line to the northward, on the south side of the Macquarie River, as there is no town in that direction to which it can have access.

It has been urged in favour of the Blaney line that it shortens the distance to Carcoar, and the line ought to be taken over that route where the greatest population would be accommodated. This argument comes with far greater weight in favour of the King's Plains than of the Blaney line, for it will shorten the distance to Sydney from Orange, Molong, Wellington, Ironbarks, Montefiores, Dubbo, and all the other townships, and all the inhabitants on each side of the road leading from Bathurst to Bourke and beyond, whether in this Colony or Queensland, for those who travel or send goods either east or west on this line of road. More than double the number of passengers travel up and down the road, and more than twice the traffic exists on the Guyong Road than through Blaney. Thus by taking the line by Blaney instead of by King's Plains several miles will be added and traffic made more expensive to the majority to accommodate the comparatively few benefited by carrying it *viâ* Blaney. An approximation to a certainty of the correctness of this statement may be obtained by comparing the amount of tolls taken in a year at the Rocks and at Blaney.

Your Petitioners therefore humbly pray that your Honorable House will take the above premises into consideration, and in your wisdom and discretion adopt such measures as to you may seem meet.

And your Petitioners, as in duty bound, will ever pray.

[*Here follow* 207 *Signatures.*]

Sydney: Thomas Richards, Government Printer.—1874.

[3*d.*]

1873–4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

PUBLIC RAILWAYS LAND RESUMPTION BILL.

(MESSAGE No. 46.)

Ordered by the Legislative Assembly to be printed, 28 *May*, 1874.

HERCULES ROBINSON, *Message No.* 46.
Governor.

It being desirable to make provision for the resumption by the Government of Land in certain cases for Railway purposes, I recommend to the Legislative Assembly, in accordance with the terms of the 54th clause of the Constitution Act, the consideration of a Bill for the object named.

Government House,
Sydney, 28*th May*, 1874.

[3*d*.] 605—

1873.

NEW SOUTH WALES.

CROWN LANDS.

(RESERVED FROM SALE UNTIL SURVEYED, FOR THE PRESERVATION OF WATER SUPPLY OR OTHER PUBLIC PURPOSES.)

Presented to Parliament, pursuant to Act 25 Vict. No. 1, sec. 4.

ABSTRACT of Crown Lands reserved from Sale until Surveyed for the Preservation of Water Supply or other public purposes, in accordance with the 4th section of the Act 25 Victoria, No. 1.

No. of Papers.	No. of Reserve.	Locality.	Area.	Government Gazette in which the description is published.	Folio.
Ms. 73-798	35	Counties of Brisbane and Durham, parishes of Alma and Belltrees, Hunter River	1,740 acres	2 May, 1873	1306
72-5902	928	County of Caira, parish of Tararie, Murrumbidgee District	1,630 „	„	„
73-799	22	County of Durham, parish of Belltrees, Hunter River	1,660 „	„	„
73-933	32	County of Murray, parish of Burra, on the Burra and Queanbeyan Road	8 „	„	„
73-648	23	County of Durham, parish of Broughton	42a. 2r. 22p.	„	„
73-753	14	County of Cook, parish of Lidsdale, on the road from Bowenfells to Mudgee	19a. 1r. 0p.	„	„
73-774	917 Extended.	County of Hume, parish of Kentucky, Murrumbidgee District	92 acres	„	„
72-4376	929	County of Wakool, parish of Bungunyah, Murray River	5½ sq. miles	„	1307
73-952	30	County of Argyle, parish of Nerrimungah	640 acres	„	„
73-1738	520	County of Harden, parish of Harden, on the road from Cumbamurra to Binalong	20 „	„	„
73-746	521	County of Monteagle, parishes of Bendick Murrell and Wambanumba, on the road from Young to Cowra	470 „	„	„
72-6845	267	County of Clive, parish of Annandale, Catarrh Creek, New England District	24a. 2r.	13 May, 1873	1395
„	268	do. do.	17a. 2r.	„	„
„	269	do. do.	70 acres	„	„
73-1253	273	County of Hardinge, parish of Cope's Creek, at Clerk's Creek, New England District	38 „	„	1396
72-3993	257 Extended.	County of Clarendon, Houlaghan's Creek, Junee North Run, Lachlan District	5 sq. miles	„	„
„	211 Extended.	do. do.	2¼ „	„	„
„	258 Westerly extension.	County of Clarendon, between the Junee and Lachlan Road	87 acres	„	„
73-1015	12	County of Hunter, parish of Lemington	2,136 „	16 May, 1873	1424
„	13	do. do.	„ „	„	1425
73-1222	187	County of Clarence, parish of Rushforth, Orara River, Clarence District	64 „	„	„
73-420	930	County of Urana, part of North Goonambil Run	3,200 „	„	„
„	931	do. do.	1,600 „	„	„
73-563	932	County of Townsend, part of Wanganella, Block D Run	640 „	„	„
73-679	391	County of Ashburnham, part of Toogong Run, Wellington District	160 „	„	„
73-951	486	Pastoral District of Liverpool Plains, at Orr's Plains	320 „	„	„
73-2392	522	County of Monteagle, parishes of Young and Baxter, Lachlan District	5¼ sq. miles	20 May, 1873	1450
„	274	County of Sandon, parish of Arding, New England District	76 acres	„	„
73-2391	487	Counties of Darling and Nandewar, Liverpool Plains District	3,120 „ (abt.)	„	„

No. of Papers.	No. of Reserve.	Locality.	Area.	Government Gazette in which the description is published.	Folio.
Ms. 73-2391	488	County of Nandewar, parish of Yarrari	1,080 acs. (abt.)	20 May, 1873	1450
„	489	County of Nandewar, parish of Talcumba	1,440 „ „	„	„
73-2392	33	County of Murray, parish of Wamboin, on the Gundaroo and Bungendore Road	35 acres	„	„
Aln. 72-13838	14	County of Hunter, parish of Arndell, Goulburn River	51 „	27 May, 1873	1520
Ms. 73-1441	84 Extended.	Pastoral District of Albert, Mount Gipp's Run, at the head of Finish Spring	160 „	„	„
73-1453	263	County of Darling, at Hungry Hill, Peel River, Talcumbah Run, Liverpool Plains District	153 „	„	„
73-2260	78	Counties of Baradine and Finch, parishes of Merritombea and Gingie, on the Barwon River, Pastoral Districts of Bligh, Liverpool Plains, and Warrego	3,060 „	3 June, 1873	1581
73-2512	10	County of Bligh, parish of Rouse, Tallawang Creek	20 „	6 June, 1873	1611
73-1450	392	County of Ashburnham, Borie Nyrang Run, near the Connoblas, Wellington District	12 „ (abt.)	„	„
73-2512	294	County of Napier, parishes of Napier and Allison, Bligh District	160 „	„	„
„	295	do. do.	120 „	„	„
73-211	34	County of Murray, parish of Gundaroo	16a. 0r. 24p.	„	„
73-2513	933	County of Cowley, parish of Taemas, on the Murrumbidgee River, Murrumbidgee District	24 acs. (abt.)	„	„
72-2028	490	County of Pottinger, parish of Yarraman	890 „ „	„	1612
73-2667	491	County of Nandewar, parish of Talcumbah, on the Talcumbah Creek, Liverpool Plains District	802 „	10 June, 1873	1643
73-2666	492	County of Nandewar, parish of Willuri, Liverpool Plains District	850 „ (abt.)	„	„
„	493	County of Nandewar, parish of Willuri, at Fenced Lagoon	3,144 „	„	„
72-6651	2	County of Georgiana, parish of Kiamma	19a. 1r. 3p.	13 June, 1873	1663
Oc. L. 73-888 & 1085	523	County of Harden, Pastoral District of Lachlan	960 acs. (abt.)	„	„
Ms. 73-990	296	County of Ewenmar, Pastoral District of Bligh, part of Gillawamah Run	1,400 „ „	27 June, 1873	1810
Oc. L. 73-1065	297	County of Ewenmar, on Ewenmar Creek, part of Gillawamah Run	1,400 „ „	„	„
72-2516	111	County of Finch, Pastoral District of Warrego, part of Humumbah Run	3,200 „ „	„	„
73-1032	525	County of Harden, Pastoral District of Lachlan, part of Mylora Run	400 „ „	„	„
72-715	526	County of Bland, Pastoral District of Lachlan, on the road from Temora to the Marool	640 „ „	„	„
Ms. 73-1827	275	County of Gough, parish of Lands End, on Paradise Creek	40 acres	1 July, 1873	1840
73-2030	188	County of Fitzroy, parish of Martin, Clarence District	400 „ (abt.)	„	„
73-2353	494	County of Pottinger, parish of Tamba, Cox's Creek	288 „	„	„
73-2289	936	County of Urana, parish of Urangeline, Urangeline Creek	64 „	„	„
73-2166	395	Counties of Narromine and Kennedy, on the Bogan River, at Dandaloo Dandaloo, Terribong, Yarrandidgen, Wellwood, and other Runs	14½ sq. miles	„	„
„	396	County of Cunningham, on the Lachlan River, at the boundary dividing Gulgo, Mowablaa, Condobolin, and back Condobolin Runs	11 „ „	„	„
73-1813	31	County of Argyle, parish of Mulwaree, on the Goulburn and Braidwood Road	67a. 2r. 7p.	„	„
73-1799	394	County of Narrowmine, at Dandaloo, Bogan River	900 acs. (abt.)	„	1841
73-1828	85	Near the Barrier Range, Albert District	400 „	„	„
73-2029	190	County of Fitzroy, parish of Ermington, Clarence District	360 „	„	„
73-3011	934	County of Wynyard, parish of Gadara, on the Tumut and Adelong Road	26 „	„	„
73-2626	189	County of Wellesley, parish of Currowang, Delegate Gold Field	680 „ „	„	„
„	190	Do. do.	640 „ (abt.)	„	„
73-1940	11	County of Bligh, parish of Turill, at Turill Creek	20 „ „	„	„
„	12	Do. do.	10 „	„	„
73-3011	393	County of Ashburnham, on Manildra Creek	12 „	„	„
73-2289	935	County of Urana, parish of Finlay, at Urangeline Creek	240 „ (abt.)	„	„
73-2270	276	County of Clive, parish of Rockvale, New England District	2a. 0r. 16p.	„	1842
73-2031	189	County of Clarence, parish of Southampton, Clarence District	30 acs. (abt.)	„	„
73-1355	524	County of Blaxland, parish of Euabalong, Lachlan District	2,200 „ (abt.)	„	„
73-1642	86	County of Menindee, at East Mooka Spring, near Mooka Hill	160 „	11 July, 1873	1923

No. of Papers.	No. of Reserve.	Locality.	Area.	Government Gazette in which the description is published.	Folio.
Ms. 73-1642	87	County of Menindee, at West Mooka Spring, near Mooka Hill	160 acres	11 July, 1873	1923
73-1868	939	County of Wakool, parish of Liewa, Murrumbidgee District	2,650 „ (abt.)	„	„
„	940	County of Wakool, parish of Yarrein, Murrumbidgee District	640 „	„	„
73-2288	941	County of Wakool, Winter Run and Oak Forest Run	2 sq. ms. (abt.)	„	„
73-1868	942	County of Wakool, parish of Yarrein, part of Moolpar South Run	8 „	„	„
„	943	County of Wakool, parish of Yadchow, part of South Moolpar Run	5 „	„	„
73-1836	915 Northerly extension.	County of Wakool, parishes of Salisbury and Lintot	2,300 acs. (abt.)	„	„
Aln. 73-5277	944	County of Wakool, parish of Binbinette, at the Edward River	1,200 „ „	„	1924
Ms. 73-1818	945	County of Wakool, parishes of Binbinette, Lintot, Moolpar, and Salisbury, Edward River	12 sq. ms. „	„	„
73-3286	946	County of Wakool, parishes of Burrawang, Condoulpe, Lintot, and Salisbury	11 „ „	„	„
73-2063	527	County of Forbes, on the Lachlan River, Lachlan District, part of Cudgelong Run	21 acres	„	„
73-2406	937	County of Wynyard, parish of Umbango, at Umbango Creek	36 „	„	„
73-3285	938	County of Waradgery, parish of Benduck, Murrumbidgee District	110 „	„	„
73-2399	35	County of Murray, parish of Barnet, on the road from Boro to Larbert	59 „	15 July, 1873	1957
73-2343	277	County of Gough, parish of Wellington, New England District	160 „ (abt.)	„	„
73-2551	947	County of Hume, parish of Mowen, on the Albury and Wagga Wagga Roads	182 „	„	1958
73-2590	495	County of Pottinger, parish of Merrigula, Liverpool Plains	221 „	„	„
73-2589	278	County of Gough, parish of Highland Home, New England District	24 „ (abt.)	„	„
Aln. 73-7296	543	County of Sturt, parish of Bringagee, Murrumbidgee River	3,280 „	18 July, 1873	1990
„	528	County of Sturt, parish of Bringagee, Bringagee Run	313 „ (abt.)	„	„
Ms. 73-2405	88	County of Nanda, Mulga, Albert District	160 „	Supplement	2005
73-2823	176 Northerly extension.	County of Nandewar, parish of Weetalibah, Liverpool Plains District	1,032 „	„	2006
Rs.B. 73-486	530	Counties of Forbes, Monteagle, and Bland, Lachlan District	30 sq. miles	„	„
„	531	County of Forbes, at the Crossing of the road from Fenn's Crossing over the Lachlan River, over Boyd or Ena or Ooma Creek, at Ena Run	3¾ „ „	„	„
„	532	County of Forbes, at the Crossing of the Road from Fenn's Crossing, Lachlan River, near Forbes to Young, over Bundaburra Creek	3½ „ „	„	„
„	533	County of Forbes, at the Mortray Inn, Ooma Creek	320 acres	„	„
„	534	Counties of Forbes and Monteagle, on the Cowra, Koorawatha, and Crowther Creek Road	10 sq. miles	„	„
„	535	County of Monteagle, parish of Illunie, at the confluence of Bang Bang Creek with Crowther Creek	2¾ „ „	„	„
„	536	Counties of Monteagle and Bland, Lachlan District	31 „ „	Sup. 18 July, 1873	„
„	537	County of Monteagle, parishes of Congera and Gungewalla, at Geegullalong	1½ „ „	„	„
„	538	County of Monteagle, parishes of Wilton and Burramunda, Lachlan District	770 acres	„	„
„	539	County of Monteagle, parish of Murringo, Lachlan District	1,320 „	„	„
„	540	County of Monteagle, parishes of Woodonga and Dunanbilla, Lachlan District	192 „	„	„
„	541	County of Bland, at Morangarell, Yeo Yeo Creek, Lachlan District	600 „	„	2007
„	542	County of Bland, at Koonaburra, Yeo Yeo Creek, Lachlan District	1¼ sq. ms. (abt.)	„	„
„	544	County of Monteagle, parish of Illunie, Crowther Creek, Lachlan District	4½ „	„	„
„	545	County of Monteagle, parishes of Wambanumba and Woodonga, Lachlan District	7 „	„	„
„	546	Counties of Forbes and Gipps, Bland, and Clarendon, Lachlan District	82 „ (abt.)	„	„
„	547	Counties of Bland and Clarendon, Lachlan District	14 „ „	„	„
Aln. 72-15532	15 Extension.	County of Durham, parish of St. Julian	28 acres „	„	„
A.B. 73-14071	24	County of Durham, parish of Tillegra, on Myall Creek	6a. 1r.	„	„

No. of Papers.	No. of Reserve.	Locality.	Area.	Government Gazette in which the description is published.	Folio.
Ms. 73-2645	36	County of Brisbane, parishes of Scone and Halscot	2,440 acs. (abt.)	Sup. 18 July, 1873	2007
Leases 73-2790	279	County of Hardinge, on Cope's Creek, New England District	33 acres	„	„
Ms. 73-3132	280	County of Hardinge, parish of Mayo, Two-mile Creek	10a. 1r.	„	2008
73-2395	529	County of Forbes, Bonor South Run, Euglo Creek, Lachlan District	1,620 acres	„	„
73-2404	112	At Cuddlewarungora, about 13 miles from Cobar, on the road to Louth, Warrego Pastoral District	640 „	„	„
73-3133	281	County of Gough, on Robertson Creek, parish of Wellington Vale, on the road from Tableland to Deepwater	1a. (abt.)	„	„
73-2165	948	County of Urana, Urangeline Creek, parishes of Urangeline and Faed	1,950 acres	„	„
„	949	County of Urana, parish of Finley, Urangeline Creek	5 sq. ms. (abt.)	„	„
„	950	County of Urana, parish of Finley, Murrumbidgee District	1¼ sq. miles	„	„
„	876 Extension.	County of Urana, parish of Faed, Murrumbidgee District	.....	„	„
73-2443	782 Northerly Extension.	County of Wakool, parish of Berambong, Mooloomon Run, Murrumbidgee District	1,072 acres	„	„
73-3149	549	County of Harden, parish of Mylora, at the crossing of the main road from Yass to Young, over Illalong Creek	10 „	1 Aug., 1873	2153
„	550	Do., do.	.....	„	„
73-3283	496	County of Buckland, parishes of Telford and Warrah, Liverpool Plains District, near A. A. Company's grant	293 acres	„	„
„	497	County of Buckland, parishes of Temi and Loder, Liverpool Plains District, near A. A. Company's grant	182 „	„	„
73-3283	498	Counties of Buckland and Brisbane, near the A. A. Company's grant, Liverpool Plains District	130 acres	„	„
„	499	County of Buckland, parishes of Towarri, Yarrimanbah and Moan, Liverpool Plains District, near the A. A. Company's grant	418 „	„	2154
„	500	County of Buckland, parish of Moan, Liverpool Plains District, near the A. A. Company's grant	230 „	„	„
73-3356	501	County of Pottinger, parish of Dubbleda, Namoi River	1,430 „	„	„
Aln. 73-3640	502	County of Pottinger, parish of Dubbleda, Namoi River, Cowmore Run	1,304 „	„	„
Ms. 73-3356	503	County of Pottinger, parish of Dubbleda, Namoi River	1,696 „	„	„
73-3284	504	County of Pottinger, parish of Kickerbill, near the A. A. Company's grant	165 „	„	„
73-3242	548	County of Sturt, parish of Currathool, on Wagga Wagga and Hay Main Roads, Grungle West run, Lachlan District	221a. 3r.	„	„
73-3243	191	County of Drake, parish of Pickapene, on the Tenterfield and Lawrence Road	31a. 3r. 33p.	„	„
Aln. 73-3476	330	County of Stapylton, parish of Tucka Tucka, Gwydir District, Macintyre River	780 acres	„	2155
Ms. 73-2767	25	County of Durham, parish of Doon, Woolooma Gully	280 „	„	„
73-3706	20	County of Gloucester, parish of Underbank, on the river Williams	118 „	„	„
73-3156	505	County of Nandewar, parish of Talcumba, at Boggy Spring	200 „	„	„
73-3706	506	County of Pottinger, parishes of Premer and Bomera, Turrabeile Creek	345 „	„	„
Aln. 73-2939	876 Extension.	County of Urana, parish of Faed, Murrumbidgee District	900 „ (abt.)	5 Aug., 1873	2181
Ms. 73-3355	397	County of Ashburnham, near the Canobolas, Wellington District	10 „	„	„
72-189	507	County of Pottinger, parish of Kickerbell, Liverpool Plains District	71a. 2r.	„	„
Aln. 73-7141	298	County of Gowen, at a small tributary of Jack Hall's Creek, Bligh District	214 acres	„	„
Ms. 73-3715	954	County of Hume, parish of Gunambil, at Billabong Creek, Murrumbidgee District	79 „	8 Aug., 1873	2204
73-3715	955	County of Hume, parish of Gunambil, Murrumbidgee District	72 „	„	„
73-3714	956	County of Mitchell, parish of Mangoplah, Murrumbidgee District	80 „	„	„
73-3713	953	County of Urana, parish of Hastings, Murrumbidgee District	215 „ (abt.)	„	2205
73-3970	113	County of Gunderbooka, Darling River, Pera and Polo Runs, Warrego District	3,200 „ „	15 Aug., 1873	2246
73-3151	3	County of Georgiana, parish of Gillindich, at Gillindich, Tuena Creek	320 „	26 Aug., 1873	2326

No. of Papers.	No. of Reserve.	Locality.	Area.	Government Gazette in which the description is published.	Folio.
Ms. 73-4306	512 N.-eastern extension.	County of Clarendon, parish of Jeralgambeth, Lachlan District	40 acres	26 Aug., 1873	2326
73-3039	957	County of Denison, parish of Woperana, at Tuppel Creek, on the Deniliquin and Tocumwal Road	640 „ exclusive of creek	„	„
73-3152	4	County of Georgiana, parish of Gillindich, near Junction Point	430 acres	„	„
73-3581	958	County of Townsend, parish of Coolagali, Murrumbidgee District	26 „	„	2327
73-3019	37	County of Brisbane, parish of Howard, at Bow Creek	20 „	„	„
73-3000	191	County of Dampier, parish of Narira, at Breakfast Creek	150 „ (abt.)	„	„
73-3260	508	County of Nandewar, parish of Tippereena, at Bullewar Creek, Terriaro run	640 „ „	„	„
73-4306	192	County of Auckland, parish of Bemboka, Monaro District	80 „ „	„	„
„	193	County of Auckland, parishes of Mogila and Colombo	298 „ „	„	„
73-3737	509	County of Darling, parish of Wilson, Liverpool Plains	396 „ „	„	„
„	233 Eastern extension.	County of Darling, parish of Veness, Liverpool Plains	340 „ „	„	„
„	510	Do. do. ...	621 acres	„	„
„	511	Do. do. ...	580 „ (abt.)	„	„
73-3730	282	County of Gough, on the road from Stonehenge to Deepwater	3a. 1r.	„	„
73-3432	784 Northern extension.	County of Wakool, parish of Murga, Murrumbidgee District	320 acres	„	2328

Sydney: Thomas Richards, Government Printer.—1873.

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1873.

NEW SOUTH WALES.

CROWN LANDS.

(RESERVED FROM SALE UNTIL SURVEYED, FOR THE PRESERVATION OF WATER SUPPLY, OR OTHER PUBLIC PURPOSES—FROM 1 TO 30 SEPTEMBER, 1873.)

Presented to Parliament, pursuant to Act 25 Vict. No. 1, sec. 4.

ABSTRACT of Crown Lands reserved from Sale until surveyed, for the preservation of Water Supply, or other public purposes, in accordance with the 4th section of the Act 25 Victoria, No. 1. From 1 to 30 September, 1873.

No. of Papers.	No. of Reserve.	Locality.	Area.	Government Gazette in which the description is published.	Folio.
Ms. 73-3899	30	County King, parish Olney	7 acs. (abt.)	9 Sept., 1873	2432
73-3901	959	County Denison, parish Woperana	160 „	„	„
73-3902	31	County Camden, parish Jillore	59 „	„	„
73-3898	516	County Buckland, parish of Moan, on Clarke's Creek	280 „	„	„
73-4101	960	County of Cadell, parishes of Caldwell and Marah	1¼ sq. ms. (abt.)	„	„
73-4102	283	County of Gough, parish of Ranger's Valley	222 acres	„	„
73-3900	554	County of Clarendon, parish of Bulgan, at Houlaghan's Creek	600 „ (abt.)	„	„
73-3989	512	County of Nandewar, parish of Rangira	1,270 „ „	„	„
73-3938	513	County of Buckland, parish of Temi, at Doughboy Hollow Creek	90 „ „	„	„
73-2672	514	County Darling, Manilla River	620 „ „	„	„
Aln. 73- 717	515	County of Pottinger, parish Bingle, at Turrabeile or Cox's Creek	110 „ „	„	„
Ms. 73-3835	13	County of Bligh, parish of Colliblue, Colliblue Creek	520 „ „	„	2433
73-3836	29	County of King, parish of Taunton, at Lang's Creek	37 „ „	„	„
73-3990	551	County of Clarendon, parish of Warro Warral	640 „	„	„
„	552	County Clarendon, parish Junee	1,148 „	„	„
„	553	County Clarendon, parish Wallace	688 „	„	„
73-3937	15	County Phillip, parish of Bayly, at Cooyal Creek	11 „	„	„
73-3837	14	County Bligh, parish Colliblue, at Colliblue Creek	320 „ (abt.)	„	„
73-3939	32	County Argyle, parish Milbang	20 „ „	„	„
73-4705	517	County Pottinger, parishes Bomera and Premer, at Bone Creek	136 „	„	„
„	517	County Gouen, at the Pipe Clay Spring	130 „ (abt.)	„	2434
73-3743	966	County Hume, parish Richmond	265 „	23 Sept., 1873	2603
73-4289	15	County Bligh, parish Borambil, Borambil Ck.	5a. 2r.	„	„
73-4315	36	County Murray, parish Boambolo	7 acres	„	„
73-2164	961	County Hume, parish Hindmarsh, at Walbundry	1,500 „ (abt.)	„	„
73-3743	962	County Hume, parish Richmond	350 „	„	„
73-4134	963	County Urana, parishes Hastings and Cocketgedong, Billabong Creek	600 „ (abt.)	„	„
73-3049	964	County of Wakool, at the Dry Lake	1½ sq. m.	„	„
73-4951	518	County Darling, parish Rangiri, Borah Creek	180 acs. (abt.)	„	„
73-4574	519	County Darling, parish North Barraba	1,160 „	„	„
73-3973	205	Eastern Extension, County of Buckland, parish Telford	56 „ (abt.)	„	„
73-4241	284	County Gough, on Vegetable Creek	60 „ „	„	„
73-4949	331	County Murchison, parish of Lindsay, on the Horton River	400 „ „	„	„
73-4122	172	Extension, County Stapylton, parish of Whalan	1,235 „	„	„
„	213	Extension, Counties of Stapylton and Arrawatta	1,870 „	„	2604
„	115	Extension, County Stapylton, parish of Tucka Tucka	1,920 „	„	„

No. of Papers.	No. of Reserve.	Locality.	Area.	Government Gazette in which the description is published.	Folio.
73–4123	310	Southerly extension, County of Stapylton, parish Bogabilla, Macintyre River	2 sq. ms.	23 Sept., 1873	2604
,,	118	Extended, County Stapylton, parish Bogabilla, Macintyre River	3 ,,	,,	,,
73–4932	300	County Lincoln, parish Bomely, Talbragar River	2,100 acs. (abt.)	,,	,,
73–4012	192	County of Fitz Roy, parish Bardsley, on the Orara River	15 ,,	,,	,,
73–4332	285	County Gough, parish Wellington Vale, Robertson's Creek	160 ,,	,,	,,
73–4314	194	County Auckland, parish Tantawangalo	8a. 1r.	,,	,,
73–4952	555	Counties of Clarendon and Bourke	20 sq. miles (abt.)	,,	,,
73–4121	333	County of Stapylton, parish of Merriwa, Macintyre River	312 acres	,,	,,
73–3049	965	County Wakool, at the Dry Lake	9½ sq. miles	,,	2605
,,	967	do. do.	880 acs. (abt.)	,,	,,
73–3974	520	County Pottinger, parish Bando	160 acres	,,	,,
,,	521	County Pottinger, parish White	2 sq. miles	,,	,,
,,	522	County Pottinger, parishes of Bando, Merrigula, and White	4,880 acres	,,	,,
,,	523	County Pottinger, parishes of Clift and Denne, Namoi River	8¼ sq. miles	,,	,,
,,	525	County of Pottinger, parishes of Trinky and White	5½ ,,	,,	,,
,,	69	Eastern extension—County of Pottinger, parish of Lawson	480 acs. (abt.)	,,	,,
,,	81	Extended—County of Pottinger, parish of Brennan	1,200 ,, ,,	,,	,,
,,	82	Western extension—County of Pottinger, parish of Clarke	880 ,, ,,	,,	,,
,,	434	County of Pottinger, parish Premer—eastern extension	160 ,, ,,	,,	,,
,,	524	County Pottinger, parishes of Pringle and Premer	900 ,, ,,	,,	,,
,,	118	Eastern extension—County of Pottinger, parish Lawson	680 ,, ,,	,,	,,
,,	347	Eastern extension—County of Pottinger, parish Bundella	1,280 ,, ,,	,,	2606
,,	526	County of Pottinger, parish of Tamba, Tarrabeile Creek	330 ,, ,,	,,	,,
,,	71	Eastern extension—County Pottinger, parish Moredevil	912 acres	,,	,,
,,	73	Eastern extension—County Pottinger, parish Bundella	600 acs. (abt.)	,,	,,
73–4121	332	County Stapylton, parishes Cook and Mayne	894 acres	30 Sept., 1873	2656

Sydney: Thomas Richards, Government Printer.—1873.

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1873.

NEW SOUTH WALES.

CROWN LANDS.

(RESERVED FROM SALE UNTIL SURVEYED, FOR THE PRESERVATION OF WATER SUPPLY OR OTHER PUBLIC PURPOSES, FROM 1 OCTOBER TO 31 OCTOBER, 1873.)

Presented to Parliament, pursuant to Act 25 Vict. No. 1, sec. 4.

ABSTRACT of Crown Lands reserved from Sale until Surveyed for the Preservation of Water Supply or other public purposes, in accordance with the 4th section of the Act 25 Victoria, No. 1, from 1st October to 31st October, 1873.

No. of Papers.	No. of Reserve.	Locality.	Area.	Government Gazette in which the description is published.	Folio.
Ms. 73-5625	304	Queensborough Flat Run, Queensborough Creek, Bligh District	640 acres	7 Oct., 1873	2750
"	305	Do. do.	640 "	"	"
"	306	At the Spring, Black Stamp Run, Bligh District	640 "	"	"
73-3894	970	County Wakool, parish Colvin	320 "	10 "	2813
73-4377	556	On Two-mile Creek, county Harden, parish Demondrille	18 "	"	"
73-4758	971	County Urana, parish Carnerney	320 "	"	"
73-4310	972	County Wynyard, parish Rowan	190 "	"	"
73-4719	528	County Pottinger, Namoi River	266 "	"	"
73-4737	398	County Gordon, parish Ponto	180 " (abt.)	"	"
73-4938	24	At Munga Creek, county Dudley, parish Willawarrin	120 "	"	"
73-4184	334	County Murchison, on Bingera Creek	640 "	"	"
"	335	Do. do.	840 "	"	"
73-3947	301	County Lincoln, parish Beni	1,320 " (abt.)	"	"
73-4374	302	County Napier, parish Gundare	640 "	"	2814
"	303	Do. do.	70 " (abt.)	"	"
73-4347	529	Bullen Bulla Run, Liverpool Plains District	2 sq. miles	"	"
73-4503	530	County Buckland, parish Yarrimanbah	20 acs. (abt.)	"	"
73-3952	531	County White, parish Mollees	1,380 "	"	"
73-4677	195	County Dampier, parish Wandellow	39 "	"	"
73-4759	196	County Auckland, parish Mogila, on Colombo Creek	59 "	"	"
73-4445	416	Extended at Bland Creek, County Bland	3,200 "	"	"
73-4707	113	At Yargunyah, county Yanda	640 "	"	"
73-4781	969	County Urana, parish Widgiewa	1,440 "	"	"
73-5391	193	County Drake, parish Churchill	1 "	"	"
73-4940	973	County Selwyn, parish Welaregang	960 "	"	"
73-1952	181	Extended. County Dampier, parish Bergalia	38 "	"	2815
73-5391	31	County King, parish Opton	135 "	"	"
73-3977	286	County Gough, parish Flagstone	40 "	"	"
73-253	.....	County Northumberland, parish Vere	760 " (abt.)	"	2816
73-6753	.....	County Bathurst, parish Shaw, on Belubula River	2,934 "	"	"
73-4113	25	County Raleigh, parish Congarinni	194 "	28 "	2996
73-4636	533	On the Nundi or Ten-mile Creek, county Jamison	800 "	"	"
73-4809	307	County Bligh, parish Toorawandi	2,500 "	"	"
73-5686	975	County Hume, parish Howlong	13a. 1r. (abt.)	"	"
Aln. 73-15781	557	County Bland, parish Milong	185 acres	"	"
Ms. 73-4880	38	County Brisbane, parish Tinagroo	80 "	"	"
73-4592	974	County Urana, parishes Urana, Widgiewa, and Butherwa	1,500 "	"	2997
73-4956	534	County Inglis, parish Haning	100 "	"	"
73-5324	212 Northern extension.	County Townsend, parishes of Wandook and Boonoke	2,680 " (abt.)	31 "	3036
73-4978	558	At Bendick Murrell, County Monteagle	384 "	"	"
73-6180	58	At Tori Lake, County Caira	800 " (abt.)	"	"
"	59	At Dundomadoo Lake, County Caira	720 "	"	"
"	60	At Berambat Lake, County Caira	1 sq. mile	"	"
"	61	Chapay Creek, County Caira	800 acs. (abt.)	"	"
"	62	At the Swamp, County Caira	1 sq. mile	"	"

1873.

NEW SOUTH WALES.

CROWN LANDS.

(RESERVED FROM SALE FOR THE PRESERVATION OF WATER SUPPLY AND OTHER PUBLIC PURPOSES—FROM 1 TO 30 NOVEMBER, 1873.)

Presented to Parliament, pursuant to Act 25 Vict. No. 1, sec. 4.

ABSTRACT of Crown Lands reserved from Sale, until surveyed, for the preservation of Water Supply or other public purposes, in accordance with the 4th section of the Act 25 Victoria, No. 1. From 1st to 30th November, 1873.

No. of Papers.	No. of Reserve.	Locality.	Area.	Government Gazette in which the description is published.	Folio.
			a. r. p.		
73-4939 Ms.	968	County Denison, parish Woperana	138 0 0	4th Nov., 1873	3068
73-4348 „	308	County Napier, Coolaburragundy Run	about 84 0 0	7th Nov., 1873	„
73-5623 „	32	County King, parish Dalton	28 0 0	„ „	„
73-5401 „	976	County Cowley, parish Cavan	about 200 0 0	„ „	„
73-5622 „	287	County Hardinge, parish Auburn Vale	24 0 0	„ „	„
73-5445 „	33	County King, parish Olney	12 0 0	„ „	„
73-5340 „	16	County Phillip, parish Growee	about 13 0 0	„ „	„
73-5339 „	309	County Lincoln, parish Blackheath	about 11 0 0	„ „	„
73-5933 „	37	County Murray, parish Warroo	about 105 0 0	„ „	„
73-5624 „	559	County Harden, parish Gooramma	69 1 0	„ „	„
73-5145 „	400	County Gordon, parish Ponto	about 114 0 0	„ „	„
73-5400 „	16	County Bligh, parish Turill	80 0 0	„ „	„
73-5501 „	562	County Harden, parish Nurung	42 3 0	„ „	„
73-5295 „	336	County Burnett, parish Vicars	182 0 0	„ „	„
„ „	337	County Murchison, parish Bangheet	about 156 0 0	„ „	„
73-5465 „	293	County Clive, parish Bates	52 2 0	„ „	„
73-5099 „	114	County Gunderbooka, on the Bourke and Ford's Bridge Road.	516 0 0	„ „	„
73-5100 „	115	County Gunderbooka, Corella Station	320 0 0	„ „	„
73-4974 „	977	County Goulburn, parish Jerra Jerra	299 0 0	„ „	„
73-4756 „	310	County Lincoln, parish Beni	about 550 0 0	„ „	„
73-5047 „	402	County Kennedy, Babathnil Lagoon, Babathnil Creek Run.	1,398 0 0	„ „	3103
73-3087 „	403	County Ashburnham, Davy's Plains Run, Canomodine Creek.	480 0 0	„ „	„
73-5500 „	404	County Ashburnham, Paling-yard Creek	21 0 0	„ „	„
73-5502 „	560	County Harden, parish Nurung	54 3 0	„ „	„
73-1951 „	561	County Monteagle, parish Young	10 2 34	„ „	„
73-5502 „	216	County Sturt, parish Tom's Point	3 square miles	„ „	„
Northern extension	193	„ „ Cajaldura	4 square miles	„ „	„
Northern extension	305	„ „ „	4 square miles	„ „	„
Northern extension	543	„ „ Bringagee	1½ square mile	„ „	„
Northern extension	172	„ „ Nowong	2 square miles	„ „	„
73-154 leases	289	County Gough, parish Wellington Vale	36 0 0	„ „	„
„ „	290	„ „	80 0 0	„ „	„
„ „	291	„ „	about 32 0 0	„ „	„
„ „	229	„ „	86 0 0	„ „	„
73-5338 Ms.	288	County Clive, parish Binghi	20 0 0	„ „	„
„ „	289	„ „	20 0 0	„ „	„
„ „	297	„ parish Annandale	20 0 32	„ „	„
73-5296 „	71	Extension—County Arrawatta, parish Mullamurra.	105 2 0	„ „	„

No. of Papers.	No. of Reserve.	Locality.	Area.	Government Gazette in which the description is published.	Folio.
			a. r. p.		
73-5294 Ms.	294	County Gough, parish Inverell	46 2 0	7th Nov., 1873	3103
73-5299 „	288	County Arrawatta, parish Swamp Oak	640 0 0	„ „	„
73-5939 „	.....	County St. Vincent, parish Araluen	about 1000 0 0	„ „	„
73-4999 „	16	County Bathurst, parish Napier	139 0 0	21st Nov., 1873	3229
„ „	17	„ „	about 330 0 0	„ „	„
„ „	18	„ parish Galbraith	about 820 0 0	„ „	„
„ „	19	„ parish Shadforth	96 0 0	„ „	„
„ „	20	„ parish Graham	about 300 0 0	„ „	„
„ „	21	„ „	about 186 0 0	„ „	„
„ „	22	„ parish Shadforth	32 0 0	„ „	„
„ „	23	„ „	76 0 0	„ „	„
„ „	24	„ parish Graham	37 0 0	„ „	„
73-4413 „	978	County Urana, Bingagong, Back Plains Run	360 0 0	„ „	3230
„ „	979	County Boyd, Uratta Run	640 0 0	„ „	„
„ „	980	„ Uratta Back Block Run	640 0 0	„ „	„
„ „	981	County Urana, parish Wunamurra	802 2 0	„ „	„
„ „	982	„ Yanko F. East Run	640 0 0	„ „	„
„ „ Southern extension	180	County Boyd, parish Uri	2 square miles	„ „	„
73-4413 „ Southern extension	181	„ parish Cararbury	2 square miles	„ „	„
„ „ Southern extension	182	„ „	2 square miles	„ „	„
„ „ Extended	178	„ parish Tubbo	about 5 sq. miles	„ „	„
„ „ Southern extension	179	„ parish Waddi	1 square mile	„ „	„
73-4706 „	116	County Yanda, Giddie Waterhole	300 0 0	„ „	„
73-6080 „	984	County Townsend, on the Deniliquin and Conargo Road.	5½ square miles	„ „	„
„ „	985	„ „ „	1½ square mile	„ „	„
„ „	986	„ „ „	800 0 0	„ „	„
73-5632 „	983	County Townsend, parish Banangalite	about 170 0 0	„ „	3231

Sydney: Thomas Richards, Government Printer.—1873.

[3d.]

1873–4.

NEW SOUTH WALES.

CROWN LANDS.

(RESERVED FROM SALE UNTIL SURVEYED, FOR THE PRESERVATION OF WATER SUPPLY OR OTHER PUBLIC PURPOSES—FROM 1 TO 31 DECEMBER, 1873.)

Presented to Parliament, pursuant to Act 25 Vict. No. 1, sec. 4.

ABSTRACT of Crown Lands reserved from sale until surveyed, for the preservation of Water Supply or other public purposes, in accordance with the 4th section of the Act 25 Victoria, No. 1. From 1 to 31 December, 1873.

No. of Papers.	No. of Reserve.	Locality.	Area.	Government Gazette in which the description is published.	Folio.
Ms. 73-7037	987	Counties of Townsend and Urana, on the road from Deniliquin to Conargo and Urana ..	85 s. m. (ab.)	2 Dec., 1873..	3347
,,	988	Counties Townsend and Urana	2,256 acres ..	,,	,,
,,	989	County Townsend, parish Thulabrie	1,508 ,, ..	,,	,,
,,	990	Counties Urana and Mitchell, on the road from Urana to Narandera	45 s. m. (ab.)	,,	,,
,,	991	Counties Urana and Mitchell, on the road from Urana to Wagga Wagga, *via* Bullenbung ..	64 ,,	,,	,,
,,	992	County Caden, parish Gulpa	255 acres ..	,,	,,
,,	993	County Townsend, parish Currabunganung ..	800 ,, ..	,,	,,
,,	994	County of Townsend, parishes Conargo and Quiamong, at Conargo	880 ,, ..	,,	,,
,,	995	County Urana, parish Brookong, Brongong Creek	1,280 ,, ..	,,	,,
,,	996	do. parish of Butherwa	237 ,, ..	,,	,,
,,	997	Counties of Urana and Hume, on the road from Urana to Corowa, *vid* Coreen	45 sq. miles	,,	,,
,,	998	Counties Townsend and Cadell, on the road from Deniliquin to Moama	24 ,,	,,	,,
,,	999	County Townsend, parish of Mathoura	973 acres ..	,,	,,
,,	1000	Counties Townsend and Waradgery, on the Lachlan River	125 sq. miles	,,	,,
73-5374	95 extended.	County Cadell, Tataila and Moira Runs.. ..	11¼ ,,	,,	,,
73-7162	406	County Gordon, Buckenbah Creek, parishes Garoo and Obley	4 ,,	9 Dec., 1873..	3427
,,	407	County Ashburnham, Billabong Creek, at the Round Waterhole	2 ,,	,,	,,
,,	408	County Ashburnham, Garra Creek	2 ,,	,,	,,
73-6108	33	County Camden, parish Wallaya, Kangaroo River and Gerringong Creek	49a. 1r. ..	,,	3428
73-6558	535	County Jamison, parish Mellburra, Galathera Run	210 acres ..	,,	,,
73-5626	267 extended.	County Darling, parish Rangiri	109 ,, ..	,,	,,
,,	269 extended.	do. parishes Borah and Tarpolly ..	830 ,, (abt.)	,,	,,
,,	173 extended.	do. parishes Borah and Dinariwindi	656 ,, ..	,,	,,
,,	268 extended.	do. parish Hobden	508 ,, ..	,,	,,
,,	266 extended.	do. parishes Rangiri and Hobden ..	1,107 ,, ..	,,	,,
73-6191	536	County Pottinger, parish Mema	272a. 3r. ..	,,	,,
73-6101	285 northern extension.	County Townsend, parish Morago, Morago Run	1,200 acres ..	,,	,,
,,	287 northern extension.	County Townsend, parish of Kerranakoon, Morago Run	1,440 ,, (abt.)	,,	,,
,,	288 northern extension.	Do. do.	960 ,, ,,	,,	,,

No. of Papers.	No. of Reserve.	Locality.	Area.	Government Gazette in which the description is published.	Folio.
Ms. 73-6101	812 northern extension.	County Townsend, parish Morago, Morago Run	800 acres ..	9 Dec., 1873 ..	3428
73-5689	810 southern extension.	County Townsend, Billabong Creek	1,040 „ (abt.)	„	„
„	811 southern extension.	do. do.	1,880 „ „	„	„
73-5688	872 extended.	County Townsend, Werkenbergal Block B Run	1,188 „ ..	„	„
„	873 extended.	do. do. do.	4,480 „ ..	„	3429
„	871 extended.	County Townsend, Box Creek	2,880 „ ..	„	„
73-6103	1007	County Hume, parish Brocklesby	60 „ ..	„	„
73-5523	620 extended.	County Townsend, parishes of Banangalite and Ricketson..	5,760 „	„	„
73-6232	1005	County Urana, parish Thurrowa	65a. 3r. ..	„	„
73-5777	194	County Rous, parish Runnymede, Richmond River	40 acs. (abt.)	„	„
„	195	do. do.	440 „ „	„	„
„	196	do. do.	171a. 2r. ..	„	„
73-5463	197	County Richmond, parish of Gibbergagee, Jackey Bullim Flat	60 acres ..	„	„
73-6190	198	County Wellesley, parish Gecar	67 „ (abt.)	„	„
73-6107	298	County Hardinge, parish Darley	20 „ ..	„	„
73-6231	338	County Murchison, parish Bangheet	142 „ (abt.)	„	„
73-6031	405	County Gordon, on the Little River, Gundy Old Station, Gundy Run	500 „ (abt.)	„	„
73-4810	563	County Hayden, parish Beggan Beggan, Cunningham's Creek..	72 „ ..	„	„
73-4302	564	County Bourke, Six-mile Waterhole, Merool Creek, Bungumbil Run..	2 sq. miles	„	„
73-7039	32	County Camden, parish Killamarrah	50 acs. (abt.)	„	3430
73-6104	39	County Brisbane, parish Strathearn	41 „ „	„	„
73-6192	1001	County Urana, parish Hardie, on the road from Jerilderie to Corowa	655 acres ..	„	„
73-6261	1002	County Townsend, parish Quiamong	80 „ ..	„	„
73-6106	197	County Dampier, parish Wandellow	13 „ ..	„	„
73-6102	1004	County Urana, parish Hardie	633 „ (abt.)	„	„
73-5800	198	County Drake, parish Churchill	452 „	„	„
„		County Drake, parish Churchill, at Washpool Creek	2,921 „	„	3431
73-2380	40	County Brisbane, parish Page, at the head of Kewell Creek	320 „	16 Dec., 1873 ..	3511
73-6624	5	County Georgiana, parish of Belmore, on the road from Goulburn to Tuena	35 „ (abt.)	„	„
73-6027	26	County Durham, parish Stanhope	7 „ „	„	„
73-6282	21	County Gloucester, parish Tomaree, at Salamander Bay	40 „	„	„
„	22	do do do	16 „	„	„
„	23	do do do	195 „ (abt.)	„	„
73-6672	41	County Brisbane, parish Melbourne	15a. 1r. „	„	„
73-6342	299	County Clive, parish Annandale..	19a. 2r.	„	„
„	300	do. parish Rock Glen	55a. 12p. ..	„	„
73-5958	301	County Gough, parish Wellington Vale	80 acs.	„	„
73-6340	302	do parish Paradise North	32a. 2r.	„	„
„	303	do. parish Wellington Vale.. ..	21 acs.	„	„
73-6341	304	do. parish Arvid	21 „	„	„
73-6682	305	County Arrawatta, parish Swamp Oak	85 „	„	„
73-6442	322 southern extension.	do. parish Byron	23a. 3r.	„	3512
73-6623	306	County Arramatta, parish Buckley	20 acs.	„	„
73-6626	307	County Clive, parish Silent Grove, Silent Grove Creek	193 „	„	„
73-6339	312	County Napier, parish Allison	3 „ (abt.)	„	„
„	313	do. do.	47 „	„	„
„	314	do. parishes Allison and Binnia ..	212 „	„	„
73-6083	339	County Burnett, parish Hadleigh..	392 „ (abt.)	„	„
73-6396	565	County Clarendon, parish Wallace	160 „	„	„
„	566	do. do.	160 „	„	„
73-6119	199	County Rous, parishes Tomki and Bungabee ..	240 „	„	„
73-6000	409	County Oxley, Bellaringa Creek	640 „	„	„
„	410	do. Back Garule, and Back Nevertire Runs, Trewan Waterhole	640 „	„	„
„	411	County Ashburnham, Goobong Run, Goobong Creek	640 „	„	„
„	412	do do do	640 „	„	3513
„	413	do do do	640 „	„	„
73-6324	117	Bokhara River, Bogiria Block A Run	2 sq. miles	„	„
„	118	do. Bogiria Block B Run, County of Narran	„ „	„	„
73-6628	538	County Darling, parish Fleming	640 acs. (abt)	„	„
„	539	do do	160 „ „	„	„
„	540	do Namoi River, Mundowey Run..	640 „ „	„	„
„	541	do parishes Manilla and Cuerindi, Cuerindi Run	500 „ „	„	„
„	542	County Darling, parish Cuerindi, Cuerindi Run	720 „ „	„	„
„	543	do parish Fleming, Cuerindi Run	480 „ „	„	„

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Ms. 73-6628	544	County Darling, parish Wilson, Cuerindi Run ..	600 acs. (abt.)	16 Dec., 1873 ..	3513
„	545	do Namoi River do. ..	320 „ „	„	„
73-6251	1008	County Townsend, parish Pippen, South Wanganella and Lower Deniliquin Runs	1,500 „ „	„	„
73-6001	1010	County Townsend, at the Dam, Red Plains Run	1 sq. mile	„	„
73-6557	1011	County Urana, parish Yathong, Colombo Creek Run	2,400 acs. (abt.)	„	„
„	1012	County Urana, parish Thurrowa, Colombo Creek Run	2,500 „ „	„	„
„	1013	County Townsend, Quiamong Run, at the Old Dam, Forest Creek	1,600 „ „	„	„
73-6122	211 northern extension.	County Townsend, Lower Deniliquin Run ..	1,840 „ „	„	3514
	210 northern extension.	do do	6 sq. m. „	„	„
73-6337	1014	County Townsend, to include the lake, Boonoke Run	640 acs.	„	„
73-6671	1015	County Goulburn, parish Murray	170 „ (abt.)	„	„
73-7126	1016	Counties Townsend and Wakool, Edward River, Werai Run	5½ sq. miles	„	„
„	1017	County Wakool, Edward River, Werai Run ..	1,600 acs. (abt)	„	„
„	1018	Counties Townsend and Wakool, Edward River, Werai Run	1,760 „ „	„	„
73-6279	1006	County Boyd, parish Puckeneroy	1,200 „ „	„	„
73-5363	33	County Argyle, parish Tarago	44 „ „	„	„
73-6557	1009	County Urana, Colombo Creek Run, parish Thurrowa	491 „	„	„
73-6625	537	County Jamieson, parish Myall Hollow	40 „	„	3515
73-6442	340	County Arrawatta, parish Byron	243 „	„	„
73-7360	909 northern extension.	County Townsend, Red Plains Run	2,080 „	23 Dec., 1873 ..	3607
	909 eastern extension	do do	250 „	„	„
	908 northern extension.	do do	2 sq. miles	„	„
	908 eastern extension.	do do	1 sq. mile	„	„
	908 western extension.	do do	1 sq. mile	„	„
73-7391	1019	County Townsend, Red Plains and Westcombe Runs	1,860 acs.	„	„

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[3d.]

1873–4.

NEW SOUTH WALES.

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Presented to Parliament, pursuant to Act 25 Vict. No. 1, sec. 4.

ABSTRACT of Crown Lands reserved from sale until surveyed, for the preservation of Water Supply, or other public purposes, in accordance with the 4th section of the Act 25 Victoria, No. 1. From 1 to 31 January, 1874.

No. of Papers.	No. of Reserve.	Locality.	Area.	Government Gazette in which the description is published.	Folio.
Ms. 73-6979	11	County Cumberland, parishes Wattamolla, Bulgo, Heathcote and Southerland	36 sq. ms. (abt.)	2 Jan., 1874 ..	7
73-6987	1031	County Wynyard, parish of Woomabrigong	112 acres ..	,, ..	,,
73-6250	17	County Phillip, parish Moolarben, at Dexter's Spring	34 ,, (abt.)	,, ..	8
73-6986	27	County Durham, parish Underbank	25 ,, ...	,, ..	,,
73-6985	34	County Argyle, parish Milbang	11 ,, ...	,, ..	,,
73-6982	1023	County Mitchell, parish Mangoplah	193 ,, ...	,, ..	,,
,,	1024	do. parish Burrandana	244 ,, ...	,, ..	,,
73-6988	867 extension	do. Bullenbung Creek, Mittagong and East Mittagong Runs	480 ,, ...	,, ..	,,
,,	1025	County Mitchell, parish Hanging Rock, at Lake Gilman	110a. 2r.	,, ..	,,
73-5153	1026	County Buccleuch, Childowla Run	640 acres	,, ..	,,
73-6230	1027	County Wynyard, parish of Woomabrigong ..	320 ,, ...	,, ..	,,
,,	1028	do. do.	80 ,, ...	,, ..	,,
,,	1029	do. do. ..	30 ,, ...	,,	,,
,,	1030	County Townsend, parish Livingstone, Cajaldura Hill	570 ,, ...	,, ..	,,
73-6618	178 extension.	County Bland, Burthong Run	640 ,, ...	,, ..	,,
73-6275	575	County Gipps, Bena Run, Englo Creek ..	1,280 ,, ..	,, ..	9
,,	576	do. do. ..	1,280 ,, ...	,, ..	,,
73-7635	416 extended.	County Bland, Parish Boorongagil	5 sq. ms.	,, ..	,,
,,	567	do. do.	224 acres	,, ..	,,
,,	568	do. do.	270 ,, ..	,, ..	,,
,,	569	do. do.	309 ,, ...	,, ..	,,
73-6445	199	County Buccleugh, parish Mundongo, on Jack Terry's Creek	5 ,, ...	,, ..	,,
73-6983	201	County Wellesley, parish Jettiba	20 ,, ..	,, ..	,,
73-6984	200	do parish Cathcart	9 ,, (abt.)	,, ..	,,
73-6981	202	County Dampier, parish Bodalla	62 ,, ..	,, ..	,,
73-6970	416	County Ashburnham, at Murga, Brymedura Run	1,920 ,, ..	,, ..	,,
73-6505	414	do. Toogong Run	400 ,, ...	,, ..	,,
,,	415	do. Eugowra River, at Eugowra or Mundagery Creek Bridge ..	1,440 ,, ...	,, ..	,,
73-4576	308	Counties Hardinge and Gough	445 ,, ...	,, ..	,,
73-7635	574	County Bland, parish Boorongagil	2,000 ,, (abt.)	,, ..	10
73-7490	577	County Cooper, Merool Creek	16 sq. ms.	,, ..	,,
73-7635	570	County Bland, parish Boorongagil, at Yeo Yeo or Bland Creek	50 acres	,, ..	,,
,,	571	do. do.	193 ,, ...	,, ..	,,
,,	572	do. do.	64 ,, ...	,, ..	,,
,,	573	do. do.	48 ,, ..	,, ..	,,
73-6987	1021	County Wynyard, parish Woomabrigong ..	410 ,, ..	,, ..	,,
73-7046	1022	County Townsend, parish Conargo	54 ,, ...	,, ..	,,
73-7673	1036	do. South Wanganella Run ..	320 ,, ...	6 Jan., 1874 ..	29
,,	1037	do. parish Boonoke, on Forest Creek	320 ,, ...	,, ..	,,
,,	1038	County Townsend, parish Peppin, Forest or Eight-mile Creek	160 ,, ...	,, ..	,,
,,	756 north extension.	County Townsend, parish Belmore	960 ,, ...	,, ..	,,
,,	757 north extension.	do. parish North Conargo ..	1,280 ,, ...	,, ..	,,
Aln. 73-19056	417	County Gordon, at the confluence of Gundy Creek with the Little River	33 ,, ..	,, ..	30
73-20779	341	County Stapylton, parish Boobora	800 ,, (abt.)	,, ..	,,

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Aln. 73-20779 Ms. 73-6616	342 1032	County Stapylton, parish Boobora .. .. Counties Caira, Wakool, and Townsend, on the main road from Balranald to Deniliquin ..	160 acres (abt.) 73 sq. ms. „	6 Jan., 1874 .. „ ..	30 „
„	1033	County Townsend, Edward River	4 „ „	„ ..	„
„	1034	do. parishes Dahwilly and Woonox	$3\frac{3}{4}$ „ „	„ ..	„
„	1035	County Wakool, parishes Binbinette, Berambong, Moulamein, Benjee, Woorooma, Gerrabbit, Nullum and Murga	$25\frac{1}{2}$ sq. miles	„ ..	„
73-7476	1039	County Boyd, parish Waddaduri, Waddaduri Swamp	320 acres	13 Jan., 1874 ..	73
Aln. 73-18673	368 north extension.	County Jamison, Gundemaine Run, Gurley Lagoon, Namoi River	2,640 „	„ ..	„
„	369 north extension.	County Jamison, Gundemaine Run, Gommel Gommel	1,760 „	„ ..	„
Ms. 73-7475	370 north extension.	County Jamison, Gundemaine Run	2,080 „	„ ..	„
„	546	do. do. parish of Galathera, Namoi River	1,520 „	„ ..	„
73-7474	203	County Beresford, parish Coolrington	41a. 2r. 32p.	„ ..	„
74-3	63	Benalben, No. 7 Run, Darling District ..	2,560 acres	„ ..	„
„	64	do. No. 8 Run, do.	2,560 „	„ ..	„
73-6505	418	County Ashburnham, near the Canoblas ..	350 „ (abt.)	20 Jan., 1874 ..	188
73-6122	213 extended.	County Townsend, Deniliquin Run	17 sq. ms. „	„ ..	„
73-7226	419	County Gordon, parish Cardington, Cardington Run	1,996 acres	„ ..	„
73-6183	204	County Wallace, parish Myalla, Myalla and Mount Pleasant Creeks	1,040 „	„ ..	„
Oc.L., Ms.74-290	65	Blenalben, No. 11 Run, Pigeon Waterhole, Darling District	1 sq. mile..	30 Jan., 1874 ..	278
„	66	Blenalbin, No. 6 Run, Darling District ..	.....	„ ..	„
„	67	South Tallywalka Run, Frenchman's Waterhole, Darling District	1 sq. mile..	„ ..	„
„	68	South Tallywalka Run, Pines Waterhole, Darling District	1 „ ..	„ ..	„
„	69	Blenalbin, No. 4 and 5 Runs, Darling District	.....	„ ..	„
„	70	do. No. 5 Run, Darling District ..	.....	„ ..	„
„	71	Bruce's Plains No. 1, and Blenalbin No. 5 Runs, Waterloo Lake, Darling District ..	.....	„ ..	„
„	72	Blenalben Blocks 5 and 6, Brummies Lake, Darling District	.....	„ ..	„
„	73	Bruce's Plains, No. 1 Run, White's Waterhole, Darling District	1 sq. mile..	„ ..	„
„	74	East Albermarle Block C Run, at Ratcatcher's Creek, Darling District	.....	„ ..	„
„	75	Outer Talywalka Run, Mosey's Lake, Darling District	.....	„ ..	„
„	76	Outer Talywalka Run, Hogan's Lake, Darling District..	.....	„ ..	„
„	77	Bruce's Plains, No. 1 Run, Waterloo Lake, Darling District	.....	„ ..	„
„	78	South Talywalka Run, Wallace Lake, Darling District..	.....	„ ..	„
„	79	South Talywalka and East Albermarle Block C. Runs, Darling District, North Lake ..	.....	„ ..	„
„	89	Talywalka Run, Saltbush Waterhole, Albert District..	1 sq. mile..	„ ..	„
„	90	Outer Albermarle and Henly Runs, Albert District	1 „ ..	„ ..	„
„	91	Talywalka Run, to include Bobby's Waterhole, Albert District	1 „ ..	„ ..	„
„	92	Outer Albermarle and Henly Runs, Albert District..	1 „ ..	„ ..	„
„	93	do. do.	1 „ ..	„ ..	„
„	94	do. do.	1 „ ..	„ ..	„
„	95	do. do.	1 „ ..	„ ..	„
„	96	do. do.	1 „ ..	„ ..	„
„	97	do. do.	1 „ ..	„ ..	„
„	98	Henly Run, Albert District	1 „ ..	„ ..	„
„	99	Blenheim Run, Albert District	1 „ ..	„ ..	„
„	100	Blenheim Back Plains Run, Albert District ..	1 „ ..	„ ..	„
„	101	do. do.	1 „ ..	„ ..	„
„	102	do. do.	1 „ ..	„ ..	„
„	103	Talywalka Run, Albert District	1 „ ..	„ ..	„
„	104	Outer Albermarle and Henly Runs, Albert District..	.....	„ ..	„
„	105	Talywalka Run, Albert District	1 sq. mile..	„ ..	„
„	106	Lower Talywalka Run, Albert District ..	1 „ ..	„ ..	„
„	107	do. do.	.....	„ ..	„
„	108	do. do.	.....	„ ..	„
„	109	Blenheim Back Plains Run, Albert District ..	.....	„ ..	279
„	110	do. do.	.....	„ ..	„
„	111	Outer Albermarle and Henly Runs, Albert District..	1 sq. mile..	„ ..	„

[3d.]

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NEW SOUTH WALES.

CROWN LANDS.

(RESERVED FROM SALE UNTIL SURVEYED FOR THE PRESERVATION OF WATER SUPPLY OR OTHER PUBLIC PURPOSES—FROM 1 TO 28 FEBRUARY, 1874.)

Presented to Parliament, pursuant to Act 25 Vict. No. 1, sec. 4.

ABSTRACT of Crown Lands reserved from Sale, until surveyed, for the preservation of Water Supply or other public purposes, in accordance with the 4th section of the Act 25 Victoria, No. 1. (From 1st to 28th February, 1874.)

No. of Papers.	No. of Reserve.	Locality.	Area.	Government Gazette in which the description is published.	Folio.
Oc. L. 74-249	420	Gumble Creek, about half-way between Brymedura and Gumble Flat, Wellington District.	.....	6 Feb., 1874	386
,,	421	Right bank of the Manildra Creek, Middle Station, Wellington District.	.....	,, ..	,,
74-204	578	Wombine Run, Lake Coomal, Lachlan District	640 acres	,, ..	,,
74-205	579	do. do.	,, ,, ...	,, ..	,,
74-206	580	Billabong Run, Lachlan District	,, ,, ...	,, ..	,,
74-271	1042	On North Currabunganong and West Moonbria Runs, Murrumbidgee District.	3,200 ,, ...	,, ..	,,
74-318	1040	South Currabunganong Run, Murrumbidgee District.	.....	,, ..	,,
,,	1041	do. do.	.....	,, ..	,,
74-282	119	County Cowper, parish Bourke, Jandra Run ..	640 acres	,, ..	,,
74-294	315	Urobula Run, Marthaguy Creek, Bligh District	,, ,, ...	,, ..	,,
,,	316	Wanbandry Run, Bligh District	.....	,, ..	,,
,,	317	Ewenmar Creek, Bligh District	.....	,, ..	,,
,,	318	Wombobby Run, Marthaguy Creek, Bligh District.	1 sq. mile ..	,, ..	,,
74-291	547	Kiambia Run, at Baradine Creek, Liverpool Plains District.	640 acres	,, ..	,,
,,	548	do. do.	,, ,,	,, ..	,,
,,	549	do. do.	,, ,,	,, ..	,,
Ms. 74-19	420	County Ashburnham, Mandagery Creek ..	320 ,, (abt.)	,, ..	387
,,	421	County Ashburnham, near Moura Creek ..	160 ,, (abt.)	,, ..	,,
Oc. L. 74-308	1043	Barooga Run, Murrumbidgee District	.....	10 Feb., 1874 ..	418
,,	1044	Headford Run, Murrumbidgee District ..	.....	,, ..	,,
,,	1045	do. do.	.....	,, ..	,,
,,	1046	do. do.	.....	,, ..	,,
74-312	422	County Ashburnham, Tradgerie Run	960 acres (abt.)	,, ..	,,
,,	423	do. do.	,, ,, ,,	,, ..	,,
74-334	424	On back of Lower Mudall West Run, Wellington District.	3,840 ,, (abt.)	,, ..	,,
74-350	319	Wombobby Run, Yellow Waterhole, Bligh District.	1 sq. mile ..	,, ..	,,
,,	320	Marthaguy Creek, Bligh District	1 ,, ..	,, ..	,,
,,	321	On the boundary-line between New Bundilla and Weemobah Runs, to include the Gibber Waterhole, Bligh District.	1 ,, ..	,, ..	,,
,,	322	New Wombobby Run, Bligh District	1 ,, ..	,, ..	,,
,,	323	Eulawang Run, Bligh District	1 ,, ..	,, ..	,,
,,	324	Wombobby Run, Bligh District	1 ,, ..	,, ..	,,
,,	325	do. do.	.....	,, ..	,,
,,	326	do. do.	1 sq. mile ..	,, ..	,,
,,	327	Bundilla Run, Bligh District	1 ,, ..	,, ..	,,
,,	328	Weemobah Run, Bligh District	1 ,, ..	,, ..	,,

No. of Papers.	No. of Reserve.	Locality.	Area.	Government Gazette in which the description is published.	Folio.
Oc. L. 74-350	329	Wambandry Run, Bligh District	1 sq. mile ..	10 Feb., 1874 ..	418
74-320	112	Henly Run, Darling River, Albert District ..	.....	„ ..	„
74-321	113	Blenheim Run, Darling River, Albert District	.....	„ ..	„
Ms. 73-7448	220 South extension.	County Townsend, parish Warbreccan ..	3 sq. miles ..	„ ..	419
„	221 South extension.	County of Townsend, parishes of Brassi and Yalake.	5 sq. miles.	„ ..	„
73-6185	„	County of Darling, praish of Barraba, Manilla River.	325 acres....	17 Feb., 1874 ..	476
„	„	County of Darling, parish of North Barraba ..	88 „	„ ..	477
„	„	County of Darling, parish of Barraba ..	1,110 „	„ ..	„
Ms. 73-6679	7	County of Macquarie, parish of St. John's River, Camden Haven.	930 „	„ ..	„
74-499	550	Counties of Pottinger, White, and Nandemar..	35 sq. miles.	„ ..	„
„	551	County of Nandemar, parishes of Narrabri and Tippereena.	530 acres....	„ ..	„
„	552	County of Pottinger, parish of Gunnedah ..	224 „	„ ..	„
„	553	County of Pottinger, parish of Gulligal ..	100 „	„ ..	„
„	554	do. do.	360 „	„ ..	„
„	555	County of White, parish of Tarrawan, at Tarrawan.	180 „	„ ..	„
„	556	County of Pottinger, at Boggabri	320 „	„ ..	„
„	557	County of Pottinger, parish of Dubbleda ..	580 „	„ ..	„
„	558	do. do.	360 „	„ ..	478
74-27	21 Extended.	County of Gloucester, parish of Tomaree, Port Stephens.	40 „	„ ..	„
„	22 Extended.	do. do.	30 „	„ ..	„
Rs.B. 73-1600	559	County of Buckland, parishes of Mooki, Ferrier, and Wallala.	3,001 „	„ ..	„
„	560	County of Buckland, parish of Grenfell ..	12 „ (abt.)	„ ..	„
„	561	do. do.	1,077 „	„ ..	„
„	562	do. do.	34 „	„ ..	„
„	563	do. do.	131 „	„ ..	„
„	564	County of Buckland, at Nicholas Lagoon ..	219 „	„ ..	„
„	565	County of Buckland, at Cocypally Creek ..	646 „	„ .	„
„	566	do. do.	29 „	„ ..	479
„	567	do. do.	298 „	„ ..	„
„	568	County of Buckland, parish of Coeypolly ..	800 „ (abt.)	„ ..	„
„	569	County of Buckland, parish of Borambil ..	1,400 „ „	„ ..	„
„	570	County of Buckland, parish of Quirindi, at Quirindi.	740 „	„ ..	„
Ms. 73-7395	395 Western extension.	County of Kennedy, Yarrandidgen Run ..	930 „	„ ..	„
„	395 Southern extension.	County of Kennedy, Derribong Run	704 „	„ ..	„
73-7680	312	County of Hawes, on the road from Manning River to New England, Cooperacurraba River.	80 „ (abt.)	„ ..	„
„	313	do. do.	31 „ „	„ ..	„
„	314	do. do.	50 „ „	„ ..	„
„	315	do. do. ..	20 „ „	„ ..	„
„	316	County of Hawes, Cooperacurraba River ..	53 „ „	„ ..	„
73-7663	200	County of Drake, parish of Ewingar	28 „	„ ..	480
74-170	43	County of Brisbane, Dynamrigan Creek ..	80a. 1r.....	„ ..	„
73-7468	44	County of Durham, parishes of Beltrees and Moonan.	240 „ (abt.)	„ ..	„
„	45	County of Durham, parish of Beltrees.. ..	180 „ „	„ ..	„
73-7578	46	County of Durham, parish of Doon	6a. 2r.....	„ ..	„
74-5	579	County Buckland, parish Wallala	60 acres.....	„ ..	„
73-7577	„	County Goulburn, parish Jerra Jerra	65a. 0r. 39p...	„ ..	„
73-6186	16	County Northumberland, parish Coolamin, Wollombi Brook.	38a. 2r. (abt.)	„ ..	„
73-7119	15	County Hunter, on the road from King's Gap to Muswellbrook, near Yarroa.	71a. 1r.	„ ..	„
73-7579	18	County Phillip, parish Coggan	58 acres.....	„ ..	„
„	19	do. do.	10 acres.....	„ ..	481
74-171	42	County Brisbane, parish Goulburn	30 acres.....	„ ..	„
73-5491	28	County Durham, parish Rouchel, Back Creek..	27a. 2r.	„ ..	„
74-926	29	County Durham, parish St. Julian	20 acres.....	„ ..	„
74-491	30	County Durham, parish Glendon, Busby's Crk.	400 acres.....	„ ..	„
„	31	County Durham, parish Dungog	9 acres.....	„ ..	„
73-7720	32	County Durham, parish Tillegra	12 acres.....	„ ..	„
74-500	17	County Bligh, parish Berenderry, at Dry Creek	40 acres.....	„ ..	„
73-7262	201	County Rous, parish Queebun	165 acres.....	„ ..	„
73-7260	202	County Drake, parish Ewingar	84 acres.....	„ ..	„
Aln. 73-9711	206	County Dampier, parish Murrabrine	44 acres (abt.)	„ ..	„
Ms. 74-500	74 Extended.	do. do.	13a. 1r. (abt.)	„ ..	„
73-7662	573	County Darling, Manilla River	2,024 acres.....	„ ..	„
73-4402	574	County Buckland, parish Coeypolly	13 acres.....	„ ..	„
73-7576	575	County Pottinger, parish Premer	340 acres (abt.)	„ ..	„
73-5059	..	County Buccleuch, parish Adgungbilly, Red Hill Run.	480 acres.....	„ ..	„
73-7591	1049	County Wynyard, parish Gadara	500 acres.....	„ ..	482
69-1343	1046	County Goulburn, parish Germanton	1,010 acres.....	„ ..	„
73-1522	309	County Inglis, parish Haning	90 acres.....	„ .	„

No. of Papers.	No. of Reserve.	Locality.	Area.	Government Gazette in which the description is published.	Folio.
Ms. 73-7195	581	County Forbes, Rocky Waterhole Hill, Goonigguldoorigang Creek.	200 acres.....	17 Feb., 1874 ..	482
73-7661	571	County Jamison, parish Queerbri, Namoi River, Gurleigh Point.	368 acres.....	,, ..	,,
73-7591	572	County Buckland, parish Coeypolly	150 acres (abt.)	,, ..	,,
,,	530 Extension.	County Wynyard, parish Gumby Gumby	110 acres (abt.)	,, ..	,,
73-4320	25	County St. Vincent, village of Nowra ..	31a. 0r. 16p...	,, ..	483
,,	26	do. do.	29a. 0r. 16p...	,, ..	,,
73-7677	205	County Beresford, parish Dangelong	13 acres.....	,, ..	,,
73-7085	1050	County Wynyard, parish Gumby Gumby, Kyeamba Creek.	480 acres.....	,, ..	,,
,,	1051	County Wynyard, parish Tywong, Kyamba Creek.	700 acres.....	,, ..	,,
,,	488 East extension.	do. do...	2 sq. miles ..	,, ..	,,
,,	492 Extension.	County Wynyard, parish Book Book, Kyamba Creek.	960 acres.....	,, ..	,,
,,	491 Extension.	do. do... ..	960 acres.....	,, ..	,,
,,	489 Extension.	do. do...	1,360 acres.....	,, ..	,,
,,	459 West extension.	do. do...	960 acres.....	,, ..	,,
,,	460 East extension.	County Wynyard, parish Kyamba	320 acres.....	,, ..	,,
,,	1052	do. do.	448 acres.....	,, ..	,,
Ms. 73-7085	1053	County of Wynyard, parish of Gunningdroo, at Kyamba Creek.	480 acres ..	,, ..	483
73-7591	1054	County of Wynyard, parish of Mundarlo ..	396 ,, ..	,,	,,
,,	1055	County of Wynyard, parishes of Mundarlo and Yaven.	540 ,, ..	,,	,,
,,	1056	County of Wynyard, parish of Ellerslie ..	220 ,, (abt.)	,,	,,
,,	1057	County of Wynyard, parish of Oberne ..	500 ,, ,,	,,	484
,,	1058	do. do.	650 ,, ,,	,,	,,
,,	1059	County of Wynyard, parish of Mate, near Oberne.	192 ,, ,,	,,	,,
,,	1060	County of Wynyard, parish of Humula ..	2 sq. ms. (abt.)	,,	,,
,,	1061	County of Wynyard, parish of Bulagee, at Caraboel.	1,000 acres ,,	,,	,,
,,	1062	County of Wynyard, parish of Belmore ..	350 ,, ..	,,	,,
,,	1063	County of Wynyard, parish of Gregado ..	44 ,, ..	,,	,,
,,	1064	County of Wynyard, parish of Batlow ..	704 ,, ..	,,	,,
,,	1065	do. do.	90 ,, (abt.)	,,	,,
,,	1066	County of Wynyard, parish of Gilmore ..	155 ,, ,,	,,	,,
,,	1067	County of Townsend, parish of Courabyra ..	5 square miles	,,	,,
73-6669	1068	County of Buccleuch, parish of Wagra ..	170 acres ..	,,	,,
,,	1069	County of Wakool, parish of Woorooma, at Billabong Creek.	200 ,, ..	,,	,,
73-7359	1070	County of Townsend, Edward River	2,400 ,, ..	,,	,,
,,	1071	County of Townsend, Tumudgerie Creek ..	3,840 ,, ..	,,	,,
,,	1072	County of Townsend, Colligan Creek	1,920 ,, ..	,,	,,
74-172	1073	County of Urana, South Yathong Run ..	640 ,, (abt.)	,,	,,
74-5776	760 Extension.	County of Urana, parish of Coree South ..	3,360 ,, ..	,,	,,
73-6066	1074	County of Urana, parish of Moira, at M'Guire's Dam.	172 ,, ..	,,	485
73-7573	391 Northern extension.	County of Wakool, parish of Bengee, at Woorooma Run.	320 ,, ..	,,	,,
,,	389 Northern extension.	County of Wakool, parish of Gerrabit, at Woorooma Run.	415 ,, ..	,,	,,
73-7568	1075	County of Townsend, parish of Werkenbergal, at Pretty Sally's Sand Hill.	484 ,, ..	,,	,,
73-7255	632 Extension.	County Townsend, Tuppal Creek Bend ..	640 acres	17 Feb., 1874 ..	485
,,	633	do. do. ..	960 acres	,, ..	,,
,,	635	do. do. ..	,, ,, ...	,, ..	,,
,,	637	do. do. ..	,, ,, ...	,, ..	,,
74-496	68 Extended.	County Goulburn, parish Jindera	40 ,, ...	,, ..	,,
73-2587	207	County Dampier, parish Wandellow	30a. 3r.	,, ..	,,
74-20	208	County Dampier, parishes Narira & Cadjangary	41a. 1r.	,, ..	,,
,,	209	County Dampier, parish of Murrabrine ..	411 acres	,, ..	,,
73-7376	330	County Lincoln, Talbragar Run	640 ,, ...	,, ..	,,
73-7575	331	County Napier, parish Napier	700 ,, (abt.)	,, ..	,,
74-245	576	County Buckland, parish Yarrimanbah ..	260 ,, (abt.)	,, ..	,,
73-7672	577	County Pottinger, parishes Goran & Wondoba	3,844 ,, ...	,, ..	,,
,,	578	County Buckland, parish of Borambil.. ..	41 ,, (abt.)	,, ..	486
73-7261	203	County Richmond, parish South Codrington..	57 ,, (abt.)	,, ..	,,
73-7574	204	do do	,, ,, ...	,, ..	,,
,,	205	County Richmond, parish Woram	109 ,, ...	,, ..	,,
74-9	310	County Gough, parish Muir	2a. 3r. (abt.)	,, ..	,,
,,	311	County Gough, parishes Blain and Frazer ..	16 acres (abt.)	,, ..	,,
74-212	189 Extension.	County Hardinge, Nuandle Run	1,050 ,, ...	,, ..	,,

No. of Papers.	No. of Reserve.	Locality.	Area.	Government Gazette in which the description is published.	Folio.
Ms. 73-7086	425	County Narromine, Maillah Run	400 acres	17 Feb., 1874 ..	486
73-7524	426	Burdenda Run, Bogan River	2½ sq. miles	,, ..	,,
74-1088	551 Southern extension.	County Wakool, Wangaradgery Run	3 sq. miles	,, ..	,,
,,	550 Southern extension.	do. do.	3 sq. miles	,, ..	,,
,,	783 North extension.	County Wakool, Moulamein Run	960 acres	,, ..	,,
,,	781 North extension.	do. do.	2 sq. miles	,, ..	,,
74-943	1080	Burryjaa Run, north of Corowa, County of Hume	1,280 acres	,, ..	,,
,,	1081	do do	,, ,, ...	,, ..	,,
74-309	113 North extension.	County Nandewar, parish Wetalebah	880 ,, ...	27 Feb., 1874 ...	612

Sydney: Thomas Richards, Government Printer.—1874.

[3d.]

1873-4.

NEW SOUTH WALES.

CROWN LANDS.

(RESERVED FROM SALE UNTIL SURVEYED, FOR THE PRESERVATION OF WATER SUPPLY OR OTHER PUBLIC PURPOSES.)

Presented to Parliament, pursuant to Act 25 Vict. No. 1, sec. 4.

ABSTRACT of Crown Lands reserved from Sale until surveyed, for the preservation of Water Supply or other public purposes, in accordance with the 4th section of the Act 25 Victoria, No. 1. (From 1st to 31st March, 1874.)

No. of Papers.	No. of Reserve.	Locality.	Area.	Government Gazette in which the description is published.	Folio.
		DARLING DISTRICT.			
	80	Eucalyptus Lake, Blenalben Run Nos. 3 and 4...	.....	3 Mar., 1874 ...	659
	81	Lake Laura, Blenalben Run No. 5	.....	,, ...	,,
	82	Satan's Toe Waterhole, Blenalben No. 11 Run	.....	,, ...	,,
	83	South Talyawalka Run	1 sq. mile ...	,, ...	,,
	84	Mount Misery, South Talyawalka Run.....	1 ,, ...	,, ...	,,
	85	Arlington Plains, Block C Run	.....	,, ...	,,
	116	Blenalben No. 2 Run	.....	,, ...	,,
	117	Blenheim Back Plains Run.....	.....	,, ...	,,
	118	,, ,, ...	.....	,, ...	,,
	119	Henly Run	.....	,, ...	,,
	120	,, ...	1 sq. mile ...	,, ...	,,
	121	Outer Albermarle and Henly Runs	.....	,, ...	,,
		ALBERT AND DARLING DISTRICTS.			
	122	Between Outer Talyawalka and Talyawalka Runs.	.....	,, ...	,,
Ms. 74-534	115	Campadore Run, Darling River, Albert District	2¼ sq. m. (abt.)	6 Mar., 1874 ...	679
74-28	120	County Narran, Bomangabah South Run	5 ,, ...	,, ...	,,
73-7721	1083	County Townsend, Wanganilla Block D Run ...	580 acres	,, ...	,,
74-338	1084	,, Clarke's Creek	160 ,, ...	,, ...	,,
,,	1085	,, parish Morago	320 ,, ...	,, ...	,,
74-268	1086	County Hume, parish Castlestead	47a. 2r.	,, ...	,,
74-813	1087	County Townsend, parish Wargam, Werkenbergal Run.	848 acres	,, ...	,,
74-465	1088	County Townsend, parish Belmore.....	160 ,, ...	,, ...	,,
74-516	660 north extension.	County Urana, parish Hebden, Brookong Run...	1 sq. mile ...	,, ...	,,
,,	658 north extension.	,, ,, ,, ...	960 acres	,, ...	,,
,,	665 east extension.	,, parish Cullivel, Brookong Run...	2⅝ sq. miles...	,, ...	,,
,,	665 west extension.	,, ,, ,, ...	1½ ,, ...	,, ...	,,
,,	143 north extension.	,, parish North Jerilderie	180 acres	,, ...	,,
,,	662 north extension.	,, parish Brookong, Brookong Run	704 ,, ...	,, ...	,,
,,	753 north extension.	,, parish Widgiewa	320 ,, ...	,, ...	,,

No. of Papers.	No. of Reserve.	Locality.	Area.	Government Gazette in which the description is published.	Folio.
Ms. 74-516	822 north extension.	County Urana, parishes of Brookong North and Brookong.	960 acres	6 Mar., 1874 ...	679
74-281	584	County Bland, parish Caragabal.....	250 „ (abt.)	„ ...	680
74-282	583	„ „ „	860 „	„ ...	„
74-957	582	Bogandillon Run, county Gipps, Bogandillon Creek.	1 sq. mile ...	„ ...	„
74-423	583	County Pottinger, parish Premer	43 acres (abt.)	„ ...	„
73-7671	584	County Parry, parishes Winton and Moolunmoola	480 „	„ ...	„
„	293 east extension.	„ parish Moolunmoola	640 „	„ ...	„
„	293 south extension.	„ „	320 „	„ ...	„
„	295 east extension.	„ parishes Bective and Winton.....	1,920 „	„ ...	„
„	585	County Inglis, parish Bubbogullion	640 „	„ ...	„
„	586	„ „	160 „	„ ...	„
74-1155	587	County Parry, parish Moolummoola	1,140 acres	„ ...	„
74-681	136 east extension.	County Nandewar, parish Bogabri	3,200 „	„ ...	„
74-225	79 west extension.	County Arrawatta, parishes Ashford and M'Donald.	1,792 „	„ ...	„
„	318	County Arrawatta, parish Bukkulla, Bukkulla Run.	2½ sq. ms. (abt.)	„ ...	„
„	319	County Arrawatta, parish Edgerton, Edgerton Run.	3¾ „ „	„ ...	„
„	320	County Arrawatta, parish Ashford, Edgerton Run.	3¾ „ „	„ ...	681
„	321	County Arrawatta, parish Weean Weean Creek, Nullamanna Run.	3¾ „ „	„ ...	„
„	65 north extension.	Bukkulla Run, County Arrawatta, parishes Champagne and Wyndham.	760 acres (abt.)	„ ...	„
„	323	County Arrawatta, parishes of Nullamanna and Burgundy, at Nullamanna.	1,850 „ „	„ ...	„
74-1095	317	County Sandon, Rocky River, within Rocky River Gold Field.	240 acres	„ ...	„
74-387	.....	Southern extension to Village Reserve, at Nelson Bay, Port Stephens, County Gloucester.	117 „ (abt.)	„ ...	„
74-225	345	County Arrawatta, parish Russell, Wallangra Run.	1,500 „ „	„ ...	„
„	324	County Arrawatta, parish of Bannockburn, Bannockburn Run.	800 „ „	„ ...	„
74-445	586	County Cooper, parish Narandera	880 „ „	„ ...	„
74-521	585	Outer Lower North Thanongo Run, Lachlan River.	4 sq. ms. ...	„ ...	„
74-225	68 east extension.	County Arrawatta, parish Gramen, Kulki Run..	1,280 acres (abt.)	„ ...	682
„	99 extended.	„ parishes of Cucumber and Leslie, Wallangra Run.	6¾ sq. ms. ...	„ ...	„
„	86 west extension.	County Arrawatta, parish Wallangra, Wallangra and Eena Runs.	2 „ ...	„ ...	„
„	344	County Arrawatta, parish Macintyre, Limestone sheep station.	440 acres	„ ...	„
74-256	24	County Gloucester, Wallis Lake	2a. 3r.	„ ...	„
73-3163	211	County Dampier, parish of Wagonga, at Wagonga.	3 acres (abt.)	„ ...	„
74-386	322	County Gough, parish of Arvid	1 „ „	„ ...	„
74-620	587	Counties Baradine, White, Pottinger, Buckland, Denman, Jamieson, and Nandewar.	1,600 sq. ms.	„ ...	„
„	588	Counties Nandewar and Darling.....	480 „	„ ...	„
74-338	1089	County Townsend, parish of Kerranakoon	700 acres (abt.)	„ ...	„
74-225	79 east extension.	County Arrawatta, at the junction of Fayer's Creek with Severn River.	5¼ sq. ms. ...	„ ...	„
73-3509	.....	County Durham, parish Dungog, at Dungog	1,280 acres	„ ...	„
„	.....	„ „ „	450 „	„ ...	„
74-1569	.....	The Crown Lands within 2 miles on each side of all Trial Lines for Railways, within the Colony of New South Wales, that are marked or shall be marked.	.....	10 Mar., 1874 ...	753
Oc. L. 74-486	427	Bockobra Creek, Wellington District.....	.....	„ ...	„
74-449	588	Baradine Creek, Kiambia Run, Liverpool Plains District.	640 acres	„ ...	„
„	589	„ „ „	640 „	„ ...	„
74-454	334	Black Stump Creek, Queensborough Run, Bligh District.	.....	„ ...	„
„	335	Gundare Run, Bligh District	1 sq. mile ...	„ ...	„
„	336	„ „	.....	„ ...	„
74-428	809 south extension.	County Urana, South Yathong Run	3,360 acres (abt.)	13 March, 1874...	786

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Oc. L. 74-429	808 south-east extension.	County Urana, South Yathong Run	1,260 acres (abt.)	13 March, 1874...	786
Ms. 74-1588	771 southern extension.	„ parish Wunnamurra	3 sq. miles ...	17 March, 1874...	825
„	772 southern extension.	„ „	3 „ ...	„ ...	„
Oc. L. 74-248	773 southern extension.	„ parishes Yathong South and Hardie.	720 acres	„ ...	„
74-1662	792 southern extension.	County Townsend, parish Quiamong	840 „ (abt.)	„ ...	„
Ms. 74-1698	1092	County Waradgery, parish Midgecleugh	640 „	„ ...	„
„	1093	„ „	640 „	„ ...	„
74-1660	122	Mureabun Run, Narran River, Warrego District	3,200 „	„ ...	„
„	121	Kigwigil Run, „ „	3,200 „	„ ...	„
74-1588	587	County Cooper, parish of Medgum, Narrandera Run.		„ ...	„
Oc. L. 74-496	86	Blenalben No. 3 Run, Darling District		„ ...	„
„	87	Near the boundary line between Blenalben No. 4 and Arlington Plains Block D Run, Darling District.		„ ...	„
„	88	Blenanben No. 11 Run, Darling District		„ ...	„
„	89	Blenalben No. 5 Run, „	1 sq. mile ...	„ ...	„
„	90	Blenalben No. 10 Run, „		„ ...	„
„	123	Lower Talyawalka Run, Albert District		„ ...	„
„	124	Blenheim Back Plains Run, Albert District	1 sq. mile ...	„ ...	„
„	125	„ „	1 „		...
„	126	„ „	1 „		...
74-436	127	Blenheim Run, Albert District	1 „		...
Ms. 74-1853	1094	The Crown Lands within 2 miles on each side of all marked lines for construction of Railways which have been finally decided on, or may be decided on, within the Colony of New South Wales.		24 March, 1874...	891
74-1087	1095	The Crown Lands within 2 miles on each side of the proposed line of Railway from Wagga Wagga to Deniliquin.	280 sq. miles ...	„ ...	„
74-1040	909 easterly extension.	County Townsend, Red Plains Run	378 a. 2 r.	27 March, 1874...	932
73-7391	1019 southerly extension.	„ parish Narrama, Tuppal Creek Run.	1,730 acres	„ ...	„
„	1020 easterly extension.	County Townsend, West Iscombo Run	4 sq. miles ...	„ ...	„
74-951	12 extended.	County Durham, parish Holywell	96 acres	31 March, 1874...	980
„	38	County Murray, parish Monkellan	3 roods (abt.)	„ ...	„
„	44	County Brisbane, parish Lincoln	40 acres	„ ...	„
„	25	County Bathurst, parish Cadogan	5 a. 1 r. 19 p.	„ ...	„
„	45	County Brisbane, parish Killoe	32 acres	„ ...	„
74-736	210	County Clarence, parish Rushforth	24 „	„ ...	„
74-679	1103	County Townsend, parishes Warwillah, Gilbert, and Lamb.	13 sq. miles ... (about)	„ ...	„
„	1096	County Townsend, parish Ronald	1,280 acres	„ ...	„
„	1097	„	2,560 „	„ ...	„
74-417	1098	County Waradgery, parish Eurolie	48 „	„ ...	„
74-942	1099	County Townsend, Billabong Back Block	4 sq. miles ...	„ ...	„
74-990	1028 extended.	County Wynyard, parish Gregado	585 acres	„ ...	„
74-1164	1100	County Wakool, Moulamein Block B Run	175 „ (abt.)	„ ...	„
74-554	1101	County Urana, parishes of Wilson and North Jerilderie.	2 sq. miles ...	„ ...	„
„	1102	„ „ „	784 acres (abt.)	„ ...	„
74-1229	325	County Gough, parish Swanbrook	373 „	„ ...	„
74-1178	329	County Arrawatta, parish Nullamanna	69 „	„ ...	981
74-1316	332	County Napier, parish Terrawinda	145 „	„ ...	„
„	333	„ parish Purlawangle	110 „ (abt.)	„ ...	„
74-696	629	County Buckland, parish Gunadilly	908 „	„ ...	„
74-691	292 eastern extension.	„ parish Mooki	1½ sq. mile (about).	„ ...	„
74-1097	630	County Pottinger, Moonbi Run, parish Goally	1,200 acres (abt.)	„ ...	„
„	631	„ „ parish Bingle	1,600 „	„ ...	„
„	632	„ „ „	1,520 „	„ ...	„
74-443	606	County Bourke, parishes Brengalgan and Berembed.	490 „	„ ...	„
„	607	Beyond back of Merrowee or Burramagaa Run, Willandra, Billabong.	8 sq. miles ...	„ ...	„
74-869	608	Back Merrowee Run, Merrowee Creek, Lachlan District.	5 „ (abt.)	„ ...	„
73-7074	609	Coree Run, Niniangel Spring, Lachlan District	640 acres	„ ...	„
74-1180	610	County Gipps, Caragabal Creek, parish Caragabal	243 „	„ ...	„
„	611	„ on Lignum or Back Creek	675 „	„ ...	„

No. of Papers.	No. of Reserve.	Locality.	Area.	Government Gazette in which the description is published.	Folio.
Ms. 74–1029	428	County Ashburnham, at Currawobbity, Currawobbity Run	3,096 acres	31 March, 1874	982
74–1454	431	County Ashburnham	1 section	"	"
74–467	429	" Yamma Run	225 acres	"	"
74–1638	327	County Gough, parish Inverell	24 "	"	"
74–443	613	County Bourke, parish Brangolgan	8½ sq. miles	"	"
74–1230	207	County Gresham, parish Buccarumbi	2 acs. (abt.)	"	"
Aln. 73–19977	210	County Wellesley, parish Ashton	880 " "	"	"
Ms. 74–695	159 s.-westerly extension.	County Harden, parish Cooney	864 "	"	"
"	159 n.-easterly extension.	" "	560 "	"	"
74–966	626	Parishes Borindi and Nandewar	600 "	"	983
Aln. 73–11750	326	County Gough, parish of Swanbrook	26 "	"	"
Ms. 74–853	1077	County Waradgery, Mungadingadal, Back Block Run, Palmer's Swamp	4 sq. miles	"	"
74–412	1019 southern extension.	County Townsend, Red Plains and Westcombe Runs	1,920 acres	"	"
"	1020 eastern extension.	County Townsend, West Iscomba Run	1,600 "	"	"
74–853	1079	County Waradgery, Old Man Plain	4 sq. miles	"	"
"	1076	" Mungadingadal Back Block Run	" "	"	"
Aln. 73–15161	612	County Clarendon, parish Eunanoreenya	909 acres 3 roods	"	"
Ms. 74–1181	34	County King, parish Cliny	17 a. 1 r. (abt.)	"	"
74–1179	209	County Rous, parish Blakebrook	39 a. 1 r. 28 p.	"	"
74–1320	580	County Pottinger, parish Tamerang	370 acres	"	984
74–222	628	County Buckland, parishes Wallala and Ferrier	718 "	"	"
74–444	615	County Bourke, parish Berrembed	620 "	"	"
"	616	" "	1,104 "	"	"
"	617	Counties of Clarendon, Bourke, and Cooper	23 sq. miles	"	"
"	618	County Cooper, parish Narrandera	1,130 acres	"	"
74–828	328	Counties of Hardinge and Murchison	3,600 "	"	"
R.S.&B. 74–232	614	County Monteagle, parish Geegullalong, Geegullalong Creek	714 "	"	"
Ms. 74–735	208	County Clarence, parish Copmanhurst	48 "	"	"

Sydney: Thomas Richards, Government Printer.—1874.

[3d.]

1873–4.

NEW SOUTH WALES.

CROWN LANDS.

(RESERVED FROM SALE UNTIL SURVEYED, FOR THE PRESERVATION OF WATER SUPPLY OR OTHER PUBLIC PURPOSES.)

Presented to Parliament, pursuant to Act 25 Vict. No. 1, sec. 4.

ABSTRACT of Crown Lands reserved from Sale until surveyed, for the preservation of Water Supply or other public purposes, in accordance with the 4th section of the Act 25 Victoria, No. 1. (From 1 to 30 April, 1874.)

No. of Papers.	No. of Reserve.	Locality.	Area.	Government Gazette in which the description is published.	Folio.
		MURRUMBIDGEE DISTRICT.			
	1111	Beremgad Run, Wakool River		8 April, 1874	1027
	1112	" "		"	"
	1113	" "		"	"
	1114	" "		"	"
		DARLING DISTRICT.			
Oc. L., M. 74-636	101	Neilpo Run, Darling River	640 acres	"	"
"	102	Tapeo Run, "	640 "	"	"
		GWYDIR DISTRICT.			
74-524	348	Weeweelarage Run, Balamborah Creek	840 "	"	"
74-525	349	Derra Run, Balamborah Creek	320 "	"	"
74-526	350	" Mehi River	960 "	"	"
74-644	435	County Ashburnham, near Gunningblau, East Gunningblau and Milpose Runs.	1,100 " (abt.)	"	"
"	436	County Ashburnham, near Gunningblau, Milpose Run.	640 "	"	"
71-601	437	County Cunningham, Gunning and Geadgery Runs.	1,280 "	"	"
74-601	438	County Cunningham, Monomie Plains and Upper Dalhunty Runs.	2,560 " (abt.)	"	"
"	439	County Cunningham, Badjerribong Run	900 " "	"	"
"	440	" " and Manwanga Runs.	1,200 " "	"	"
"	441	County Cunningham, Byong South Run	640 "	"	1028
"	442	" Yarrabundi Creek	1,280 "	"	"
"	443	" "	640 "	"	"
"	444	" "	640 "	"	"
"	445	" New Bundaburra Run	640 "	"	"
		MURRUMBIDGEE DISTRICT.			
74-552	1104	Oak Forest Run	1 sq. mile	"	"
"	1105	"	1 "	"	"
"	1106	"	1 "	"	"
"	1107	"	1 "	"	"
"	1108	"	1 "	"	"
"	1109	"	1 "	"	"
"	1110	"	1 "	"	"
74-540	619	Narrandera Run, Lachlan River	1 "	"	"

No. of Papers.	No. of Reserve.	Locality.	Area.	Government Gazette in which the description is published.	Folio.
		DARLING DISTRICT.			
Oc. L., M. 74–578	91	Teryawaynia Run		8 April, 1874	1028
„	92	South Teryawaynia Run		„	„
„	93	Inner or West Teryawaynia Run		„	„
„	94	Teryawanyia Run		„	„
74–643	95	Gunpongula Block		„	„
„	96	„		„	„
„	97	Yenda Block		„	„
„	98	„		„	„
„	99	South Wambah Block		„	„
„	100	Wambah Block, Darling District		„	„
74–578	128	Teryawaynia and beyond Outer Minden Runs, Albert and Darling Districts.		„	„
		WELLINGTON DISTRICT.			
74–448	432	Thuara Run		„	„
74–457	433	Willary West Run, Mara Creek		„	„
„	434	„ East „		„	„
		BLIGH DISTRICT.			
74–534	340	Black Stump and Honeysuckle Runs	1 sq. mile	„	1029
74–450	341	Nerrybone or Merrybone Run		„	„
74–458	342	Marebone Run, Macquarie River		„	„
		GWYDIR DISTRICT.			
74–595	346	North bank of Mehi River	160 acres	„	„
„	347	South „ „	320 „	„	„
74–491	1119	Wangonilla Block B Run, Murrumbidgee District.	1 sq. mile	21 April, 1874	1174
„	1120	„ „ „ „	1 „	„	„
„	1121	„ D „ „	1 „	„	„
„	1122	„ „ „ „	1 „	„	„
„	1123	„ „ „ „	1 „	„	„
Ms. 74–620	587	Counties of Barradine, White, Pottinger, Buckland, Denman, Jamieson, and Nandewar.	800 sq. miles	„	„
„	588	Counties Nandewar and Darling	240 „	„	„
74–1670	20	County Phillip, parish Cooyal, Cooyal Creek	58 a. 2 r.	24 April, 1874	1255
74–536	551 southerly extension.	County Wakool, Wangaradgery Run	3 sq. miles	„	„
„	550 southerly extension.	„ „	3 „	„	„
74–1697	1116	County Hume, parish Buckaginga	66 acres	„	„
74–485	621 extended.	County Townsend, Barratta Run	8½ sq. miles	„	
74–537	781 northerly extension.	County Wakool, Mooloomoon Run	2 „	„	„
„	783 northerly extension.	„ „	960 acres	„	„
74–914	787 north-eastern extension.	„ Murgha Run	1½ sq. mile	„	„
„	1090	„ parish Hindmarsh	330 acres (abt.)	„	„
„	785 northern extension.	County of Wakool	1,393 „ „	„	„
74–960	1117	„ Moulamein Block A Run	1 sq. mile	„	„
73–7257	1118	Billabong Forest A Run, Murrumbidgee District	3 sq. miles	„	„
Aln. 73–9767	633	County Buckland, parish Moan	52 a. 3 r.	„	„
Ms. 74–1541	620	County Bland, parish Yeo Yeo	160 acres	„	„
74–1540	621	„ „	320 „	„	„
74–1666	622	County Harden, parish Gooranima	83 „	„	1256
74–1669	623	County Forbes, at Broula	360 „	„	„
74–1668	212	County Beresford, parish Jillimatong	11 „	„	„
74–1431	343	County Gowen, parish Coonabarabran	320 „ (abt.)	„	„
74–1023	351	County Murchison, parish Stag	400 „	„	„
74–1666	624	County Harden, Boorowa River	260 „ (abt.)	„	„
74–1323	1115	County Wynyard, parish Tumut	336 „	„	„
73–4964	330	County Gough, New England District	320 „	„	„
Oc. L., M. 74–640	447	County Ashburnham, Boree Cabone Run	100 „ (abt.)	28 April, 1874	1,309
74–671	448	„ Gunning and Gunning East Runs.	1,280 „ „	„	„
74–672	449	County Ashburnham, Goobang Creek	640 „	„	„
74–673	450	„ „	160 „	„	„
74–674	451	„ „		„	„
74–675	452	„ „		„	„
74–676	453	„ Milpose Creek	160 acres	„	„
74–677	454	„ Goobang Creek	500 „ (abt.)	„	„
74–693	1129	County Mitchell, Mundawadera Run	3,200 „ „	„	„
74–696	344	Mungullia Run, Bligh District	1 sq. mile	„	„
„	345	„ „	1 „	„	„
74–626	346	„ „	1 „	„	„
74–696	347	„ „	1 „	„	„

No. of Papers.	No. of Reserve.	Locality.	Area.	Government Gazette in which the description is published.	Folio.
		GWYDIR DISTRICT—*continued.*			
Oc. L., M. 74–696	348	Greenbar Run, Bligh District	1 sq. mile ...	28 April, 1874...	1,309
,,	349	,, ,, ...	1 ,, ...	,, ...	,,
74–713	103	Torrincaca Run, Darling District	.....	,, ...	,,
,,	104	Huco Run, Darling District	.....	,, ...	,,
,,	105	East Albermarle, Block D Run, Darling District	.....	,, ...	,,
,,	106	Bruce's Plains, No. 2 Run, Darling District ...	.....	,, ...	,,
,,	107	East Albermarle, Block D, and Bruce's Plains No. 3 Run, Darling District.	.....	,, ...	,,
,,	108	Bruce's Plains, Nos. 2 and 3 Runs, Darling District.	.....	,, ...	,,
,,	109	Bruce's Plains, No. 3 Run, Darling District ...	.....	,, ...	,,
,,	110	,, Nos. 2 and 3 Runs, Darling District.	.....	,, ...	,,
74–883	625	Thelangerin West Run, Lachlan District	.....	,, ...	1,310
,,	626	,, ,, ...	.....	,, ...	,,
,,	627	,, ,, ...	.....	,, ...	,,
,,	628	,, ,, ...	.....	,, ...	,,
,,	629	,, ,, ...	1 sq. mile ...	,, ...	,,
,,	630	,, ,, ...	1 ,, ...	,, ...	,,
,,	631	,, ,, ...	.....	,, ...	,,
,,	632	,, ,, ...	1 sq. mile ...	,, ...	,,
,,	633	,, ,, ...	1 ,, ...	,, ...	,,
Ms. 74–2745	579 southern extension.	Counties of Townsend and Cadell, Cobran and Gotha Runs.	2,200 acres.....	,, ...	,,
,,	1124	County Cadell, Cobran Run	4 sq. miles ...	,, ...	,,
74–1799	1125	County Townsend, parishes Purdamma and Gotha, Cobran and Gotha Runs.	.....	,, ...	,,
74–1865	1126	County Townsend, parish Brassi	1,800 acres (abt.)	,, ...	,,
74–2642	1127	County Denison, parish Coreen	576 ,, ...	,, ...	,,
,,	1128	,, ,, ...	518 ,, ...	,, ...	,,
74–2664	446	County Canbeilgeo, Bogan River	5 sq. miles ...	,, ...	,,
74–2542	213	County Beresford, parish Murrumbucka.....	.....	,, ...	,,

Sydney: Thomas Richards, Government Printer.—1874.

[3*d*.]

1873-4.

NEW SOUTH WALES.

CROWN LANDS.

(RESERVED FROM SALE UNTIL SURVEYED, FOR THE PRESERVATION OF WATER SUPPLY OR OTHER PUBLIC PURPOSES.)

Presented to Parliament, pursuant to Act 25 Vict. No. 1, sec. 4.

ABSTRACT of Crown Lands reserved from Sale until surveyed, for the preservation of Water Supply or other public purposes, in accordance with the 4th section of the Act 25 Victoria, No. 1. (From 1st to 31st May, 1874.)

No. of Papers.	No. of Reserve.	Locality.	Area.	Government Gazette in which the description is published.	Folio.
Ms. 74-2626	763 extended.	County Townsend, Cooer Run	3 sq. miles	5 May, 1874	1,351
"	761 extended.	" "	6¼ sq. ms. (abt.)	"	"
74-2509	812 extended.	" Morago Run	3,400 acres "	"	"
74-2836	287 extended.	" "	7 sq. ms. "	"	"
Aln. 73-8410	1130	County Denison, parish Tocumwall	80 acres	8 May, 1874	1,409
Ms. 74-1432	339	County Gowen, Castlereagh River	360 "	"	"
74- 558	15	County Cumberland, parishes Bulga, Wattamolla, and Heathcote.	23 sq. miles	"	"
74-1989	634	County Harden, parish Jugiong	160 acres	"	"
74-1987	350	County Gowen, parish Coonabarabran	34 "	"	"
74-3039	351	County Napier, parish Binnia	1,056 "	12 May, 1874	1,432
74-2990	352	County Burnett, parish Gragin	320 "	"	"
74-2970	1131	County Townsend, parish Kerranakoon	120 "	"	"
74-2301	35	County Durham, parish Wallarobba	19a. 2r.	"	1,463
74-1861	331	County Hardinge, parish Darley	12 acres (abt.)	"	"
74-1664	590	County Buckland, parishes Werrie, Evan, and Coeypolly.	2½ sq. miles	"	"
"	591	County Buckland, parishes Werrie and Coeypolly.	1 sq. mile	"	"
"	592	County Buckland, parish Evan	380 acres	"	"
"	593	" "	400 "	"	"
"	594	" " Gunnadilly	1,056 "	"	"
"	595	" " Werri	546 "	"	1,464
"	596	" "	160 "	"	"
"	597	" " Currabubula	320 "	"	"
"	52 extended.	" Currabubula Creek	5¼ sq. miles	"	"
"	598	" parish Piallaway	3 "	"	"
"	599	" " Werri	1¼ "	"	"
"	600	" " Currabubula	1,152 acres	"	"
"	601	" " Wallabadah	240 "	"	"
"	602	" " "	192 "	"	"
"	603	" " Coeypolly	2 sq. miles	"	"
"	604	" " Evan	2½ "	"	"
"	605	" parishes Loder and Parnell	4 "	"	"
"	606	" parish Parnell	1,660 acres	"	"
"	607	" " Evan	1,040 "	"	"
"	608	" " Temi	3,400 "	"	"
"	609	" "	416 "	"	"
"	610	" " Warrah	432 "	"	1,465
"	611	" " Piallaway	800 " (abt.)	"	"
"	51 northerly extension.	" " Denver	3½ sq. miles	"	"
"	51 southerly extension.	" "		"	"

No. of Papers.	No. of Reserve.	Locality.	Area.	Government Gazette in which the description is published.	Folio.
Ms. 74-1664	181 extended.	County Buckland, parish Dight	2,113 acres	12 May, 1874	1,465
,,	612	County Parry, parish Goonoo Goonoo	620 ,,	,,	,,
,,	613	,, ,, ,, Turi	560 ,,	,,	,,
,,	614	Counties Buckland and Parry, Currabubula Creek.	960 ,,	,,	,,
74-1154	615	County Buckland, parish Towarri	208 ,,	,,	,,
,,	616	,, ,, ,,	320 ,,	,,	,,
,,	617	,, ,, ,,		,,	,,
,,	618	,, ,, Yarrimanbah	320 acres	,,	,,
,,	619	,, ,, Moan	750 ,,	,,	,,
,,	620	,, ,, ,,	160 ,,	,,	,,
,,	453 north extension.	,, ,, ,,		,,	,,
,,	621	,, ,, Yarrimanbah	200 acres	,,	,,
,,	623	,, ,, Moan	210 ,,	,,	,,
,,	624	,, ,, ,,	160 ,, (abt.)	,,	1466
,,	625	,, ,, ,,	224 ,, ,,	,,	,,
74-1585	635	County Pottinger, parish Moonbi	640 ,,	,,	,,
74-1187	544	County Darling, parish Wilson	600 ,,	,,	,,
74-927	636	,, ,, Keepit	780 ,,	,,	,,
74-1432	337	Counties Napier and Gowen, Castlereagh River	5 sq. miles	,,	,,
,,	338	,, ,, ,, ,,	3 sq. miles (abt)	,,	,,
S.G.O. 65-16057	210	County Rous, parish Tunstall	36 acres	,,	,,
Ms. 74-2429	575 northerly extension.	County Waradgery, parish Weokenbergal	2 sq. miles	,,	,,
,,	576 east extension.	,, ,, parishes of Weokenbergal and Bedarbejal.	2 ,,	,,	,,
,,	576 west extension.	County Waradgery, parish Weokenbergal	2 ,,	,,	,,
,,	577 northerly extension.	,, ,, ,, Eurolie	1,120 acres	,,	,,
,,	577 southerly extension.	,, ,, ,, Bedarbejal	1,665 ,,	,,	,,
74-1017	641 east extension.	County Townsend, Warbreccan Run	1 sq. mile	,,	,,
,,	641 south extension.	,, ,, ,, ,,	752 acres	,,	,,
,,	641 west extension.	,, ,, ,, ,,	2 sq. miles (abt.)	,,	,,
74-1352	588	County Clarendon, parishes Warrie Warral and Trevethin.	640 acres	,,	1467
,,	589	County Clarendon, parish Warrie Warral	640 ,,	,,	,,
,,	590	,, ,, ,, South Jewnee	640 ,,	,,	,,
,,	591	,, ,, ,, Maroe		,,	,,
,,	592	,, ,, ,, Billabong	480 acres	,,	,,
,,	593	,, ,, parishes Wantiool and Eurongilly.	1,120 ,,	,,	,,
,,	594	County Clarendon, parish Wantabadgery	640 ,,	,,	,,
,,	595	,, ,, ,, Wantiool	640 ,,	,,	,,
,,	596	,, ,, parishes Ironbong and Bethungra.	1,600 ,,	,,	,,
,,	597	County Clarendon, parish Ironbong	960 ,,	,,	,,
,,	598	,, ,, ,, Billabong	640 ,, (abt.)	,,	,,
,,	599	,, ,, ,, Merrybundinah	640 ,,	,,	,,
,,	600	,, ,, ,, ,,	640 ,,	,,	,,
,,	601	,, ,, parishes Bethungra and Billabong.	1,920 ,,	,,	,,
,,	602	County Clarendon, Mitta Mitta Creek	880 ,,	,,	,,
,,	603	,, parish Eurongilly	550 ,,	,,	,,
,,	604	,, parishes Malebo and South Jewnee.	1,600 ,,	,,	,,
,,	605	County Clarendon, parishes of Malebo and Wallace.	1,760 ,,	,,	1468
,,	369 north extension.	County Clarendon, parish Oura	162 a. 1 r	,,	,,
74-484	635	County Gipps, Billabong Run	2 sq. miles	,,	,,
74-1719	636	County Harden, parish Brongongalong	43 a. 2 r	,,	,,
74-55	1007 extended.	,, parish Brocklesby	297 acres	,,	,,
74-1988	637	County Bland, parish Yeo Yeo	160 ,,	,,	,,
,,	638	,, ,,	320 ,,	,,	,,
Aln. 73-16629	1132	County Townsend, parish Wononga	2,560 acres (abt.)	,,	,,
,,	1133	,, parish Hartwood	2 sq. miles	,,	,,
Ms. 74-913	1134	County Wakool, Moulamein, Block A Run	480 acres	,,	,,
74-483	776 extended.	,, Kirarbin Run	6 sq. miles	,,	,,
74-2153	1135	County Buccleuch, parish Wyangleo	320 acres	,,	,,

No. of Papers.	No. of Reserve.	Locality.	Area.	Government Gazette in which the description is published.	Folio.
Ms. 74–2310	1136	County Wynyard, parish Bangus	680 acres	12 May, 1874	1468
74–1895	26	County Gloucester, parish Stowell	40 „	„	„
74–2428	634	County Parry, parish Somerton	200 „	„	1469
R. S. & B. 74–392	47	County Brisbane, parish Boggabri	800 „	„	„
„	48	„ parishes Ailsa and Boggabri	1,376 „	„	„
„	49	County Bligh, parish Lorimer	1,820 „	„	„
Ms. 74–1644	214	County Dampier, parish Cudgangarry	96 „	„	„
Aln. 73–9306	26	County Bathurst, parish Torrens	4 „	„	„
74–5010	27	„ „	32 „	„	„
Oc. L. 74–897	352	County Lincoln, parish Coolbaggie	320 „	15 May, 1874	1482
„	353	„ „	320 „ (abt.)	„	„
„	354	„ Coolbaggie Creek	1,280 „ „	„	„
74–900	355	„ parish Murrumbidjerie	1,100 „ „		
74–831	455	County Ashburnham, Bartley's Creek Run	640 „ „	„	„
„	456	„ Bogabijal Run	1,000 „ „	„	„
„	457	„ Lower Daronbalgie Run	640 „	„	1483
74–711	1137	„ Wakool, parish Cangen		„	„
		LACHLAN DISTRICT.			
74–957	639	Billabong Run	1,920 acres (abt.)	22 May, 1874	1567
74–959	1138 extension.	Wanganella South Run		„	„
74–960	1139 extension.	„ „		„	„
74–996	1140	Beremgad Run		„	„
„	1141	„		„	„
74–990	1142 extension.	Wanganella South Run		„	„
74–1018	1143	Billabong Forest, A Run		„	„
		LIVERPOOL PLAINS DISTRICT.			
74–1012	637	Bugaldi Run		„	„
„	638	„		„	„
„	639	Bugaldi Creek		„	„
74–949	640	Bullenbüller Run, Liverpool Plains District		„	„
		BLIGH DISTRICT.			
74–1012	356	Bugaldi Run	1 sq. mile	„	„
„	357	Walla Walla Run		„	„

Sydney: Thomas Richards, Government Printer.—1874.

[3d.]

1873–4.

NEW SOUTH WALES.

CROWN LANDS.

(RESERVED FROM SALE UNTIL SURVEYED, FOR THE PRESERVATION OF WATER SUPPLY OR OTHER PUBLIC PURPOSES.—FROM 1 TO 30 JUNE, 1874.)

Presented to Parliament, pursuant to Act 25 Vict. No. 1, sec. 4.

ABSTRACT of Crown Lands reserved from Sale until surveyed, for the preservation of Water Supply or other public purposes, in accordance with the 4th section of the Act 25 Victoria, No. 1. (From 1st to 30th June, 1874.)

No. of Papers.	No. of Reserve.	Locality.	Area.	Government Gazette in which the description is published.	Folio.
		MURRUMBIDGEE DISTRICT.			
Oc. L. 74–1100	1152	North Carroonboon Run	.....	2 June, 1874 ...	1,655
74–1036	1153	Extension of Reserve 636, Tuppal Creek Run	.....	,, ...	,,
74–1099	1154	Miranda Run, County Townsend	.....	,, ...	,,
74–1098	1155	Thalaka Run	.....	,, ...	,,
74–1034	1156	Bundyulumbah Run	.....	,, ...	,,
74–1043	1157	Extension of Reserve 541, on Savernake Run	.....	,, ...	,,
		GWYDIR DISTRICT.			
74–1066	354	Derra Dun	.....	,, ...	,,
,,	355	,,	.....	,, ...	,,
		DARLING DISTRICT.			
74–1062	111	Prunella Run	.....	,, ...	,,
,,	112	Prunella and Yenda Blocks	.....	,, ...	,,
		LACHLAN DISTRICT.			
74–1035	643	Craigengullen Run	.....	,, ...	,,
,,	644	,,	.....	,, ...	,,
74–1064	645	Moora Moora Run	.....	,, ...	,,
		DISTRICT OF ALBERT.			
74–1026	131	Werrimbella Run	.....	,, ...	,,
74–1027	132	Potacingoga Run	1 sq. mile ...	,, ...	,,
,,	133	Outer Minden Run	.....	,, ...	,,
,,	134	Minden Run	1 sq. mile ...	,, ...	,,
,,	135	Brainard Run	.....	,, ...	,,
,,	136	Outer Minden and Outer Brainard Runs	.....	,, ...	,,
,,	137	Outer Brainard Run	1 sq. mile ...	,, ...	,,
74–1028	129	Werrimbella Run	.....	,, ...	1,656
,,	130	Potincingoga Run	.....	,, ...	,,
Ms. 74–3010	460	County Ashburnham, Naradanderry Run, Lachlan River.	960 acres	,, ...	,,
74–2260	50	Counties Durham and Brisbane, parish Mamaran, Hunter River.	280 ,, ...	5 June, 1874 ...	1,717
74–1228	213	County Richmond, parish Riley	72 acres 1 rood	,, ...	,,
74–2639	332	County Gough, parish Bundar	3 ,, 3 ,,	,, ...	,,
74–1857	333	County Sandon, parish Elton	60 ,, ...	,, ...	,,
74–1446	358	County Gregory, Tongamba Run	3 sq. miles (abt)..	,, ...	,,
,,	359	,, ,,	3 ,, ...	,, ...	,,
74–1951	641	County Harden, parish Cunningham	244 acres	,, ...	,,
74–2668	642	,, parish Jindalee	100 ,, ...	,, ...	,,
74–1145	679	County Wakool, North Wakool Run	2 sq. miles (abt)..	,, ...	,,
northerly	extension.				
74–2548	1145	County Townsend, Wanganella, Block B and D Runs.	13 ,, ...	,, ...	,,
74–1172	1146	County Townsend, Wanganella, D Run	.....	,, ...	,,
74–1786	1147	County Wakool, parish Landale	280 acres (abt)..	,, ...	,,
,,	1148	,, parish Windouran	200 ,, ,, ...	,, ...	,,
74–2062	1149	County Hume, parish Creighton	193 ,, ..	,, ...	1,718
,,	1150	,, ,, ...	402 ,, ...	,, ...	,,
74–2551	663	County Urana, parish Culliael	824 ,, ...	,, ...	,,
northerly	extension.				
74–2548	1151	County Townsend, parish Ronald	1,160 ,, (abt)..	,, ...	,,

No. of Papers.	No. of Reserve.	Locality.	Area.	Government Gazette in which the description is published.	Folio.
Ms. 74-2548	1097	County Townsend, Wanganilla B Run	632 acres (abt.)	5 June, 1874	1718
southern	extension.				
74-2182	458	Counties Narromine and Kennedy, Yarrandidgen and Dandaloo Runs.	2,691 „	„	„
74-1642	459	Bogan River, Counties Oxley and Flinders	16 s. mls. (abt.)	„	„
74-2552	193	County Darling, Liverpool Plains District	320 acres	„	„
southern	extension.				
74-2669	491	County Nandewar, parish Talcumbah	301 „	„	„
eastern	extension.				
74-2640	649	County Inglis, parish Haning	3a. 3r.	„	„
„	650	„ „	11a. 0r. 32p.	„	„
„	651	„ „	5a. 2r.	„	„
74-2550	353	County Arrawatta, parish Gramen	44 acres	„	„
74-2549	640	County Harden, parish Cunningham	30 „	„	„
R. S. & B. 74-481	211	County Rous, parishes North Codrington and South Gundurimba.	160 „ (abt.)	„	1719
„	212	County Rous, parish South Gundurimba	50 „ „	„	„
Ms. 74-2527	641	County Pottinger, parish Premer, Bundella Creek.	172 „	„	„
„	642	County Pottinger, parish Lawson	80 „	„	„
„	643	„ „	100 „	„	„
„	644	„ parish Tamerang	768 „	„	„
„	495	„ parish Merrigala	168 „	„	„
east	extension.				
„	645	„ parish Lawson	80 „	„	„
„	646	„ parish Bundella	60a. 1r.	„	„
„	446	„ „	249 acres	„	„
west	extension.				
„	647	„ parish Clarke	190 „	„	„
„	648	„ „	61a. 2r.	„	„
Aln. 73-20085	1144	County Wynyard, parish Calafat	164 acres	„	„
Ms. 74-2483	652	County Pottinger, parish Tamba	49 „	9 June, 1874	1740
Aln. 74-5208	214	County Rous, parish East Gundurimba	61a. 2r.	„	„
73-9430	360	County Gowen, parish Coonabarrabran	40 acres	„	„
Ms. 74-2842	1158	County Townsend, parish Belmore	2 sq. miles	„	„
Aln. 74-6775	1159	County Waljeers, parish Corrong	4½ „ (abt.)	„	„
Ms. 74-2719	51	County Brisbane, parish Tinagroo	220 acres	12 June, 1874	1772
74-2853	356	County Bruarba, parishes Merroo and Tuba	535 „	„	„
74-3269	551	County Wakool, parishes Boyd and Burburgadah, Nyang Run.	4¾ sq. miles	„	„
northern	extension.				
„	435	County Wakool, parish Moulamein	5 „ (abt.)	„	„
southern	extension.				
„	747	„ parishes Nyang and Barraba	5¼ „ „	„	„
southern	extension.				
„	550	„ parishes Boyd and Nyang	5¾ „ „	„	„
northern	extension.				
„	1160	„ parishes Boyd and Moulamein	1,560 acres (abt.)	„	„
„	1161	„ parish Gynong, Chowar Run	7½ sq. miles	„	„
„	748	„ parish Chowar „	5 „	„	„
southern	extension.				
„	1162	„ parish Bookit	5¼ „ (abt.)	„	„
„	295	„ parish Whymoul	2 „	„	„
northern	extension.				
„	1114	„ parish Bookit	2,208 acres (abt.)	„	„
western	extension.				
„	1112	„ parish Beremgad	1,620 „ „	„	„
western	extension.				
74-3269	1163	„ parish Corry	5½ sq. miles	„	„
„	297	„ parish Danberry	3 „	„	„
western	extension.				
„	746	„ parish Balpool	3½ „ (abt.)	„	1773
southern	extension.				
„	1164	„ parish Barraba	4½ „ „	„	„
Aln. 73-21382	1165	County Wynyard, parish Woomanrigong	2 acres „	„	„
Ms. 74-1894	52	County Brisbane, parish Merriwa	1,300 „	„	„
74-3529	53	„ parish Coulson	78 „	16 June, 1874	1790
74-3397	54	„ parish Hall	10 „	„	„
73-6561	334	County Hardinge, parish Clare	640 „	„	„
74-3369	335	County Gough, parish Wellington	1a. 3r.	„	„
74-3396	336	„ parish Mitchell	16a. 1r. (abt.)	„	„
74-2851	1167	County Buccleugh, parish Goobarralong	160 acres	„	„
74-3530	1168	County Boyd, parishes Eilginbah and Packineroy	2,998 „	„	„
74-3370	1169	County Mitchell, parish Sandy Creek	3½ „	„	„
74-2818	653	County Parry, parish Goonoo Goonoo	480 „	„	„
74-3018	215	County Beresford, parish Murrumbucka	40 „	„	„
74-3019	216	„ „	120 „ (abt.)	„	„
74-2986	27	County St. Vincent, parish Tallaganda	100 „	„	„
74-3570	461	Mora Creek, Wyleeree, Geggen, Ulouri, and Ginge Runs.	16 sq. miles	„	„
74-2852	1166	County Buccleugh, parish Brungle, Brungle Creek.	7 acres	„	„
74-3296	462	County Narromine, Draggy Run, Bogan River	8¾ sq. m. (abt.)	19 June, 1874	1806
74-3875	17	County Northumberland, parish Wallarah, Budjewoi Creek.	700 acres „	23 June, 1874	1891
74-4082	357	County Burnett, parish Myalla	360 „	„	„

Sydney: Thomas Richards, Government Printer.—1874.

[3d.]

1873.

NEW SOUTH WALES.

CROWN LANDS.

(DEDICATED TO RELIGIOUS AND PUBLIC PURPOSES.—List 4 of 1873.)

Presented to Parliament, pursuant to Act 25 Vict. No. 1, sec. 5.

ABSTRACT of Crown Lands authorized to be dedicated to Religious and Public Purposes, in accordance with the 5th section of the Act 25 Victoria, No. 1.

Place.	County.	Allotment.	Section.	Locality.	Area.	To what purpose dedicated.	No. of Papers.	Cat. No. of Plan.
					a. r. p.			
Arthur	Georgiana	13, 14, 15, 16, 17, & 18	6	Village of Arthur, Trunkey Gold Field.	1 2 1	Wesleyan Church and Minister's Residence.	73-181 Ms.	A 2-2032 (roll.)
"	"	.....	.....	Village of Arthur, at Trunkey.	7 2 0	General Cemetery	72-5372 "	C 314-1984
Balranald	Caira	7, 8, & 9	14	Town of Balranald	1 2 0	Church of England Church and Parsonage.	73-2368 "	C 293-1984
Boorowa	King	6 & 7	13	" Boorowa	1 2 0	Presbyterian Church and Manse.	73-1931 "	C 341-1984
Bourke	Cowper	1	17	" Bourke	0 3 0	Mechanics' Institute	73-850 "	Town plan.
Bungendore	Murray	1 & 2	8	" Bungendore	1 2 0	Presbyterian Church and Manse.	73-2264 "	C 327-1984
Chambers Creek	Bathurst	9, 10, & 11	8	Village of Chambers Creek.	0 3 0	Church of England Church and Parsonage.	73-598 "	C 334-1984
Duck Creek	Rous	Portions 95 & 96		Parish of Tuckombil	1 2 0	Presbyterian Church and Manse.	73-4510 "	C 319-1984
Gulgong	Phillip	.....	.....	At Gulgong	2 0 0	Public School	73-1910 "	P 191-1978
Kyeamba Creek	Wynyard	.....	.....	At Kyeamba Creek, at the crossing of the road from Wagga Wagga to Tarcutta.	35 0 0	Crossing-place	72-5789 "	.....
Moama	Cadell	Part of 35		Town of Moama	1 2 0	Wesleyan Church and Minister's Residence.	72-4008 "	C 342-1984
Raglan	Roxburgh	16 & 17	3	Village of Raglan	1 2 0	Church of England Church and Parsonage.	73-1472 "	R 10-1595
Three-mile Rush	Phillip	.....	.....	Parish of Gulgong	0 1 0	Wesleyan Church	73-1755 "	C 323-1984
Wallerawang, near	Cook	Portions 235 & 236		" Liddesdale	1 2 0	Church of England Church and Parsonage.	73-2610 "	C 348-1984
Weetangera	Murray	Portions 60 & 61		" Weetangera	1 2 0	Wesleyan Church and Minister's Residence.	73-932 "	C 331-1984
Woodburn	Richmond	.....	11	Town of Woodburn	3 3 0	General Cemetery	73-4271 "	C 333-1984

1873.

NEW SOUTH WALES.

CROWN LANDS.

(DEDICATED TO RELIGIOUS AND PUBLIC PURPOSES.)

Presented to Parliament, pursuant to Act 25 Vic. No. 1, sec. 5.

ABSTRACT of Crown Lands authorized to be dedicated to Religious and Public Purposes, in accordance with the 5th section of the Act 25 Victoria, No. 1.—List 5 of 1873.

Place.	County.	Allotment.	Section.	Locality.	Area. a. r. p. about	To what purpose dedicated.	No. of Papers.	Cat. No. of Plan.
Armidale	Sandon	.....	8	Town of Armidale	4 3 8	Public Recreation	Misc. 73-2261	Town of Armidale.
Arthur	Georgiana	6,7,8, 9, &10	6	Village of Arthur	1 1 0	Presbyterian Church and Minister's Residence.	73-1464	A 2-2032 (roll.)
Bathurst	Bathurst	.....	.....	Town of Bathurst	0 1 5½	Extension of Baptist Burial-ground.	73-3153	C 350-1984
"	"	16	9	"	2 2 19	Hospital Site	73-5273	B 148- 834
Bowra	Raleigh	2, 3, & 4	16	Village Reserve, Bowra	1 2 0	Roman Catholic Church and Presbytery.	73- 998	C 336-1984
Broughton's Crk., near.	King	.....	.....	Near Broughton's Creek	1 2 0	Wesleyan Church and Minister's Residence.	73-2632	C 346-1984
Cambewarra or Good Dog.	Camden	.....	.....	Cambewarra or Good Dog.	8 0 0	General Cemetery	65-20591	C 927- 730
Casino	Rous	7, 8, & 9	9	Town of Casino	1 1 23	Roman Catholic Church and Presbytery.	72-5915	C 142-1521 .....
Chippendale, near	Cumberland.	.....	.....	Old Cook's River Road, near Chippendale.	0 2 0	Roman Catholic Presbytery.	73-4180	C 869- 730
"	"	.....	.....	" "	0 2 0	Public School	"	"
Cooyal Creek, near	Phillip	.....	.....	Near Cooyal Creek	2 0 0	"	72-5900	P 192-1978
Dead Horse Creek	Goulburn	.....	.....	At Dead Horse Creek	1 2 0	Wesleyan Church and Minister's Residence.	72-6508	C 320-1984
Denison Gold Field.	Durham	.....	.....	At Bell's or Moonan Brook.	2 2 0	General Cemetery	73-1402	C 332-1984
Dubbo	Lincoln	1, 2, & 20	11	Town of Dubbo	1 2 0	Wesleyan Church and Minister's Residence.	73- 667	C 608- 730
Forbes	Ashburnham.	.....	.....	Town of Forbes	1 2 34	Public Recreation	72-5678	S B vol. X (fol. 141)
Hanging Rock	Parry	portions 115 & 116		At the Hanging Rock	1 2 0	Wesleyan Church and Minister's Residence.	73- 938	C 202-1984
Lachlan River	Forbes	"	38 & 39	Near the Lachlan River, parish of Gooloogong.	1 2 0	Roman Catholic Church and Presbytery.	72-2394	C 347-1984
Meangora	St. Vincent	"	65 & 66	Parish of Meangora	1 2 0	Wesleyan Church and Minister's Residence.	72-5899	C 328-1984
Mudgee	Wellington	.....	.....	Town of Mudgee	2 0 0	Hospital Site	73-5885	U 39-1009
Nimmitabel	Wellesley	8 & 9	20	Town of Nimmitabel	1 2 0	Wesleyan Church and Minister's Residence.	73-3128	C 349-1984
Rocks Toll-bar, near.	Bathurst	portion 107		Near the Rocks Toll-bar, Orange Road.	2 0 0	Public School	73-3537	P 194-1978
South Codrington	Richmond	1	70	Town of South Codrington.	2 0 0	"	73-2407	P 193-1978
South Wagga Wagga.	Wynyard	5	38	Town of South Wagga Wagga.	0 0 8	Additional Site for School of Arts.	72-5549	W 33-1345 W 34-1345
Weekes	Raleigh	4	2	Village of Weekes	0 3 4	Additional Public School Site.	71-6829	P 33-1978
Wilcannia	Young	.....	.....	Town of Wilcannia	7 3 15½	General Cemetery	73- 321	C 351-1984
Wolumla	Auckland	.....	.....	At Wolumla	4 0 1	"	72-4720	C 335-1984
Wombat	Harden	6, 7, & 8	11	Town of Wombat	1 2 0	Church of England Church and Parsonage.	73- 757	C 352-1984
Yass, near	Murray	.....	.....	Near Yass	0 3 0.	Wesleyan Burial-ground	73- 3	C 326-1984

1873.

NEW SOUTH WALES.

CROWN LANDS.

(DEDICATED TO RELIGIOUS AND PUBLIC PURPOSES.—LIST No. 6.)

Presented to Parliament, pursuant to Act 25 Vict. No. 1, sec. 5.

ABSTRACT of Crown Lands authorized to be dedicated to Religious and Public Purposes, in accordance with the 5th section of the Act 25 Victoria, No. 1.

Place.	County.	Allotment.	Section.	Locality.	Area.	To what purpose dedicated.	No. of Papers.	Cat. No. of Plan.
					a. r. p. about		Misc.	
Armidale	Sandon ...	5	30	Town of Armidale	1 0 0	Presbyterian Church ...	73-3401	C 355-1984
Breewarrina	Clyde	1, 2, & 3	8	„ Breewarrina ...	2 0 0	Public School	73-3949	P 200-1978
„	„	.....	.....	„ „ ...	7 2 0	General Cemetery	73-3951	C 361-1984
Casino	Rous	.....	.....	„ Casino	134 0 0	Public Recreation	72-3208	R 2-1759
Coonamble.....	Leichardt..	10	9	„ Coonamble.....	0 1 35	School of Arts	73-4777	.....
Duramana (parish of).	Roxburgh.	Portion	110	Parish of Duramana ...	2 0 0	Public School	73-3542	P 197-1978
Grafton (South)..	Clarence...	3 & 5	4	Town of South Grafton..	1 0 7	Wesleyan Church and Minister's Residence.	73-4322	G 41-1359
Norway (parish of) near Fish River).	Westmoreland.	Portion	198	Parish of Norway, near Fish River.	1 2 0	Do. do. ...	73-542	C 348-1984
Onybigamba	Northumberland.	7	37	Town of Onybigamba, Bullock Island, near Newcastle.	0 2 0	Public School	73-212	.....
Tarra	Roxburgh.	Portion	117	At Tarra	2 0 0	do	73-3230	P 199-1978
Terrania Creek ...	Rous	do.	45	At Terrania Creek	2 0 0	do	73-3754	P 196-1978
Warroo (parish of), Good Hope.	Murray ...	do.	151	Parish of Warroo, at Good Hope.	2 0 0	do	73-3875	P 195-1978

1873.

NEW SOUTH WALES.

CROWN LANDS.

(DEDICATED TO PUBLIC PURPOSES.—No. 7 OF 1873.)

Presented to Parliament, pursuant to Act 25 Vict. No. 1, sec. 5.

ABSTRACT of Crown Lands proposed to be dedicated to Public Purposes, in accordance with the 5th section of the Act 25 Victoria, No. 1.

Place.	County.	Allotment.	Section.	Locality.	Area.	To what purpose dedicated.	No. of Papers.	Cat. No. of Plan.
Tambourine Bay..	Cumberland.	.....	.....	Tambourine Bay..	a. r. p. 4 0 34	Public recreation and wharfage.	Ms. 73-4632.	.....

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NEW SOUTH WALES.

CROWN LANDS.

(DEDICATED TO RELIGIOUS AND PUBLIC PURPOSES.)

Presented to Parliament, pursuant to Act 25 Vic. No. 1, sec. 5.

ABSTRACT of Crown Lands authorized to be dedicated to Religious and Public Purposes, in accordance with the 5th section of the Act 25 Victoria, No. 1.—List No. 1 of 1874.

Place.	County.	Allotment.	Section.	Locality.	Area.	To what purpose dedicated.	No. of Papers.	Cat. No. of Plan.
					a. r. p. about		Misc.	
Balranald	Cairn	.....	.....	Town of Balranald	9 0 15	General Cemetery	70-2771	C 176-1984 (roll.)
Blowering	Buccleuch	portion 63		In the parish of Boyong	2 0 0	Public School	73-3290	P 198-1978
Boomey (parish of), on Molong and Ironbark Road.	Wellington.	.....	.....	„ Boomey	1 2 0	Church of England Church and Parsonage	73-3406	C 364-1984
Brewarrina	Clyde	6, 7, & 8	10	Town of Brewarrina	1 2 0	„ „	73-7078	B 2-1829
„	„	1 & 8	11	„ „	1 1 39½	Wesleyan Church and Minister's Residence.	73-3950	C 362-1984
Coonamble	Leichardt	1, 2, & 3	9a	„ Coonamble	1 2 4	Church of England Church and Parsonage	73-6484	C 9-1749 (roll.)
Coraki	Richmond	5 & 6	25	„ Coraki	1 2 0	Roman Catholic Church and Presbytery.	73-4035	C 359-1984
Good Hope	Murray	portions 152 & 153		County of Murray, parish of Warroo.	1 2 0	„ „	73-3876	C 358-1984
Gosford	Northumberland	1 & 2	32	Town of Gosford	1 0 0	Public School	73-1431	G 38-1123
Gulgong	Phillip	.....	.....	„ Gulgong	200 0 0	Public Recreation and Racecourse.	73-5464	P 89-2125
Home Rule	„	3	14	County of Phillip, parish of Wyaldra.	2 0 0	„ „	73-4330	P 21-2125 (roll.)
Moama	Cadell	.....	.....	Town of Moama	8 0 0	General Cemetery	73-6017	C 476- 730
Mogo	St. Vincent	portions 70 & 71		„ Mogo	1 2 0	Roman Catholic Church and Presbytery.	72-6116	C 353-1984

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NEW SOUTH WALES.

CROWN LANDS.

(DEDICATED TO RELIGIOUS AND PUBLIC PURPOSES.)

Presented to Parliament, pursuant to Act 25 Vict. No. 1, sec. 5.

ABSTRACT of Crown Lands authorized to be dedicated to Religious and Public Purposes, in accordance with the 5th section of the Act 25 Victoria, No. 1.—List No. 5 of 1874.

Place.	County.	Allotment.	Section.	Locality.	Area. a. r. p.	To what purpose dedicated.	No. of Papers.	Cat. No. of Plan.
Capertee	Roxburgh	portions 40 & 41		At Capertee	1 2 0	Presbyterian Church and Manse.	Misc. 73-4715	C 371-1984
Greta	Northumberland.	1	7	Village of Greta	2 0 0	Public School	73-7467	P 208-1978
Hill End	Wellington	.....	...	At Hill End	7 2 0	General Cemetery	73-6907	C 386-1984
Kincumber	Northumberland.	portion 166		In the parish of Kincumber.	2 0 0	Public School	73-6121	P 203-1978
Lambton	"	.....	...	At Lambton	0 3 0	Municipal Council Chambers.	73-1875	N 25-652
Port Macquarie West.	Macquarie	2 A & 2 B	1	Town of Port Macquarie West.	1 2 0	Wesleyan Church and Minister's Residence.	73-6494	C 382-1984
Spring Grove (parish of Graham).	Bathurst	.....	...	At Spring Grove	3 3 34½	General Cemetery	73-6395	C 165-1984
Spring Grove (parish of Markdale.)	Georgiana	.....	...	At Spring Grove	7 2 0	" "	73-5960	C 376-1984
Tataila, parish of	Cadell	portion 80		In the parish of Tataila	2 0 0	Public School	74-415	P 212-1978
Wolgan Valley	Cook	portions $\frac{9}{13}$ & $\frac{10}{13}$		At Wolgan Valley	1 2 0	Presbyterian Church and Manse.	73-4716	C 372-1984

1873–4.

NEW SOUTH WALES.

CROWN LANDS.

(DEDICATED TO RELIGIOUS AND PUBLIC PURPOSES—LIST No. 7 OF 1874.)

Presented to Parliament, pursuant to Act 25 Vict. No. 1, sec. 5.

ABSTRACT of Crown Lands authorized to be dedicated to Religious and Public Purposes, in accordance with the 5th section of the Act 25 Victoria No. 1.—List No. 7 of 1874.

Place.	County.	Allotment.	Section.	Locality.	Area. a. r. p.	To what purpose dedicated.	No. of Papers.	Cat. No. of Plan.
Adaminaby	Wallace	6	18	At Adaminaby, in the parish of Seymour.	0 2 0	School site in connection with the Church of England.	Misc. 73-7513	A 1-1747 roll
Bateman's Bay	St. Vincent	.....	...	Village of Bateman's Bay.	1 2 0	Roman Catholic Church and Presbytery.	73-955	C 337-1984
Capertee	Roxburgh	.....	...	At Capertee	7 2 0	General Cemetery	73-4717	C 370-1984
Jindalee (parish of)	Harden	.....	...	In the parish of Jindalee, on the road from Young to Cootamundra.	1 2 0	Wesleyan Church and Minister's Residence.	73-7265	C 390-1984
Kangaloon	Camden	.....	...	At Kangaloon	0 2 0	School site in connection with the Church of England.	74-1817	C 167-1984
Liverpool	Cumberland.	.....	...	Town of Liverpool	3 2 11	" "	73-977	C 340-1984
"	"	.....	...	"	1 1 20	Site for a Municipal Council Chambers.	73-978	L 34-895
Mirannie (parish of).	Durham	.....	...	Parish of Mirannie	3 3 10	General Cemetery	73-3710	C 365-1984
Newcastle	Northumberland.	.....	...	At Newcastle	1 0 27¾	Site for Bathing purposes	74-826	N 109-844
Wellington	Wellington	3 & 4	79	Town of Wellington	1 2 0	Presbyterian Church and Manse.	73-6950	C 387-1984
West Kempsey	Dudley	.....	...	At West Kempsey	1 2 0	Roman Catholic Church and Presbytery.	73-6493	C 383-1984

1873–4.

NEW SOUTH WALES.

CROWN LANDS.

(DEDICATED TO RELIGIOUS AND PUBLIC PURPOSES—LIST No. 8 OF 1874.)

Presented to Parliament, pursuant to Act 25 Vict. No. 1, sec. 5.

ABSTRACT of Crown Lands authorized to be dedicated to Religious and Public Purposes, in accordance with the 5th section of the Act 25 Victoria, No. 1.—List No. 8 of 1874.

Place.	County.	Allotment.	Section.	Locality.	Area.	To what purpose dedicated.	No. of Papers.	Cat. No. of Plan.
					a. r. p.		Misc.	
Coonabarrabran..	Gowan ...	17, 18, & 19	30	Town of Coonabarrabran	1 1 20	Wesleyan Church and Minister's Residence.	74-1174	C 6-1704
Hopefield	Hume.....	portion 341		At Hopefield, in the parish of Corowa.	2 0 0	Public School	74-54	P 211-1978
Narrabri	Nandewar	7	11	Town of Narrabri	0 2 0	Mechanics' Institute ...	73-3895	N 8-1738
Parramatta	Cumberland.	14	12	do. Parramatta ...	0 1 21½	Grant in connection with the Female School of Industry.	74-2806	.....
Do.	do.	.....	...	At Parramatta	0 1 18	Additional Grant for Wesleyan Church.	73-5097	C 182-1984

1873–4.

NEW SOUTH WALES.

CROWN LANDS.

(AUTHORIZED TO BE DEDICATED TO RELIGIOUS AND PUBLIC PURPOSES—LIST No. 9 OF 1874.)

Presented to Parliament, pursuant to Act 25 Vict. No. 1, sec. 5.

ABSTRACT of Crown Lands authorized to be dedicated to Religious and Public Purposes, in accordance with the 5th section of the Act 25 Victoria, No. 1.—List No. 9 of 1874.

Place.	County.	Allotment.	Section.	Locality.	Area.	To what purpose dedicated.	No. of Papers.	Cat. No. of Plan.
					a. r. p.		Misc.	
Arthur	Georgiana	.....	...	At Arthur	2 0 0	Public School	74-1769	P 201-1978
Clarence River	Clarence	portion 185		On the Clarence River, in the parish of Great Marlow.	0 3 21	Do.	74-1901	P 207-1978
Coraki	Richmond	1	65	Village of Coraki	0 1 0	School of Arts	73-7043	C 4-1948
Crookwell	King	7, 8, 9, & 10	17	Town of Crookwell	2 0 0	Public School	74-809	P 217-1978
Maclean	Clarence	.....	...	Village of Maclean	0 1 0	Mechanics' Institute	74-2797	M 6-1840
Do.	do.	.....	...	Do.	1 0 30	Extension of Presbyterian Burial Ground.	74-733	C 396-1984
Orange	Wellington.	14	40	Town of Orange	0 1 11½	Town Hall	74-1321	O 45-1309
Pokolbin (parish of.)	Northumberland.	.....	...	In the parish of Pokolbin.	2 0 0	Public School	72-4873	P 190-1978
Rockley	Georgiana	1, 2, 3, & 20	16	Village of Rockley	2 0 0	Additional Public School Site.	74-3304	R 6-1516
Weetangera	Murray	portion 71		At Weetangera	2 0 0	Public School	74-1191	P 218-1978

1873–4.

NEW SOUTH WALES.

CROWN LANDS.

(AUTHORIZED TO BE DEDICATED TO RELIGIOUS AND PUBLIC PURPOSES.)

Presented to Parliament, pursuant to Act 25 Vict. No. 1, sec. 5.

ABSTRACT of Crown Lands authorized to be dedicated to Religious and Public Purposes, in accordance with the 5th section of the Act 25 Victoria, No. 1.

Place.	County.	Allotment.	Section.	Locality.	Area.	To what purpose dedicated.	No. of Papers.	Cat. No. of Plan.
					a. r. p.		Misc.	
Armidale ..	Sandon	12	5	In the Town of Armidale.	1 0 25	Town Hall	73-6926	A 41-1354
Balranald ..	Caira ..	10, 11, & 12	27	Town of Balranald ..	1 2 0	Roman Catholic Church and Presbytery	73-3565	C 388-1984
Chambers Creek	Bathurst ..	8, 9, 10	7	At Chambers Creek ..	0 3 0	Wesleyan Church and Minister's Residence	72-5707	C 321-1984
Cooma (near) ..	Beresford ..	Portion 147		Parish of Cooma ..	1 2 0	Roman Catholic Cemetery	73-4976	C 368-1984
Gunning ..	King ..	.....	....	„ „ Gunning ..	1280 0 0	Permanent Common ..	74-1176	
Hill End ..	Wellington	10 a.	6	Village of Hill End ..	0 1 0	Baptist Church	72-6992	C 330-1984
„ ..	„	7 & 8	6	„	0 3 24	Roman Catholic Church and Presbytery	72-1750	H 58 A 1742
Markdale ..	Georgiana	Portion 100		At Markdale	2 0 0	Public School	73-5959	P 204-1978
Mirannie ..	Durham ..	.....	....	At Mirannie	1 2 0	Church of England Church and Parsonage	73-7224	C 380-1984
Muswellbrook ..		.....	....	At Muswellbrook ..	46 0 0	Public Recreation ..	71-1933	
Orange	Wellington	3	6	Town of Orange ..	0 2 0	Additional Grant for Church of England Church purposes	73-7566	
Prospect and Sherwood.	Cumberland	Part of 33		Near Parramatta ..	0 3 0	Site for Council Chambers for the Borough of Prospect and Sherwood	73-6639	

1873.

NEW SOUTH WALES.

CROWN LANDS.

(ABSTRACT FOR SITES OF CITIES, TOWNS, AND VILLAGES.)

Presented to Parliament pursuant to Act 25 Victoria, No. 1, sec. 4.

ABSTRACT of all Sites for Cities, Towns, and Villages, declared under the 4th section of the Act 25 Victoria, No. 1 (from 20th April to September, 1873).

City, Town, or Village.	Area for City, Town, or Village.	Area for Suburbs.	Locality.	Government Gazette in which Published.	
				1873.	Folio.
Kimberley.....	92 acres	.....	County Hardinge, Parishes of Darby and Swinton, at Copo's Creek.	2 May ...	1308
Euabalong	About 540 acres ...	About 2,000 acres...	County Blaxland, Parish of Euabalong.	1 July ...	1843

1873.

NEW SOUTH WALES.

CROWN LANDS.

(ABSTRACT OF SITES FOR CITIES, TOWNS, AND VILLAGES—FROM 1ST TO 31ST OCTOBER, 1873.)

Presented to Parliament pursuant to Act 25 Victoria, No. 1, sec. 4.

ABSTRACT of all Sites for Cities, Towns, and Villages, declared under the 4th section of the Act 25 Victoria, No. 1 (from 1st to 31st October, 1873).

Papers.	City, Town, or Village.	Area for City, Town, or Village.	Area for Suburbs.	Locality.	Government Gazette in which Published.	
73-3972 Ms.	Brewarrina	100 acres as an extension of area for the town.	.....	At Brewarrina, County of Clyde.	1873. 10 Oct. ...	Folio. 2816
73-2671 Ms.	Cobar	169 acres	641 acres	At Cobar, County of Robinson ...	10 Oct. ...	,,
73-2557 Ms.	Dandaloo	177 acres	695 acres	At Dandaloo, County Narromine	28 Oct. ...	2996

1873–4.

NEW SOUTH WALES.

CROWN LANDS.

(SITES FOR CITIES, TOWNS, AND VILLAGES.)

Presented to Parliament, pursuant to Act 25 Vict., No. 1, sec. 4.

ABSTRACT of all Sites for Cities, Towns, and Villages, declared under the 4th section of the Act 25 Victoria, No. 1 (from 1st to 31st December, 1873.)

City, Town, or Village.	Area for City, Town, or Village.	Area for Suburbs.	Locality.	Government Gazette in which Published.	
				1873.	Folio.
Coldstream	About 233 acres ..	About 500 acres ..	County Clarence, Parish Ulmarra, Coldstream River.	9 Dec. ..	3431
Mogo	320 acres	360 acres	County St. Vincent, Parishes Goba and Bateman.	16 „ ..	3514

1873–4.

NEW SOUTH WALES.

CROWN LANDS.

(ABSTRACT OF SITES FOR CITIES, TOWNS, AND VILLAGES—FROM 1ST TO 28TH FEBRUARY, 1874.)

Presented to Parliament, pursuant to Act 25 Vic. No. 1, sec. 4.

ABSTRACT of all Sites for Cities, Towns, and Villages, declared under the 4th section of the Act 25 Victoria, No. 1 (from 1st to 28th February, 1874).

City, Town, or Village.	Area for City, Town, or Village.	Area for Suburbs.	Locality.	Government Gazette in which Published.	
				1874.	Folio.
Village Dalmorton	115 acres	238 acres	County Gresham, Parish Springbrook, on the Boyd or Little River.	17 Feb. ...	476
Town Parkes	404 acres	656 acres	County Ashburnham, Parish Currajong.	17 Feb. ...	476

[8d.] 431—

1873.

NEW SOUTH WALES.

CROWN LANDS.

(ADDITIONAL REGULATIONS UNDER OCCUPATION ACT OF 1861 AND AMENDMENT ACT OF 1873.)

Presented to Parliament, pursuant to Acts 25 Vict. No. 2, and 36 Vict. No. 25.

Department of Lands,
Mineral Lease Branch,
Sydney, 31st July, 1873.

His Excellency the Governor, with the advice of the Executive Council, has been pleased to approve of the following Additional Regulations under the "Crown Lands Occupation Act of 1861" and the "Amendment Act of 1873."

JAMES S. FARNELL.

ADDITIONAL REGULATIONS UNDER "CROWN LANDS OCCUPATION ACT, 1861."

("*Crown Lands Occupation Act Amendment Act of* 1873.")

Authority to select in form in Schedule.—Schedule A.

1. From and after the first day of August, 1873, every authority to select on Crown Lands coal or other mineral lots issued under this Act shall be in the form set out in Schedule A, No. 2, hereto.

Transfer to be endorsed on authority.—Schedule A No. 2.

2. There shall be endorsed on the back of every such authority a form of transfer as set out in Schedule A hereto, and no other form will be recognized by the Department of Lands.

Authority to include only one selection of land.

3. Not more than one selection of land will be included in any such authority, but separate authorities will be issued to applicants for two or more selections.

Authority transferable.

4. Every such authority, and also any authority issued under the principal Act, the same being at the time unsatisfied, may be transferred in the manner and subject to the conditions hereinafter mentioned.

Authorities issued under the principal Act.

5. Authorities issued under the principal Act shall be in force for two years from date of issue.

Form of transfer to be signed by transferror and transferree before J.P. or Commissioner, and lodged at Lands Office, duly stamped and with fee paid.

6. The form of transfer endorsed on the authority shall be filled up, stating truly the consideration money and other particulars required, and shall be signed by the transferror and transferree, in the presence of a Justice of the Peace or Commissioner for Affidavits, and shall be lodged, duly stamped, and accompanied by a certificate showing that fees, in accordance with the seventh (7th) regulation herein, have been paid at the office of the Colonial Treasurer, in Sydney.

Fee on transfer.

7. There shall be payable on every transfer a fee in accordance with the following scale:—For minerals, other than gold or coal, at the rate of five (5) shillings for every twenty (20) acres so transferred; and for coal, five (5) shillings for every 80 acres or portion thereof so transferred.

On satisfaction and receipt of fee, fresh authority to issue but coterminate with original authority.—Schedule A No. 2.

8. On presentation of a transfer duly stamped, and bearing the certificate of the Colonial Treasurer, that the fees specified in section 7 hereof have been paid, the Secretary for Lands may, if no objection be found to exist, issue to the transferree, or to his agent on his behalf, a fresh authority in the form set forth in Schedule A hereto; but such authority shall be held to determine on the same day as the original or previous authority for which it is substituted.

Where authority includes several selections, transfer form in Schedule B to be used, and 5th, 6th, and 7th regulations complied with.—Schedule B.—Original authority to remain in Lands Office, and separate authorities to issue for each selection of land not transferred, but to be coterminate with original.

9. When the original authority issued previously to the date of these Regulations shall include two (2) or more selections, and it is desired to transfer any one or more of them, a transfer or transfers in the form set out in Schedule B shall be filled up and signed by the parties respectively, in the manner prescribed by the sixth (6th) regulation herein; and such authority and transfer or transfers shall be lodged as therein provided, and stamps shall be affixed and fees paid in accordance with the sixth and seventh (7th) regulations herein, and thereupon the transferree shall be entitled to receive a fresh authority under the eighth (8th) regulation herein. The original authority shall be retained in the Lands Office, but in lieu thereof the original holder will be entitled to receive on application, without any payment whatsoever, a separate authority in the form set forth in Schedule A, for each selection not transferred, but each such authority will be held to determine on the same day as the original authority for which it is substituted.

Issue of authority no guarantee of title.

10. The issue of any authority hereunder shall not be deemed to be a guarantee of title by the Secretary for Lands in any way whatsoever.

No transfer entertained which is partial by way of trust, &c., or on which dues are in arrear, &c.

11. No partial transfer or transfer by way of mortgage or upon trust of any authority will be entertained, nor any transfer of any authority upon which any dues of the Crown are in arrear, or in respect to which the conditions or requirements of this Act have not been complied with.

Amalgamation of Leases.

Application for amalgamation.—Schedule C.

12. Any person desirous of amalgamating adjoining mineral selections shall apply to the Secretary of Lands in the form set forth in Schedule C hereto.

Application to be accompanied by certificate that fees have been paid on scale in 7th regulation.—If refused, money will be returned.

13. Every such application must be accompanied by a certificate stating that the fee for each selection, so proposed to be amalgamated according to the scale set forth in the seventh (7th) regulation herein, has been paid into the Treasury. In case of the refusal of the application, the money so deposited will be returned to the applicant.

On satisfaction, &c., Governor, &c., may issue authority in form in Schedule D.

14. Upon being satisfied that such amalgamation will give greater facilities for the working of such adjoining mineral selections, and that the terms of the Act under which the respective leases have been issued or promised, and the Regulations thereunder and herein have been complied with,—the Governor, with the advice of the Executive Council, may authorize the amalgamation applied for; and applicant may be apprised thereof in the form set forth in Schedule D hereto.

Amalgamated selections considered one lot for purposes of expenditure required by section 22, sub-section 3, of principal Act.

15. When such amalgamation shall have been authorized as aforesaid, the selections so amalgamated shall be deemed one entire selection, so far as regards the expenditure thereon, required by the third (3rd) sub-section of the twenty-second (22nd) section of the principal Act and the Regulations thereunder.

No application entertained if dues in arrear, &c.

16. No application will be entertained with reference to the amalgamation of any selections upon which any dues of the Crown are in arrear, or in respect to which the conditions or requirements of this Act, or the Regulations thereunder, have not been complied with.

Governor, &c., may require statutory declaration.

17. The Governor, with the advice of the Executive Council, may require any such applicant to make a statutory declaration, verifying the facts stated in the applications hereunder.

Mineral leases deliverable only at Lands Office.—Partial repeal of 78th regulation under principal Act.—Schedule E.

18. So much of regulation No. 78 under the principal Act, as requires that leases from the Crown of mineral land shall be delivered at the Registrar General's Office, is hereby repealed. Such leases will hereafter be delivered at the Department of Lands, on production by the lessees or their agents of a certificate from the Colonial Treasurer that the fee of 10s. 6d. thereon has been paid into the Treasury.

SCHEDULE A.

No. 1.

Application for authority to select land for Mining purposes other than Gold Mining, under the "Crown Lands Occupation Act Amendment Act of 1873."

(Address)
(Date)

Sir,

I have the honor to enclose an authority still unsatisfied, issued to on the to select acres, portions of mineral land, which by endorsement thereon has been duly transferred to me, and to request that you will convey to me separate letters of authority to select in lieu thereof portions of like areas, together with the forms to be used in making the selections.

I make this application under the provisions of the Crown Lands Occupation Act Amendment Act and the Regulations thereunder.

I have the honor to be,
Sir,
Your most obedient Servant,

SCHEDULE A.

No. 2.

Authority to select land for Mining purposes other than Gold Mining, under the "Crown Lands Occupation Act of 1861."

Department of Lands,
Sydney, 187

Sir,

In compliance with the request contained in your application of the I am instructed by the Secretary for Lands to convey to you authority to select acres from any available Crown Lands, for the purpose of working subject, of course, to all prior claims and to all the conditions of the "Crown Lands Occupation Act of 1861," and the Regulations founded thereon.

2. This authority will be in force until the day of and if no unobjectionable selection be reported to this Department, prior to that date, it will be considered obsolete, and the first year's rent already paid will be forfeited.

I have the honor to be,
Sir,
Your most obedient servant,

To be endorsed on back of authority.

I, the within-named do hereby transfer all my right and interest in the within authority, to of his executors and administrators, for the sum of £ and hereby request that this transfer may be registered in the office of the Secretary for Lands.

As witness our hands this day of 187 .

(Signed) Transferror.

In my presence,—

J.P., or Commissioner for Affidavits.

(Signed) Transferree.

In my presence,—

J.P., or Commissioner for Affidavits.

I certify that the fees, specified in the 7th regulation under the "Crown Lands Occupation Act Amendment Act of 1873," have been paid hereon.

The Treasury,
(Date)

Treasurer.

The transfer must be duly stamped, and the Certificate obtained from the Treasury, before being presented for acceptance at the Department of Lands.

Stamp duty—for every £100 of consideration money or any part thereof, 10s.; when the consideration is nominal, £1.

The following are the fees payable at the Treasury on the transfer of unsatisfied authorities to select :—

For coal—5s. for each selection of 80 acres, or portion thereof.
For minerals other than coal—5s. for each selection of 20 acres.

SCHEDULE A.

No. 3.

Notification of selection of land for Mining purposes other than Gold Mining, under the "Crown Lands Occupation Act Amendment Act of 1873."

(Place)
(Date)

Sir,

I have the honor to report to you that, in pursuance of the authority conveyed to in the letter of the Under Secretary for Lands, dated and transferred to by endorsement thereon dated I have selected the portion of Crown Lands hereunder described, for the purpose of working* viz. :— acres, county of parish of situated bounded†

I have the honor to be,
Sir,
Your most obedient servant,

The Honorable the Minister for Lands, Sydney.

* State the particular mineral.

† Here insert a full and precise description of the land.

SCHEDULE B.

Form of Transfer of one of several selections of mineral lands included in the same authority, under "Crown Lands Occupation Act Amendment Act of 1873."

IN consideration of the sum of £ I do hereby transfer and assign to all my right to select acres from any available Crown Lands for the purpose of working being selection No. of the land included in the authority conveyed to me in the letter of the Under Secretary for Lands, dated the day of 187 ; and I hereby request that this transfer may be registered in the office of the Secretary for Lands accordingly.

As witness our hands, this day of 187

Transferror.

Signed in my presence—

J.P., or Commissioner for Affidavits.

Transferree.

Signed in my presence—

J.P., or Commissioner for Affidavits.

The transfer must be duly stamped, and the Certificate obtained from the Treasury, before being presented for acceptance at the Department of Lands.

Stamp duty—for every £100 of consideration money or any part thereof, 10s.; when the consideration is nominal, £1.

The following are the fees payable at the Treasury on the transfer of unsatisfied authorities to select :—

For coal—5s. for each selection of 80 acres, or portion thereof.
For minerals other than coal—5s. for each selection of 20 acres.

SCHEDULE C.

Application to amalgamate adjoining mineral lots, under "Crown Lands Occupation Act Amendment Act of 1873."

(Address)
(Date)

Sir,

I have the honor to apply, under the provisions of the "Crown Lands Occupation Act Amendment Act of 1873," for the amalgamation of my several adjoining mineral selections, enumerated in the schedule hereunder, and to request they may hereafter be considered and dealt with as one entire lot, in terms of the 15th of the Additional Regulations under the "Crown Lands Occupation Act of 1861."

I append a certificate from the Colonial Treasurer, showing that I have paid the amalgamation fees and the rents now due on the selections referred to; and I have otherwise complied with all the requirements of the Crown Lands Occupation Act and the Regulations.

Area.	Situation.	Date of Selection.	Annual Rent.	No. of Lease.

I have the honor to be,
Sir,
Your most obedient servant,

I certify that has paid the amalgamation fees on this application, required by the 13th regulation under the "Crown Lands Occupation Act Amendment Act of 1873."

I further certify that all rents now due on the selections herein specified have been paid.

Colonial Treasurer.

The Treasury, Sydney.

Amalgamation Fees.

For coal—5s. for each selection of 80 acres or portion thereof.
For minerals other than coal—5s. for each selection of 20 acres.

SCHEDULE D.

Notification of authority to amalgamate adjoining mineral lots, under "Crown Lands Occupation Act Amendment Act of 1873."

Department of Lands,
Sydney, 187

Sir,

In reference to the request made in your letter of the I am directed by the Secretary for Lands to inform you that His Excellency the Governor, with the advice of the Executive Council, has been pleased to approve of the several mineral selections, enumerated in the schedule appended to your letter, being amalgamated, in terms of the 3rd section of the "Crown Lands Occupation Act Amendment Act of 1873."

I have the honor to be,
Sir,
Your most obedient servant,

Under Secretary.

SCHEDULE E.

Treasurer's Certificate of Fees paid.

I certify that has paid into the Colonial Treasury the sum of £ being the amount of fees payable on delivery of his mineral leases, Nos., as required by the 18th of the Additional Regulations under the "Crown Lands Occupation Act of 1861." I further certify that all rents due thereon have been paid.

Sydney: Thomas Richards, Government Printer.—1873.

[3*d*.]

1873.

[LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

CROWN LANDS.

(LEASEHOLDERS OF, IN DISTRICT OF PATRICK'S PLAINS.)

Ordered by the Legislative Assembly to be printed, 25 September, 1873.

RETURN to an *Order*, made by the Honorable the Legislative Assembly of New South Wales, dated 11 February, 1873, That there be laid upon the Table of this House,—

"(1.) A Return showing the names of all Persons who are now Leaseholders "of Crown Lands in the District of Patrick's Plains, stating the localities "and areas of land held by each, and the term for which each lease extends, "as well as the amount of rent paid for the current year by each Lease-"holder.

"(2.) A Return of the names of all Persons who, having been Leaseholders "of Crown Lands within the last two years in the District of Patrick's "Plains, have terminated their leases, or have not paid the current year's "rent, stating also the localities and areas for which such leases were held "respectively, and the dates at which they severally expired."

(*Mr. W. C. Browne.*)

CROWN LANDS.

No. 1.

A RETURN showing the names of all Persons who are now Leaseholders of Crown Lands in the District of Patrick's Plains.

AUCTION LEASES—ANNUAL LEASES.

Names.	County.	Place.	Date of Sale.	Area.			Rent.		
				a.	r.	p.	£	s.	d.
John Alford	Durham	Ravensworth	24 April, 1867	640	0	0	2	0	0
A. Bowman	"	"	26 Mar., 1866	750	0	0	2	6	10
G. Brooker	"	Gotha	24 April, 1867	640	0	0	2	0	0
"	"	"	"	640	0	0	2	0	0
"	"	"	"	640	0	0	2	0	0
"	"	"	"	640	0	0	2	0	0
"	"	"	"	640	0	0	2	0	0
"	"	"	"	640	0	0	2	0	0
B. Carey	"	Sedgefield	27 Feb., 1863	840	0	0	6	11	3
J. Clendenning	"	Herschell	26 Mar., 1866	800	0	0	2	10	0
"	"	"	"	640	0	0	2	0	0
"	"	"	"	1,000	0	0	3	2	6
Josiah Hamilton	"	Dyrring	29 Sept., 1868	640	0	0	2	0	0
John Lethbridge	"	Tangorin	16 May, 1850	640	0	0	2	0	0
"	"	"	"	640	0	0	2	0	0
"	"	"	"	640	0	0	2	0	0
Lethbridge, Bros.	"	"	"	640	0	0	2	0	0
Thos. Martin	"	Dyrring	20 Nov., 1866	640	0	0	2	0	0
F. M'Dougal	"	Darlington	26 Mar., 1866	800	0	0	2	10	0
Edward Peters	"	Stanhope	26 Nov., 1868	640	0	0	2	0	0
R. A. Rodd	Northumberland.	Vere	20 Nov., 1866	850	0	0	3	16	7
W. Russell	Durham	Liddell	17 June, 1851	640	0	0	2	0	0
"	"	"	29 June, 1854	640	0	0	2	0	0
"	"	"	"	640	0	0	2	0	0
J. White	"	Howick	16 May, 1849	640	0	0	2	0	0
"	"	"	"	640	0	0	2	0	0
"	"	"	"	640	0	0	2	0	0
"	"	"	13 May, 1852	640	0	0	2	0	0
"	"	"	"	640	0	0	2	0	0
Col. Wilkinson	"	Carrow	24 April, 1867	640	0	0	2	0	0
"	"	"	"	640	0	0	2	0	0
"	"	"	"	640	0	0	2	0	0
Geo. P. Bowman	"	"	26 Nov., 1868	640	0	0	2	0	0
"	"	"	"	640	0	0	2	0	0
Ed. Wall	"	Stanhope	25 April, 1870	750	0	0	2	7	0
Thos. Balls	"	Foy	26 Mar., 1866	640	0	0	2	0	0
E. Vickery	"	Mirannie	24 Feb., 1865	640	0	0	2	0	0
Geo. Hanmer	"	Tangorin	26 Mar., 1866	640	0	0	2	0	0
Francis Wilkinson	"	Liebeg	9 Jan., 1872	640	0	0	2	0	0
John M'Kewin	"	Tangorin	"	640	0	0	2	0	0
Richard Carter	"	Liebeg	"	1,200	0	0	3	5	0
"	"	"	"	640	0	0	2	0	0
"	"	"	"	640	0	0	2	0	0
Wm. Durham, Junr.	Northumberland.	Milbrodale	24 Jan., 1872	640	0	0	2	0	0
"	"	"	"	640	0	0	2	0	0
Wm. Durham	"	"	"	640	0	0	9	2	0
Regd. Blaxland	Hunter	Parnell	"	640	0	0	2	0	0
"	"	"	"	800	0	0	2	10	0
"	"	"	"	640	0	0	2	0	0
"	"	"	"	640	0	0	2	0	0
"	"	"	"	800	0	0	2	10	0
"	"	"	"	700	0	0	2	3	10
"	"	"	"	800	0	0	2	10	0
"	"	"	"	800	0	0	2	10	0
Eliza M'Gowan	"	Warkworth	"	1,000	0	0	3	2	6
"	"	"	"	640	0	0	2	0	0
F. Schiel	Durham	Stanhope	"	640	0	0	2	0	0
Wm. Kieley	"	"	"	640	0	0	2	0	0
John Graham	"	Whybrow	"	640	0	0	2	0	0
E. Parnell	Hunter	"	"	960	0	0	3	0	0
Jas. Arthur	Durham	Tangorin	"	640	0	0	2	0	0
			Total	42,290	0	0	143	17	6

LARGE

LARGE PRE-EMPTIVE LEASES—ANNUAL LEASES.

Names.	County.	Place.	Date of Gazette Notice.	Area.			Rent.		
				a.	r.	p.	£	s.	d.
John Alford	Durham	Ravensworth	8 Feb., 1871	1,060	0	0	3	6	4
"	"	"	"	640	0	0	2	0	0
James Arthur	"	Glendon	27 July, 1868	640	0	0	2	0	0
"	"	Mirannie	"	640	0	0	2	0	0
"	"	"	"	640	0	0	2	0	0
"	"	"	"	640	0	0	2	0	0
"	"	"	"	640	0	0	2	0	0
"	"	Glendon	"	640	0	0	2	0	0
"	"	"	"	640	0	0	2	0	0
"	"	"	"	640	0	0	2	0	0
"	"	St. Julian	"	640	0	0	2	0	0
"	"	"	"	640	0	0	2	0	0
"	"	Tangorin	"	640	0	0	2	0	0
"	"	"	"	640	0	0	2	0	0
John Boyce	"	Mirannie	6 Aug., 1868	640	0	0	2	0	0
"	"	"	"	640	0	0	2	0	0
"	"	"	"	640	0	0	2	0	0
"	"	"	"	1,080	0	0	3	7	6
George Bowman	"	Ravensworth	11 Jan., 1849	1,180	0	0	3	14	0
"	"	"	"	640	0	0	2	0	0
"	"	"	"	640	0	0	2	0	0
B. Bigge and R. Palgrave	"	Dyrring	29 Jan., 1849	640	0	0	2	0	0
" "	"	"	"	1,060	0	0	3	6	4
" "	"	"	"	640	0	0	2	0	0
" "	"	"	"	640	0	0	2	0	0
" "	"	"	"	840	0	0	2	12	8
" "	"	"	"	1,164	0	0	3	12	8
" "	"	"	"	640	0	0	2	0	0
" "	"	"	"	640	0	0	2	0	0
" "	"	"	"	640	0	0	2	0	0
" "	"	"	"	640	0	0	2	0	0
" "	"	"	"	640	0	0	2	0	0
" "	"	"	"	960	0	0	3	0	0
" "	"	"	"	960	0	0	3	0	0
" "	"	"	"	960	0	0	3	0	0
" "	"	"	"	640	0	0	2	0	0
" "	"	"	"	640	0	0	2	0	0
" "	"	"	"	1,180	0	0	3	14	0
" "	"	"	"	670	0	0	2	2	0
" "	"	"	"	1,155	0	0	3	12	4
" "	"	"	"	1,160	0	0	3	12	8
Reginald Blaxland	Northumberland	Vere	15 July, 1868	640	0	0	2	0	0
"	"	"	"	640	0	0	2	0	0
"	"	"	"	640	0	0	2	0	0
William Nowland	Durham	Auckland	17 Feb., 1863	640	0	0	2	0	0
Edward Drake	"	Broughton	8 Sept., 1863	960	0	0	3	0	0
John Kenehan	Northumberland	Wittingham	11 Aug., 1865	960	0	0	3	0	0
R. Lethbridge	Durham	Broughton	11 May, 1850	640	0	0	2	0	0
"	"	"	"	640	0	0	2	0	0
"	"	"	"	640	0	0	2	0	0
"	"	"	"	640	0	0	2	0	0
J. Lethbridge	"	Shenstone	8 Feb., 1851	640	0	0	2	0	0
"	"	"	"	640	0	0	2	0	0
Lethbridge Bros.	"	Dyrring	9 Oct., 1857	1,100	0	0	3	9	0
"	"	"	"	640	0	0	2	0	0
"	"	"	"	640	0	0	2	0	0
"	"	"	"	640	0	0	2	0	0
"	"	"	"	640	0	0	2	0	0
"	"	"	"	640	0	0	2	0	0
"	"	"	"	640	0	0	2	0	0
"	"	"	"	640	0	0	2	0	0
William Russell	"	Liddell	11 Jan., 1849	640	0	0	2	0	0
"	"	"	"	640	0	0	2	0	0
"	"	"	"	640	0	0	2	0	0
"	"	"	"	640	0	0	2	0	0
"	"	"	"	640	0	0	2	0	0
"	"	"	"	640	0	0	2	0	0
"	"	"	"	1,180	0	0	3	14	0
"	"	"	"	640	0	0	2	0	0
"	"	"	"	640	0	0	2	0	0
"	"	"	"	640	0	0	2	0	0
"	"	"	"	640	0	0	2	0	0
"	"	"	"	1,000	0	0	3	2	8
"	"	"	"	640	0	0	2	0	0
"	"	"	"	640	0	0	2	0	0
"	"	Herschell	"	640	0	0	2	0	0
"	"	"	"	640	0	0	2	0	0
"	"	"	"	800	0	0	2	10	0
"	"	"	"	1,021	0	0	3	4	0
"	"	"	"	640	0	0	2	0	0
"	"	"	"	920	0	0	2	17	8
"	"	"	"	740	0	0	2	6	4
"	"	"	"	640	0	0	2	0	0
"	"	"	"	640	0	0	2	0	0
"	"	"	"	640	0	0	2	0	0
"	"	"	"	640	0	0	2	0	0

LARGE PRE-EMPTIVE LEASES, *&c.—continued.*

Names.	County.	Place.	Date of Gazette Notice.	Area.			Rent.		
				a.	r.	p.	£	s.	d.
William Russell	Durham	Herechel	11 Jan., 1849	640	0	0	2	0	0
"	"	"	"	640	0	0	2	0	0
"	"	"	"	640	0	0	2	0	0
"	"	"	"	640	0	0	2	0	0
"	"	"	"	640	0	0	2	0	0
"	"	"	"	800	0	0	2	10	0
"	"	"	"	640	0	0	2	0

LARGE PRE-EMPTIVE LEASES, &c.—*continued.*

Names.	County.	Place.	Date of Gazette Notice.	Area.	Rent.
				a. r. p.	£ s. d.
James White	Durham	Savoy	12 April, 1866	640 0 0	2 0 0
William Waddell, junr.	"	Dyrring	18 May, 1869	770 0 0	2 8 2
George Brooker	"	Mirannie	11 Sept., 1868	640 0 0	2 0 0
"	"	"	"	640 0 0	2 0 0
"	"	"	"	640 0 0	2 0 0
"	"	Glendon	"	640 0 0	2 0 0
"	"	"	"	640 0 0	2 0 0
"	"	"	"	640 0 0	2 0 0
"	"	"	"	960 0 0	3 0 0
"	"	"	"	960 0 0	3 0 0
"	"	"	"	640 0 0	2 0 0
Henry Rourke	Hunter	Hunter	"	640 0 0	2 0 0
"	"	"	"	700 0 0	2 3 9
"	"	"	"	750 0 0	2 6 11
George Brooker	Durham	Glendon	11 Sept., 1856	640 0 0	2 0 0
"	"	"	"	640 0 0	2 0 0
"	"	"	"	640 0 0	2 0 0
"	"	"	"	640 0 0	2 0 0
"	"	"	—— 1861	640 0 0	2 0 0
"	"	"	—— 1857	640 0 0	2 0 0
"	"	"	—— 1850	640 0 0	2 0 0
"	"	"	"	640 0 0	2 0 0
"	"	"	"	640 0 0	2 0 0
"	"	"	"	640 0 0	2 0 0
"	"	"	"	640 0 0	2 0 0
"	"	"	"	640 0 0	2 0 0
"	"	"	"	640 0 0	2 0 0
Alexander Bowman	"	Savoy	—— 1849	1,180 0 0	3 14 0
"	"	"	"	640 0 0	2 0 0
"	"	"	"	640 0 0	2 0 0
"	Hunter	Leamington	17 Mar., 1870	750 0 0	2 6 11
John Edward Noble	Durham	Coorangoola	12 Aug., 1870	660 0 0	2 1 4
Andrew Loder	Northumberland	Ovingham	21 June, 1869	960 0 0	3 0 0
Lethbridge, Bros.	Durham	Coorangoola	29 June, 1866	750 0 0	2 6 10
"	"	"	7 Dec., 1866	1,050 0 0	3 5 8
William Nowland	"	Auckland	7 Dec., 1869	640 0 0	2 0 0
J. B. Christian	Hunter	Leamington	14 June, 1872	900 0 0	2 16 4
"	"	"	"	900 0 0	2 16 4
Reginald Blaxland	Northumberland	Harrowby	16 July, 1872	640 0 0	2 0 0
James Lynch	"	Dalton	"	700 0 0	2 3 10
Reuben Butler	"	Wollombi	10 Sept., 1872	870 0 0	2 14 4
John Cobcroft	"	"	"	640 0 0	2 0 0
"	"	"	"	640 0 0	2 0 0
Thomas Drinan	Durham	Tangoun	26 Mar., 1872	640 0 0	2 0 0
"	"	"	"	640 0 0	2 0 0
"	"	"	"	640 0 0	2 0 0
"	"	"	"	640 0 0	2 0 0
Charles Parnell	Northumberland	Parnell	18 Oct., 1872	640 0 0	2 0 0
"	"	"	"	640 0 0	2 0 0
"	"	"	"	640 0 0	2 0 0
"	"	"	"	640 0 0	2 0 0
"	"	"	"	750 0 0	2 6 11
Jacob Ritter	Durham	Foy	21 Nov., 1872	1,000 0 0	3 2 6
George Loder	"	Liebeg	"	690 0 0	2 3 2
"	"	"	"	680 0 0	2 2 6
Thomas Dinan	"	Tangoun	"	1,210 0 0	3 15 8
"	"	"	"	640 0 0	2 0 0
"	"	"	"	640 0 0	2 0 0
"	"	"	"	640 0 0	2 0 0
John Moore	"	Mirannie	"	640 0 0	2 0 0
				1,104 0 0	3 9 0
				164,624 0 0	511 19 8
					*2 12 8
Total area, 164,624 acres. Annual rent, £514 12s. 4d.				Total.....£	514 12 4

* Omitted—page 1.

UNDEFINED LEASES.

Names.	County.	Place.	Date of Gazette Notice.	Area.	Rent.
				a. r. p.	£ s. d.
J. Alton	Durham	Broughton	31 Oct., 1862	300 0 0	1 0 0
Thomas Balls	"	Foy	1 Feb., 1866	420 0 0	1 6 3
"	"	"	"	120 0 0	1 0 0
Francis Balls	"	"	"	120 0 0	1 0 0
Thomas Burnes	"	Savoy	11 Aug., 1865	340 0 0	1 1 4
Ann Cordwell	"	Broughton	31 Oct., 1862	300 0 0	1 0 0
Wm. Cunneen	"	Vane	27 Jan., 1863	300 0 0	1 0 0
Michael Down	"	Coorangoola	"	333 0 0	1 0 10

UNDEFINED LEASES—*continued.*

Names.	County.	Place.	Date of Gazette Notice.	Area.	Rent.
				a. r. p.	£ s. d.
Henry Eagle	Durham	Broughton	31 Oct., 1862	300 0 0	1 0 0
Wm. Frazer	"	Dyrring	1 Feb., 1866	120 0 0	1 0 0
John Grainger	"	Gatha	24 July, 1866	300 0 0	1 0 0
Eliz. Hely	Northumberland.	Vere	10 Mar., 1866	240 0 0	1 0 0
Robert Hynes	Durham	Broughton	24 Nov., 1863	630 0 0	1 19 4
Thos. Kermode	"	Coorangoola	27 Jan., 1863	240 0 0	1 0 0
Henry Kilian	"	Foy	31 Dec., 1867	300 0 0	1 0 0
Conrad Moss	"	Liebeg	12 April, 1866	400 0 0	1 5 0
Daniel M'Dermott	Northumberland.	Vere	10 Mar., 1863	240 0 0	1 0 0
Francis M'Manus	Durham	Coorangoola	24 Nov., 1863	120 0 0	1 0 0
John Ed. Noble	"	"	1 Feb., 1866	300 0 0	1 0 0
Thos. Power	"	Mirannie	8 Feb., 1864	120 0 0	1 0 0
Simon Richards, junior	"	Liebeg	7 Mar., 1865	384 0 0	1 4 0
"	"	"	12 Apl., 1866	400 0 0	1 5 0
John Hagan	"	Tangorin	30 July, 1868	120 0 0	1 0 0
Thos. Hassall, junior	"	Savoy	7 Dec., 1868	120 0 0	1 0 0
Robert Wood	"	Broughton	6 July, 1868	600 0 0	1 17 6
Michael Cunneen	"	Narwood	31 Dec., 1867	600 0 0	1 17 6
Patrick Reynolds	"	"	30 June, 1870	120 0 0	1 0 0
"	"	"	3 Feb., 1870	120 0 0	1 0 0
Edward Hayward	"	Darlington	3 Mar., 1870	120 0 0	1 0 0
J. H. Hagan	"	Tangorin	30 July, 1868	120 0 0	1 0 0
John Wilkinson	"	Liebeg	31 Dec., 1867	240 0 0	1 0 0
Joseph Strumey	"	Gotha	24 July, 1866	150 0 0	1 0 0
Geo. Cuttendon	"	"	31 Dec., 1867	120 0 0	1 0 0
Summers Robinson	"	Marwood	21 June, 1869	300 0 0	1 0 0
A. A. Campbell	"	Dyrring	28 Apl., 1870	300 0 0	1 0 0
Jas. E. Davys	"	Herschell	16 Mar., 1869	120 0 0	1 0 0
Geo. Brooker	"	Gotha	31 Jan., 1866	150 0 0	1 0 0
Edward Pitt	Northumberland.	Vere	—— 1870	276 0 0	1 0 0
Wm. and Eliza Russell	Durham	Liddell	14 Oct., 1870	120 0 0	1 0 0
"	"	"	26 Oct., 1870	300 0 0	1 0 0
Francis White	"	Savoy	2 Dec., 1869	240 0 0	1 0 0
"	"	"	"	375 0 0	1 3 5
Thos. Mettle	"	Liddell	3 Apl., 1871	120 0 0	1 0 0
D. M'Nulty	"	Vere	26 Mar., 1867	400 0 0	1 5 0
Lethbridge Bros.	"	Coorangoola	"	500 0 0	1 11 3
"	"	"	"	480 0 0	1 10 0
J. C. Cordwell	"	Broughton	12 Jan., 1872	300 0 0	1 0 0
Jacob Ritter	"	Foy	9 Feb., 1872	450 0 0	1 8 2
Jonas Johnson	Northumberland.	Vere	31 May, 1872	270 0 0	1 0 0
D. Brosi	Durham	Foy	6 Sept., 1872	390 0 0	1 4 6
Henry Kilion	"	"	"	150 0 0	1 0 0
R. E. Hobden	Hunter	Leamington	"	350 0 0	1 2 0
J. Hassall	Durham	Savoy	3 Dec., 1872	300 0 0	1 0 0
C. Wall	"	Stanhope	"	120 0 0	1 0 0
G. R. Campbell	"	Sedgefield	"	240 0 0	1 0 0
			Total	15,008 0 0	61 1 1

No. 2.

A RETURN of the names of all Persons who, having been Leaseholders of Crown Lands within the last two years in the District of Patrick's Plains, have terminated their leases, or have not paid the current year's rent.

AUCTION LEASES.

Names.	County.	Place.	Date of Sale.	Area.	Rent.	Date of Expiration.
				a. r. p.	£ s. d.	
John Cobcroft	Northumberland.	Herschell	16 May, 1850	640 0 0	2 0 0	31 Dec., 1872.
"	"	"	27 Feb., 1851	640 0 0	2 0 0	31 Dec., 1871.
Thomas Hassall	Durham	Savoy	20 Jan., 1864	1,150 0 0	3 12 0	31 Dec., 1872.
John Lethbridge	"	Tangorin	16 May, 1850	640 0 0	2 0 0	31 Dec., 1871.
"	"	"	"	640 0 0	2 0 0	"
Thos. Martin	"	Dyrring	20 Nov., 1866	640 0 0	2 0 0	31 Dec., 1872.
L. C. L. M'Donald	Northumberland.	"	27 Feb., 1851	1,050 0 0	3 15 0	"
Wm. Redman	Hunter	"	24 July, 1868	640 0 0	2 0 0	31 Dec., 1871.
Patrick Reynolds	Durham	Marwood	12 Dec., 1865	900 0 0	2 16 4	"
Geo. P. Bowman	"	Carrow	26 Nov., 1868	1,100 0 0	3 8 8	"
"	"	"	"	1,100 0 0	3 8 8	31 Dec., 1872.
Thos. Drinan	"	Tangorin	9 Jan., 1872	640 0 0	2 0 0	"
"	"	"	"	640 0 0	2 0 0	"
"	"	"	"	640 0 0	2 0 0	"
"	"	"	"	640 0 0	2 0 0	"
John M'Kowan	"	"	"	640 0 0	2 0 0	"
Wm. Durham	Northumberland.	Milbrodale	24 Jan., 1872	800 0 0	4 14 0	"
Regd. Blaxland	Hunter	Parnell	"	640 0 0	2 0 0	"
"	"	"	"	640 0 0	2 0 0	"
"	"	"	"	640 0 0	2 0 0	"
"	"	"	"	640 0 0	2 0 0	"
"	"	"	"	640 0 0	2 0 0	"
			Total	16,340 0 0	53 14 8	

LARGE PRE-EMPTIVE LEASES.

Names.	County.	Place.	Area.	Rent.	Date of Gazette.	Date of Expiration.
			a. r. p.	£ s. d.		
Edwd. Alford	Durham	Ravensworth	864 0 0	2 14 1	17 Mar., 1870	31 Dec., 1872.
R. Barber	"	Broughton	960 0 0	3 0 0	8 Sept., 1863	"
R. Hobden	Hunter	Leamington	960 0 0	3 0 0	11 Jan., 1849	31 Dec., 1871.
"	"	"	640 0 0	2 0 0	"	"
John Noble	Durham	Coorangoola	1,400 0 0	4 7 8	9 Sept., 1862	"
Wm. Ramsay	Northumberland	Warkworth	700 0 0	2 3 9	7 April, 1868	31 Dec., 1872.
"	"	"	640 0 0	2 0 0	"	"
W. M'Alpine, senr.	Durham	Sedgefield	640 0 0	2 0 0	12 Aug., 1870	"
Lethbridge Bros.	"	Coorangoola	500 0 0	1 11 3	7 Dec., 1866	31 Dec., 1871.
"	"	"	480 0 0	1 10 0	"	"
D. M'Nulty	Northumberland	Vere	400 0 0	1 5 0	26 Mar., 1867	"
Wm. Russell	Durham	Ravensworth	640 0 0	2 0 0	9 Oct., 1871	31 Dec., 1872.
E. Vickery	"	Foy	640 0 0	2 0 0	9 Jan., 1871	"
"	"	"	640 0 0	2 0 0	"	"
"	"	"	640 0 0	2 0 0	"	"
"	"	"	640 0 0	2 0 0	"	"
"	"	"	640 0 0	2 0 0	"	"
"	"	"	640 0 0	2 0 0	"	"
"	"	"	640 0 0	2 0 0	"	"
Wm. Russell	"	Ravensworth	640 0 0	2 0 0	"	"
Lethbridge Bros.	"	Dyrring	640 0 0	2 0 0	16 June, 1871	Gazetted since 1st Jan., 1871, but never taken up and paid for.
"	"	"	640 0 0	2 0 0	"	
"	"	"	640 0 0	2 0 0	"	
R. Blaxland	Northumberland	Harrowly	640 0 0	2 0 0	16 July, 1872	
"	"	"	640 0 0	2 0 0	"	
Jas. Lynch	"	Dalton	700 0 0	2 3 10	"	
"	"	"	700 0 0	2 3 10	"	
"	"	"	700 0 0	2 3 10	"	
	Total		19,244 0 0	60 3 3		

UNDEFINED LEASES.

Names.	County.	Place.	Area.	Rent.	Date of Expiration.
			a. r. p.	£ s. d.	
Wm. Andrews	Durham	Broughton	150 0 0	1 0 0	Dec., 1872.
Jas. Andrews	"	"	150 0 0	1 0 0	Dec., 1871.
Jas. Allen	Hunter	"	540 0 0	1 13 9	Dec., 1872.
Joseph Butler	Northumberland	Auburn	150 0 0	1 0 0	"
Henry Dries	Durham	Liddell	300 0 0	1 0 0	"
Andrew Dries	"	"	300 0 0	1 0 0	"
Thos. Kermode	"	Coorangoola	150 0 0	1 0 0	Dec., 1871.
Chas. Knight	"	"	300 0 0	1 0 0	Dec., 1872.
John Hassett	"	"	120 0 0	1 0 0	Dec., 1871.
Conrad Moss	"	Liebeg & Foy	120 0 0	1 0 0	"
Christn. Nelson	"	"	300 0 0	1 0 0	Dec., 1872.
Thos. O'Brien	"	Broughton	150 0 0	1 0 0	"
W. Schnierer	"	Foy & Liebeg	150 0 0	1 0 0	Dec., 1871.
D. G. Shearer	"	Broughton	300 0 0	1 0 0	"
John Williams, junr.	"	Shenstone	150 0 0	1 0 0	"
John Williams, senr.	"	"	150 0 0	1 0 0	"
Wm. Waddell	"	Dyrring	120 0 0	1 0 0	"
Eben. Vickery	"	"	90 0 0	1 0 0	Dec., 1872.
"	"	"	300 0 0	1 0 0	"
James Suttor	"	Coorangoola	300 0 0	1 0 0	"
"	"	"	240 0 0	1 0 0	"
William Forster	"	Gotha	240 0 0	1 0 0	Dec., 1871.
Isaac Lancaster	Northumberland	Orringham	120 0 0	1 0 0	"
Francis Parmeter	"	Warkworth	120 0 0	1 0 0	Dec., 1872.
"	"	"	120 0 0	1 0 0	"
Jas. Andrews	"	Broughton	150 0 0	1 0 0	Dec., 1871.
John Adaway	Durham	Coorangoola	240 0 0	1 0 0	Dec., 1872.
Francis White	"	Savoy	240 0 0	1 0 0	Dec., 1871.
John A. Wellard	"	"	120 0 0	1 0 0	Dec., 1872.
Patrick H. Walsh	"	Ravensworth	339 0 0	1 1 3	"
David Power	"	Howick	100 0 0	1 0 0	"
Summers Robinson	"	Marwood	300 0 0	1 0 0	"
Wm. S. Snape	Northumberland	Broke	582 0 0	1 16 5	"
Ptk. Reynolds, junr.	Durham	Stanhope	120 0 0	1 0 0	Dec., 1871.
Thos. E. Burton	"	Darlington	80 0 0	1 0 0	
Peter Gett	"	Liebeg	240 0 0	1 0 0	Gazetted, but never paid for.
John Jordan	"	Stanhope	120 0 0	1 0 0	
John M'Kenzie, junr.	"	Sedgefield	120 0 0	1 0 0	
Edward Peters, junr.	"	Stanhope	600 0 0	1 17 6	
Henry Moore	"	Dyrring	540 0 0	1 13 9	
A. E. Shaddock	"	Stanhope	600 0 0	1 17 6	
Peter Slatter	"	Rouchell	600 0 0	1 17 6	
Peter M'Donald	"	Foy	360 0 0	1 2 6	
T. M'Donald	Northumberland	Warkworth	120 0 0	1 0 0	
Anthony Howard	Durham	Howick	420 0 0	1 6 4	
	Total		11,121 0 0	49 16 6	

Sydney: Thomas Richards, Government Printer.—1873.

[6d.]

1873.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

CROWN LANDS.

(PETITION OF FREE-SELECTORS AT TUMBLETON CREEK, IN REFERENCE TO DUMMY SELECTIONS.)

Ordered by the Legislative Assembly to be printed, 2 October, 1873.

To the Honorable the Legislative Assembly of New South Wales, in Parliament assembled.

The humble Petition of the undersigned, Free-selectors, and Farmers of Tumbleton Creek, near Young,—

RESPECTFULLY SHOWETH:—

That your Petitioners, whose names are hereunto affixed, most humbly petition your Honorable House that justice may be done to them, as they have suffered and are still suffering to a very great extent, from the way in which the Land Act is evaded in the district in which they reside, and adjoining districts, by the amount of dummy selections which are made around them, thus preventing men who would be *bonâ fide* conditional purchasers from taking up land available for farming purposes, and from residing on it and improving it—men who would, if it were not for dummy selections, reside on and improve the land, and thus assist to populate the country, and to raise food for all local and Colonial requirements.

That by the wholesale way in which dummy selections are made, not only your Petitioners but a very large portion of the people of the country are prevented from availing themselves of the public lands of the Country.

That your Petitioners most humbly pray that the Land Act may be carried out in its integrity, and also that all lands taken up by dummy selections may be cancelled, and that the land so cancelled may be open for fresh selection.

19 September, 1873.

[*Here follow 77 Signatures.*]

1873.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

CROWN LANDS.

(PETITION OF CERTAIN INHABITANTS OF CAMDEN, IN REFERENCE TO DUMMY SELECTORS.)

Ordered by the Legislative Assembly to be printed, 29 *October*, 1873.

To the Honorable the Legislative Assembly of New South Wales, in Parliament assembled.

The humble Petition of the undersigned Conditional Purchasers, Freeholders, and others, resident at Broughton Vale, Wood Hill, and Broger's Creek, in the County of Camden,—

MOST RESPECTFULLY SHOWETH:—

That Petitioners are deeply interested in the disposal of the Public Lands of the Colony, and they believe that the time has arrived for revising and amending the law regulating the alienation and occupation of the Lands of the Crown.

That Petitioners fully approve of the system of conditional purchase before survey, with deferred payment.

That as the privilege of conditional purchase has been fraudulently taken advantage of by fictitious purchasers, under practices designated and usually known as "dummyism," Petitioners pray that such practices be legally suppressed, and that the law be so framed as to guard the *bonâ fide* selector in the exercise of his just rights—any attempt to fraudulently violate such rights being made penal, and the purchases thereby affected declared void and forfeited to the Crown.

That Petitioners, having large experience in farming pursuits, are of opinion that the period of three years now allowed for improvements on conditional purchases is too limited, causing great hardship and inconvenience; they therefore respectfully pray that the said time be extended to six years, or such other period as the discretion of your Honorable House may determine.

That Petitioners consider the interest now required on balances due for conditional purchases as practically oppressive, and pray that said interest be applied in liquidation of such balances, or, as an alternative, should your Honorable House approve, Petitioners would beg leave to suggest that interest on the balances be altogether abolished, and that on the required improvements being completed and the conditions fulfilled according to law, the title-deeds of grant should at once be issued, and all further charges should cease; the previous deposit of twenty-five per cent. being accepted as covering the Crown cost of survey. Petitioners pray your Honorable House to relieve conditional purchasers now liable to payment of interest in such manner as to your wisdom shall be deemed meet.

That the system of pre-emptive purchase at a low minimum upset price has been practically injurious, and Petitioners pray that the law be amended by an advanced minimum upset price per acre on all lands to be hereafter so disposed of;—and inasmuch as enforced residence on conditional purchases has given rise to much inconvenience, being thought by many competent judges to be inapplicable to the circumstances of the Colony, Petitioners further pray that the serious difficulties connected with such compulsory residence may be so dealt with as to secure their amelioration and modification, so as to protect the interests of all *bonâ fide* conditional purchasers in the event of such residence being either retained or dispensed with.

Petitioners therefore pray your Honorable House to take the premises into favourable consideration, and to make such enactment for the future alienation and occupation of the Public Lands of the Colony as shall be in accordance with the wants of the people, as duly expressed and presented by Petition to your Honorable House.

And Petitioners, as in duty bound, will ever pray.

[*Here follow* 60 *Signatures.*]

[3*d.*] 175—

1873.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

CROWN LANDS.

(PETITION OF CONDITIONAL PURCHASERS OF THE HUME, RELATIVE TO.)

Ordered by the Legislative Assembly to be printed, 11 *November,* 1873.

To the Members of the Legislative Assembly of New South Wales, in Parliament assembled.

The Memorial of the undersigned Electors and Conditional Purchasers of the Hume District,—

HUMBLY SHOWETH:—

That the progress of settlement has been greatly advanced, and the Colony generally much benefited, by the large number of persons who have during the past twelve years taken up land under the Robertson Land Act.

That on one run only—Bungowannah—the population has increased from five to 2,000 persons, consisting of conditional purchasers and their families.

That it is to the interest of the Colony that colonists of so useful a character should by all legitimate means be encouraged.

That a great impetus would be given to free-selection by allowing the interest now charged on the unpaid balance of conditional purchases to be applied in liquidation of the said balance.

That the present system does not sufficiently provide for the completion of the purchase within any definite period, but it disposes the conditional purchaser to rest satisfied with a tenure which does not possess the full advantage which freehold tenure alone can give, and thus weakens the guarantee that the land will be improved up to the full means of the owner, as he is in the position of a tenant whose holding is liable to be forfeited upon failure of any of the annual payments for interest, while by repeatedly continuing these payments he is not progressing one step nearer the acquirement of the fee simple or the completion of his purchase.

That by adopting the principle of paying off the balance by annual instalments the conditional purchasers would have a definite period in view when his contract with the State would be completed.

That in order to distribute equal justice to all conditional purchasers, the proposed amendment should be made retrospective, and that all payments hitherto made as interest under the present Act be applied and credited towards the reduction of the principal due to the Government upon the respective conditional purchase for which such interest has been paid.

That the system of preventing minors from disposing of or transferring conditional purchases has not been found to work well.

That many of your Petitioners have been obliged (in order to acquire a homestead for grazing purposes) to select land for their children, but in a few years found it expedient, owing to the adjoining lands being taken up by other persons, to dispose of their holdings and remove further back, but they are unable to transfer the purchase which they have made for their children, and the heads of families are thus deprived of their natural authority in connection with the disposal of property paid for and improved by their money and labour.

That the progress of settlement is greatly impeded by the apparent indiscriminate sale of Crown Land by auction, which lands are acquired at the upset price by capitalists, who thereby monopolize the public estate to the serious and irretrievable injury of the Colony.

That such lands are surveyed and put up to auction on the application invariably of the lessee of the run on which they situated, and generally include the whole of the main creek and river and main road frontages, which picked lands, becoming the property of one individual, greatly reduces the value of the back lands, and proves the most effectual barrier to the spread of settlement and population, without which it is impossible for the Colony to make progress.

That the land offered by auction in thinly populated districts is practically purchased without competition, and it would be conducive to the spread of settlement if the auction system was discontinued in such districts until at least one-half of the land within any run was conditionally purchased and improved, when the remainder (which would probably be in detached positions) might be offered by auction, and a healthy competition insured. Otherwise, that the upset price be increased to £2 per acre.

That

That although it might at first appear that the auction purchaser in paying £1 per acre was giving as much for the land as the conditional purchasers, yet as the latter has to lay out also £1 per acre in improvements he actually pays twice as much per acre as the former.

That great inconvenience is experienced by the working of the regulation which prevents any person from taking up as a conditional purchase any two portions of land between which a road passes.

That in many places where the land is surveyed it is impossible to obtain the full extent allowed by the Act, owing to such regulations.

That a conditional purchaser can now hold two portions of land separated by a road, if such was selected before being surveyed, but is not allowed to select land thus separated if previously surveyed, which two regulations appear incompatible with each other.

That all portions should be considered to join, if another selection cannot be taken up so as to entirely separate such portions of land.

That considerable injury has been done to *bonâ fide* settlers, anxious to cultivate the land, by unfair competition from capitalists who have purchased Volunteer Land Certificates.

That great and unnecessary delay is experienced in issuing pre-emptive leases by the Lands Department, which delay occasions considerable loss to your Petitioners, and also to the annual revenue.

That the regulation which prevents such leases being situated upon a different run to the purchase in virtue of which the lease is granted, is contrary to the spirit of the present Act, and on many occasions prevents a *bonâ fide* conditional purchaser from obtaining a lease (pre-emptive), although sufficient Crown Lands are adjoining.

That your Memorialists feel satisfied with reference to the grass-right privilege, that to grant leases for a fixed period would be injurious to the interest of your Memorialists and the Colony generally.

Your Petitioners therefore humbly pray that your Honorable House, taking into consideration the abovementioned circumstances, will be pleased to effect such alterations and amendments in the present Land Act as will meet the requirements of the case.

And your Petitioners would respectfully suggest,—

1. That the present annual payment of 5 per cent. interest, now charged on the unpaid balance of conditional purchases, or such other sum paid yearly as your Honorable House may direct, be received and accepted as regular instalments of the principal. That such amendment may be made retrospective.
2. That all persons eligible to hold a conditional purchase may be empowered to dispose of the same.
3. That the sale of Crown Lands by auction be discontinued, except town and suburban lots, or the upset price increased to two pounds per acre.
4. That the restriction be removed which prevents one person from selecting on each side of a road.
5. That the transferees of Volunteer Land Certificates be subject to the same conditions of residence and improvement as ordinary conditional purchasers.
6. That a purchase, and the pre-emptive lease in virtue of such purchase, need not necessarily be upon the same runs, and that greater expedition be exercised in issuing those leases.

And your Petitioners, as in duty bound, will ever pray, &c., &c.

[*Here follow* 696 *Signatures*.]

Sydney: Thomas Richards, Government Printer.—1878.

[3*d*.]

1873–4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

CROWN LANDS.

(FORFEITED CONDITIONAL PURCHASES.)

Ordered by the Legislative Assembly to be printed, 16 *January*, 1874.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, on 30th October, 1873, That there be laid upon the Table of this House,—

"(1.) A Return showing the names of all parties who have taken up "Conditional Purchases since the 1st January, 1872, to the present date, "and which have been declared forfeited by the Secretary for Lands, the "number of acres conditionally purchased, the district in which situated, "and the amount of deposit forfeited in each case.

"*(2.) The number of similar cases undisposed of in the Lands Office, "giving the same information as asked for in section No. 1."

(*Mr. Dangar.*)

SUMMARY.

District.	Number of Selections.	Area.	Amount of Deposit forfeited.
		a. r. p.	£ s. d.
Albury	2	140 2 0	35 2 6
Bathurst	1	50 0 0	12 10 0
Bega	9	360 0 0	90 0 0
Bombala	12	500 0 0	125 0 0
Braidwood	3	130 0 0	32 10 0
Burrowa	5	407 0 0	101 15 0
Casino	1	40 0 0	10 0 0
Cassilis	18	1,200 0 0	300 0 0
Cooma	52	4,538 1 0	1,134 11 3
Coonabarrabran	15	600 0 0	150 0 0
Deniliquin	23	930 0 0	232 10 0
Eden	8	425 0 0	106 5 0
Glen Innes	7	560 0 0	140 0 0
Goulburn	1	40 0 0	10 0 0
Gundagai	1	40 0 0	10 0 0
Grafton	2	151 0 16	37 15 2
Hay	14	1,587 0 0	396 15 0
Inverell	4	339 0 0	84 15 0
Moama	6	1,920 0 0	480 0 0
Molong	4	190 0 0	47 10 0
Mudgee	5	1,332 0 0	333 0 0
Murrurundi	7	420 0 0	105 0 0
Muswellbrook	2	124 0 0	31 0 0
Narrabri	3	200 0 0	50 0 0
Tamworth	88	5,637 3 0	1,409 8 9
Scone	3	301 0 0	75 5 0
Patrick's Plains	3	231 3 0	57 18 9
Rylstone	1	41 1 0	10 6 3
Queanbeyan	17	750 0 0	187 10 0
Wagga Wagga	39	2,852 3 0	713 3 9
Warialda	8	680 0 0	170 0 0
Wellington	2	80 0 0	20 0 0
Young	3	295 0 0	73 15 0
Tenterfield	1	40 0 0	10 0 0
Grand Total	370	27,133 1 16	6,783 6 5

* The Return having been made up to the 12th December, 1873, there are no similar cases on hand.

RETURN showing the names of all parties who have taken up Conditional Purchases since the 1st January, 1872, to the 12th December, 1873, and which have been declared forfeited by the Secretary for Lands; the number of acres conditionally purchased, the district in which situated, and the amount of deposit forfeited, in each case.

No.	Name.	Area.	District.	Amount of Deposit.	Date of Purchase.	Date of Forfeiture.
		a. r. p.		£ s. d.		
1	Chauncey Charles	100 2 0	Albury	25 2 6	29 May, 1873	12 Dec., 1873
2	Westerndorf C.	40 0 0	„	10 0 0	18 July, 1872	12 „
	Total	140 2 0	£	35 2 6		
1	Poole Joseph	50 0 0	Bathurst	12 10 0	25 July, 1872	12 Dec., 1873
	Total	50 0 0	£	12 10 0		
1	Collins Patrick	40 0 0	Bega	10 0 0	19 Sept., 1872	29 Aug., 1873
2	Collins Patrick	40 0 0	„	10 0 0	26 „	„
3	Bawtree Alfred E.	40 0 0	„	10 0 0	1 Aug., 1872	12 Dec., 1873
4	Bligh Elizabeth	40 0 0	„	10 0 0	8 „	12 „
5	Bligh Mary J.	40 0 0	„	10 0 0	8 „	12 „
6	Brooks Henry	40 0 0	„	10 0 0	27 June, 1872	12 „
7	Davis William	40 0 0	„	10 0 0	19 Sept., 1872	12 „
8	Went Henry	40 0 0	„	10 0 0	10 Oct., 1872	12 „
9	Wren Henry	40 0 0	„	10 0 0	27 June, 1872	12 „
	Total	360 0 0	£	90 0 0		
1	Ryrie Elizabeth	40 0 0	Bombala	10 0 0	15 Feb., 1872	7 Jan., 1873
2	Baker William	40 0 0	„	10 0 0	20 June, 1872	29 Aug., 1873
3	Lewisson Frederick	40 0 0	„	10 0 0	11 April, 1872	29 „
4	M'Guigan John	40 0 0	„	10 0 0	4 „	29 „
5	Toms William	40 0 0	„	10 0 0	29 Feb., 1872	29 „
6	Witts Alfred	40 0 0	„	10 0 0	29 „	29 „
7	Witts Henry	40 0 0	„	10 0 0	29 „	29 „
8	Callaghan James G. B.	60 0 0	„	15 0 0	2 May, 1872	12 Dec., 1873
9	Hagger William	40 0 0	„	10 0 0	30 „	12 „
10	Silk Louisa	40 0 0	„	10 0 0	30 „	12 „
11	Silk Caroline	40 0 0	„	10 0 0	30 „	12 „
12	Silk Thomas	40 0 0	„	10 0 0	30 „	12 „
	Total	500 0 0	£	125 0 0		
1	Woodland Edward	49 0 0	Braidwood	12 5 0	11 Jan., 1872	7 Jan., 1873
2	Rolfe Elizabeth	40 0 0	„	10 0 0	7 Mar., 1872	29 Aug., 1873
3	M'Crea Frank	41 0 0	„	10 5 0	18 April, 1872	12 Dec., 1873
	Total	130 0 0	£	32 10 0		
1	Murphy Frederick	40 0 0	Burrowa	10 0 0	22 Feb., 1872	7 Jan., 1873
2	Cass Edward, jun.	40 0 0	„	10 0 0	29 Aug., 1872	12 Dec., 1873
3	Corcoran Ellen	47 0 0	„	11 15 0	12 Dec., 1872	12 „
4	Delohery Patrick	120 0 0	„	30 0 0	12 Sept., 1872	12 „
5	Smith Robert	160 0 0	„	40 0 0	31 Nov., 1872	12 „
	Total	407 0 0	£	101 15 0		
1	Kennedy Ellen	40 0 0	Casino	10 0 0	2 May, 1872	29 Aug., 1873
	Total	40 0 0	£	10 0 0		
1	Brown William	50 0 0	Cassilis	12 10 0	30 May, 1872	29 Aug., 1873.
2	Byfield Arthur H.	40 0 0	„	10 0 0	2 „	29 „
3	Cooper Arthur	120 0 0	„	30 0 0	4 April, 1872	29 „
4	Nation John	40 0 0	„	10 0 0	25 Jan., 1872	29 „
5	Noble William	40 0 0	„	10 0 0	25 July, 1872	29 „
6	Byfield Herbert N.	70 0 0	„	17 10 0	18 „	12 Dec., 1873.
7	Byfield Susan	40 0 0	„	10 0 0	17 Oct., 1872	12 „
8	Byfield Thomas	40 0 0	„	10 0 0	17 „	12 „
9	Byfield Thomas	40 0 0	„	10 0 0	17 „	12 „
10	Curry James	40 0 0	„	10 0 0	26 Sept., 1872	12 „
11	Dean John	80 0 0	„	20 0 0	17 Oct., 1872	12 „
12	Elliott Robert	40 0 0	„	10 0 0	11 July, 1872	12 „
13	Jessburg Conrade	40 0 0	„	10 0 0	30 May, 1872	12 „
14	Lamb Frederick	50 0 0	„	12 10 0	10 Oct., 1872	12 „
15	Langley George H.	50 0 0	„	12 10 0	28 Mar., 1872	12 „
16	Langley George H.	50 0 0	„	12 10 0	28 „	12 „
17	Langley George H.	50 0 0	„	12 10 0	28 „	12 „
18	Leard Frederick	320 0 0	„	80 0 0	14 „	12 „
	Total	1,200 0 0	£	300 0 0		
1	Blyton Charles H.	40 0 0	Cooma	10 0 0	8 Feb., 1872	29 Aug., 1873.
2	Caldwell David	120 0 0	„	30 0 0	2 May, 1872	29 „
3	Caldwell David	200 0 0	„	50 0 0	3 April, 1873	29 „
4	Gorman Martha	50 0 0	„	12 10 0	25 April, 1872	29 „
5	Gorman Mary Ann	50 0 0	„	12 10 0	25 „	29 „
6	Gorman Thomas	50 0 0	„	12 10 0	25 „	29 „
7	Harris Daniel	40 0 0	„	10 0 0	25 „	29 „
8	Harris John	40 0 0	„	10 0 0	25 „	29 „
9	Harris William J.	40 0 0	„	10 0 0	25 „	29 „
10	Rolfe Elizabeth	120 0 0	„	30 0 0	25 „	29 „
11	Agnew James	320 0 0	„	80 0 0	25 „	12 Dec., 1873.

No.	Name.	Area.			District.	Amount of Deposit.			Date of Purchase.	Date of Forfeiture.
		a.	r.	p.		£	s.	d.		
12	Barrett Henry J.	40	0	0	Cooma	10	0	0	8 Feb., 1872	12 Dec., 1873.
13	Barry William	320	0	0	„	80	0	0	23 May, 1872	12 „
14	Brodie William	40	0	0	„	10	0	0	8 Feb., 1872	12 „
15	Chapman Henry, sen.	40	0	0	„	10	0	0	16 May, 1872	12 „
16	Chapman Henry, jun.	80	0	0	„	20	0	0	16 „	12 „
17	Clark George	40	0	0	„	10	0	0	23 „	12 „
18	Cullen Daniel	40	0	0	„	10	0	0	23 „	12 „
19	Dwyer Frank	40	0	0	„	10	0	0	8 Feb., 1872	12 „
20	Eustus Jesse	40	0	0	„	10	0	0	16 May, 1872	12 „
21	Freebody Joseph	200	0	0	„	50	0	0	16 „	12 „
22	Freebody Joseph	40	0	0	„	10	0	0	27 June, 1872	12 „
23	Harris Sarah	40	0	0	„	10	0	0	25 April, 1872	12 „
24	Harris Jane	40	0	0	„	10	0	0	25 „	12 „
25	Harris Elizabeth	40	0	0	„	10	0	0	25 „	12 „
26	Jarbis George	158	0	0	„	39	11	3	6 June, 1872	12 „
27	Jarbis George	40	0	0	„	10	0	0	1 Aug., 1872	12 „
28	Kiss Martha E.	50	0	0	„	12	10	0	6 June, 1872	12 „
29	Litchfield Alice	60	0	0	„	15	0	0	23 May, 1872	12 „
30	Litchfield Alice	100	0	0	„	25	0	0	11 July, 1872	12 „
31	Litchfield Alice	160	0	0	„	40	0	0	11 „	12 „
32	M'Donald Hugh	320	0	0	„	80	0	0	16 May, 1872	12 „
33	M'Donald Thomas	40	0	0	„	10	0	0	9 „	12 „
34	O'Mara Ann	40	0	0	„	10	0	0	26 Sept., 1872	12 „
35	Peters Tobias	320	0	0	„	80	0	0	16 May, 1872	12 „
36	Rolfe Phoeby	40	0	0	„	10	0	0	25 April, 1872	12 „
37	Rowe Edward	40	0	0	„	10	0	0	23 May, 1872	12 „
38	Ryrie Ida E.	40	0	0	„	10	0	0	21 Mar., 1872	12 „
39	Sears Edith E.	40	0	0	„	10	0	0	23 May, 1872	12 „
40	Sears George, jun.	40	0	0	„	10	0	0	14 Mar., 1872	12 „
41	Sherin William	320	0	0	„	80	0	0	9 May, 1872	12 „
42	Silk Owen	40	0	0	„	10	0	0	23 „	12 „
43	Silk Owen	40	0	0	„	10	0	0	23 „	12 „
44	Stewart William	200	0	0	„	50	0	0	15 Aug., 1872	12 „
45	Stewart William	40	0	0	„	10	0	0	15 „	12 „
46	Suitor Samuel	40	0	0	„	10	0	0	30 Jan., 1873	12 „
47	Suitor William	40	0	0	„	10	0	0	30 „	12 „
48	Wayland John	100	0	0	„	25	0	0	9 May, 1872	12 „
49	Welch William	40	0	0	„	10	0	0	6 June, 1872	12 „
50	Whittaker John	40	0	0	„	10	0	0	16 May, 1872	12 „
51	Nolan Denis, jun.	40	0	0	„	10	0	0	4 Jan., 1872	12 „
	Total	4,538	1	0	£	1,134	11	3		
1	Kennedy Hugh	40	0	0	Coonabarabran	10	0	0	29 Feb., 1872	7 Jan., 1873
2	Cook William	40	0	0	„	10	0	0	11 July, 1872	29 Aug., 1873
3	Hole Andrew H.	40	0	0	„	10	0	0	11 „	29 „
4	Hole Andrew H.	40	0	0	„	10	0	0	11 „	29 „
5	Hole Samuel	40	0	0	„	10	0	0	11 „	29 „
6	M'Lennan James	40	0	0	„	10	0	0	1 Aug., 1872	29 „
7	Dean William E.	40	0	0	„	10	0	0	22 „	12 Dec., 1873
8	Hole George A.	40	0	0	„	10	0	0	11 July, 1872	12 „
9	Robertson Robert	40	0	0	„	10	0	0	24 Oct., 1872	12 „
10	Robertson William	40	0	0	„	10	0	0	27 Mar., 1873	12 „
11	Watson Daniel	40	0	0	„	10	0	0	26 Dec., 1872	12 „
12	Leonard Thomas	40	0	0	„	10	0	0	18 April, 1872	29 Aug., 1873
13	Book David	40	0	0	„	10	0	0	11 July, 1872	12 Dec., 1873
14	Bride B.	40	0	0	„	10	0	0	16 Jan., 1873	12 „
15	Bride —	40	0	0	„	10	0	0	16 „	12 „
	Total	600	0	0	£	150	0	0		
1	Bacon Mary	80	0	0	Deniliquin	20	0	0	22 Aug., 1872	12 Dec., 1873
2	Bass James	40	0	0	„	10	0	0	20 Feb., 1873	12 „
3	Bowen Sarah	320	0	0	„	80	0	0	3 Oct., 1872	12 „
4	Bowen Emily J.	320	0	0	„	80	0	0	3 „	12 „
5	Gibbons Joseph	40	0	0	„	10	0	0	20 Feb., 1873	12 „
6	Hennessy Catherine	40	0	0	„	10	0	0	19 Dec., 1872	12 „
7	Hennessy Clara	40	0	0	„	10	0	0	19 „	12 „
8	Hennessy —	50	0	0	„	12	10	0	19 „	12 „
	Total	930	0	0	£	232	10	0		
1	Campbell Daniel	40	0	0	Eden	10	0	0	14 Mar., 1872	12 Dec., 1873
2	Covington Charles	40	0	0	„	10	0	0	7 „	12 „
3	Farrell David	40	0	0	„	10	0	0	13 June, 1872	12 „
4	Powers Edward	40	0	0	„	10	0	0	18 April, 1872	12 „
5	Robertson Charles, jun.	100	0	0	„	25	0	0	25 „	12 „
6	Thelan Francis	85	0	0	„	21	5	0	21 Mar., 1872	12 „
7	Thelan Francis	40	0	0	„	10	0	0	28 Nov., 1872	12 „
8	Whilby William	40	0	0	„	10	0	0	1 Aug., 1872	12 „
	Total	425	0	0	£	106	5	0		
1	Boyle James	40	0	0	Glen Innes	10	0	0	18 Jan., 1872	29 Aug., 1873
2	Gordon Ernest A. P.	40	0	0	„	10	0	0	6 June, 1872	29 „
3	Gross Francis	40	0	0	„	10	0	0	9 May, 1872	29 „
4	Gross George	40	0	0	„	10	0	0	9 „	29 „
5	Graham Henry	40	0	0	„	10	0	0	18 Jan., 1872	29 „
6	Cameron John	320	0	0	„	80	0	0	8 Aug., 1872	12 Dec., 1873
7	Wilkins William	40	0	0	„	10	0	0	11 July, 1872	12 „
	Total	560	0	0	£	140	0	0		

4

No.	Name.	Area.	District.	Amount of Deposit.	Date of Purchase.	Date of Forfeiture.
		a. r. p.		£ s. d.		
1	Bassingthwaighte S.	40 0 0	Goulburn	10 0 0	30 May, 1872	12 Dec., 1873
	Total	40 0 0	£	10 0 0		
1	Bushell Martha	40 0 0	Gundagai	10 0 0	3 Oct., 1872	12 Dec., 1873
	Total	40 0 0	£	10 0 0		
1	Collett Joseph	80 0 0	Grafton	20 0 0	17 April, 1873	12 Dec., 1873
2	O'Brien Cornelius	71 0 16	„	17 15 2	31 Oct., 1872	12 „
	Total	151 0 16	£	37 15 2		
1	Johnston Frederick.....	40 0 0	Hay	10 0 0	13 June, 1872	29 Aug., 1873
2	Johnston Frederick.....	40 0 0	„	10 0 0	13 „	29 „
3	Johnston Frederick.....	40 0 0	„	10 0 0	13 „	29 „
4	Johnston Frederick.....	40 0 0	„	10 0 0	13 „	29 „
5	Johnston Frederick.....	40 0 0	„	10 0 0	13 „	29 „
6	Palmer Thomas	80 0 0	„	20 0 0	20 June, 1872	29 „
7	Palmer Thomas	240 0 0	„	60 0 0	12 Sept., 1872	29 „
8	Flynn Thomas	40 0 0	„	10 0 0	13 June, 1872	12 Dec., 1873
9	Flynn Thomas	40 0 0	„	10 0 0	13 June, 1872	12 „
10	Palmer James	320 0 0	„	80 0 0	12 Sept., 1872	12 „
11	Pearson J. H.	42 0 0	„	10 10 0	22 Feb., 1872	12 „
12	Simpson Elizabeth	210 0 0	„	52 10 0	30 May, 1872	12 „
13	Simpson Thomas W.	320 0 0	„	80 0 0	30 „	12 „
14	Athursuch John	95 0 0	„	23 15 0	27 June, 1872	29 Aug., 1873
	Total	1,587 0 0	£	396 15 0		
1	Longden William	40 0 0	Inverell	10 0 0	12 Sept., 1872	12 Dec., 1873
2	Perkins James	40 0 0	„	10 0 0	8 Feb., 1872	12 „
3	Stewart George	98 0 0	„	24 10 0	11 July, 1872	12 „
4	Stewart George	161 0 0	„	40 5 0	19 Sept., 1872	12 „
	Total	339 0 0	£	84 15 0		
1	Joachim George	320 0 0	Moama	80 0 0	20 Feb., 1873	12 Dec., 1873
2	Joachim John	320 0 0	„	80 0 0	20 „	12 „
3	Joachim Selina.....	320 0 0	„	80 0 0	20 „	12 „
4	Joachim Sophia	320 0 0	„	80 0 0	20 „	12 „
5	Joachim William.....	320 0 0	„	80 0 0	20 „	12 „
6	Joachim Annie.....	320 0 0	„	80 0 0	20 „	12 „
	Total	1,920 0 0	£	480 0 0		
1	Gallagher Kate.....	40 0 0	Molong	10 0 0	18 Jan., 1872	7 Jan., 1873
2	Balfe Michael	50 0 0	„	12 10 0	1 Aug., 1872	29 Aug., 1873
3	Caldwell George	50 0 0	„	12 10 0	22 Feb., 1872	12 Dec., 1873
4	Caldwell William.....	50 0 0	„	12 10 0	22 „	„
	Total	190 0 0	£	47 10 0		
1	Bayly Ellen	80 0 0	Mudgee	20 0 0	7 Mar., 1872	29 Aug., 1873
2	Bayly Nicholas.....	292 0 0	„	73 0 0	22 Aug., 1872	29 „
3	Cadell Thomas.....	320 0 0	„	80 0 0	22 „	29 „
4	Hollings Marion	320 0 0	„	80 0 0	21 Mar., 1872	29 „
5	Liely James	320 0 0	„	80 0 0	22 Aug., 1872	29 „
	Total	1,332 0 0	£	333 0 0		
1	Bramble William.....	100 0 0	Murrurundi	25 0 0	2 May, 1872	29 Aug., 1873.
2	Hicks George	60 0 0	„	15 0 0	15 Feb., 1872	29 „
3	Lawrence George I.....	40 0 0	„	10 0 0	15 „	29 „
4	Sevil Mary A.	40 0 0	„	10 0 0	27 June, 1872	12 Dec., 1873.
5	Sterritt George W.	40 0 0	„	10 0 0	21 Mar., 1872	12 „
6	White Florence	40 0 0	„	10 0 0	25 July, 1872	12 „
7	Fogarty Timothy.....	100 0 0	„	25 0 0	28 Mar., 1872	29 Aug., 1873.
	Total	420 0 0	£	105 0 0		
1	White Francis J.....	84 0 0	Muswellbrook	21 0 0	17 Oct., 1872	12 Dec., 1873.
2	Peberdy Arthur H. J.....	40 0 0	„	10 0 0	14 Mar., 1872	29 Aug., 1873.
	Total	124 0 0	£	31 0 0		
1	Hearn James	40 0 0	Narrabri	10 0 0	28 Mar., 1872	29 Aug., 1873.
2	M'Donald John	40 0 0	„	10 0 0	28 „	29 „
3	Clancey John	120 0 0	„	30 0 0	10 July, 1873	12 Dec., 1873.
	Total	200 0 0	£	50 0 0		
1	Highleman Frank	80 0 0	Tamworth.....	20 0 0	14 Mar., 1872	7 Jan., 1873.
2	Scott James	320 0 0	„	80 0 0	11 Jan., 1872	7 „
3	Bayly Arthur	40 0 0	„	10 0 0	6 June, 1872	29 Aug., 1872.
4	Berry John	40 0 0	„	10 0 0	25 April, 1872	29 „
5	Browne Thomas	40 0 0	„	10 0 0	23 May, 1872	29 „
6	Bushell Thomas	40 0 0	„	10 0 0	18 April, 1872	29 „

No.	Name.	Area.			District.	Amount of Deposit.			Date of Purchase.	Date of Forfeiture.
		a.	r.	p.		£	s.	d.		
7	Bushell Thomas	40	0	0	Tamworth	10	0	0	18 April, 1872	29 Aug., 1873.
8	Clift Ida	40	0	0	"	10	0	0	25 Jan., 1872	29 "
9	Clift Ida	40	0	0	"	10	0	0	25 "	29 "
10	Clift Ida	40	0	0	"	10	0	0	25 "	29 "
11	Hooper Henry	100	0	0	"	25	0	0	18 April, 1872	29 "
12	Hudson Beresford	160	0	0	"	40	0	0	18 "	29 "
13	Johnston Samuel	40	0	0	"	10	0	0	25 Jan., 1872	29 "
14	King John	40	0	0	"	10	0	0	23 May, 1872	29 "
15	Lambe Ernest	50	0	0	"	12	10	0	25 April, 1872	29 "
16	Lawson Andrew	80	0	0	"	20	0	0	6 June, 1872	29 "
17	Lawson Nelson	80	0	0	"	20	0	0	6 "	29 "
18	Lawson Samuel C.	80	0	0	"	20	0	0	6 "	29 "
19	Lawson Sophia	80	0	0	"	20	0	0	6 "	29 "
20	M'Laughlin Edward	40	0	0	"	10	0	0	8 Feb., 1872	29 "
21	M'Laughlin Edward	40	0	0	"	10	0	0	8 "	29 "
22	M'Laughlin Edward	40	0	0	"	10	0	0	1 Aug., 1872	29 "
23	Martin Thomas	320	0	0	"	80	0	0	2 May, 1872	29 "
24	Mathers Henry	40	0	0	"	10	0	0	11 April, 1872	29 "
25	Miller George	40	0	0	"	10	0	0	2 May, 1872	29 "
26	Nichols Mary	40	0	0	"	10	0	0	25 April, 1872	29 "
27	Allsop John, jun.	40	0	0	"	10	0	0	25 "	29 "
28	Bagg Charles F.	40	0	0	"	10	0	0	1 Aug., 1872	12 Dec., 1873.
29	Bayly Arthur	40	0	0	"	10	0	0	1 "	12 "
30	Callaghan John	40	0	0	"	10	0	0	4 July, 1872	12 "
31	Callaghan Michael	40	0	0	"	10	0	0	4 "	12 "
32	Callaghan Patrick	40	0	0	"	10	0	0	4 "	12 "
33	Cameron Anne	40	0	0	"	10	0	0	15 Aug., 1872	12 "
34	Coward George	40	0	0	"	10	0	0	4 July, 1872	12 "
35	Dowd John	40	0	0	"	10	0	0	16 May, 1872	12 "
36	Eastwood David	40	0	0	"	10	0	0	16 "	12 "
37	Eastwood David	40	0	0	"	10	0	0	16 "	12 "
38	Eastwood David	60	0	0	"	15	0	0	16 "	12 "
39	Eastwood Lily	40	0	0	"	10	0	0	2 "	12 "
40	Eastwood Mabel	60	0	0	"	15	0	0	2 "	12 "
41	Faulkner Alexander	40	0	0	"	10	0	0	6 June, 1872	12 "
42	Faulkner Alexander	40	0	0	"	10	0	0	22 Aug., 1872	12 "
43	Freeman Thomas	60	0	0	"	15	0	0	16 May, 1872	12 "
44	Freeman William	60	0	0	"	15	0	0	2 "	12 "
45	Gaines James	40	0	0	"	10	0	0	8 Aug., 1872	12 "
46	Gordon Lily	40	0	0	"	10	0	0	29 Feb., 1872	12 "
47	Gordon William	40	0	0	"	10	0	0	29 "	12 "
48	Harden Arthur L.	40	0	0	"	10	0	0	16 May, 1872	12 "
49	Harden Henry S.	60	0	0	"	15	0	0	16 "	12 "
50	Harden Theodore	40	0	0	"	10	0	0	13 June, 1872	12 "
51	Harden Theodore	40	0	0	"	10	0	0	16 May, 1872	12 "
52	Harden Theodore	40	0	0	"	10	0	0	16 "	12 "
53	Harden Walter Scott	60	0	0	"	15	0	0	13 June, 1872	12 "
54	Henry Patrick	100	0	0	"	25	0	0	11 April, 1872	12 "
55	Higgins Edward	40	0	0	"	10	0	0	4 July, 1872	12 "
56	Hole James L.	40	0	0	"	10	0	0	1 Aug., 1872	12 "
57	Holding Samuel	121	3	0	"	30	8	9	23 Jan., 1873	12 "
58	Johnston Ernest	195	3	0	"	48	18	9	28 Nov., 1872	12 "
59	Johnston Herbert	208	1	0	"	52	1	3	28 "	12 "
60	Lamb Mark	80	0	0	"	20	0	0	9 Jan., 1873	12 "
61	Lawson Charles	80	0	0	"	20	0	0	6 June, 1872	12 "
62	M'Cumstie C.	40	0	0	"	10	0	0	16 May, 1872	12 "
63	M'Cumstie W.	40	0	0	"	10	0	0	29 Feb., 1872	12 "
64	M'Kechnie William	320	0	0	"	80	0	0	11 April, 1872	12 "
65	Nicholls James	40	0	0	"	10	0	0	8 Feb., 1872	12 "
66	Nicholls Rebecca	40	0	0	"	10	0	0	4 July, 1872	12 "
67	Nicholls Rebecca	40	0	0	"	10	0	0	4 "	12 "
68	Nicholls Rebecca	40	0	0	"	10	0	0	4 "	12 "
69	O'Rourke James N.	40	0	0	"	10	0	0	9 May, 1872	12 "
70	Perrett Emma	60	0	0	"	15	0	0	19 Sept., 1872	12 "
71	Perrett Emma	160	0	0	"	40	0	0	19 "	12 "
72	Perrett Emma	100	0	0	"	25	0	0	19 "	12 "
73	Simpson John	60	0	0	"	15	0	0	16 May, 1872	12 "
74	Simpson Thomas	40	0	0	"	10	0	0	16 "	12 "
75	Tipple William	40	0	0	"	10	0	0	29 Feb., 1872	12 "
76	Trip Joseph	40	0	0	"	10	0	0	26 Sept., 1872	12 "
77	White Archibald	40	0	0	"	10	0	0	3 Oct., 1872	12 "
78	White Arthur	40	0	0	"	10	0	0	3 "	12 "
79	White Ernest	40	0	0	"	10	0	0	3 "	12 "
80	White Charles	40	0	0	"	10	0	0	3 "	12 "
81	White Albert	40	0	0	"	10	0	0	3 "	12 "
82	White Francis J.	40	0	0	"	10	0	0	3 "	12 "
83	White Henry	40	0	0	"	10	0	0	3 "	12 "
84	White James	40	0	0	"	10	0	0	3 "	12 "
85	White Reginald	40	0	0	"	10	0	0	3 "	12 "
86	White Victor	40	0	0	"	10	0	0	3 "	12 "
87	Taafe Daniel	42	0	0	"	10	10	0	18 April, 1872	29 Aug., 1873.
88	Taggert John	40	0	0	"	10	0	0	28 Mar., 1872	29 "
	Total	5,637	3	0		£ 1,409	8	9		

No.	Name.	Area.	District.	Amount of Deposit.	Date of Purchase.	Date of Forfeiture.
		a. r. p.		£ s. d.		
1	Little William	141 0 0	Scone	35 5 0	5 June, 1873	12 Dec., 1873.
2	Spratt Thomas A.	40 0 0	,,	10 0 0	21 Mar., 1872	7 Jan., 1873.
3	White Ernest	120 0 0	,,	30 0 0	6 Mar., 1873	12 Dec., 1873.
	Total	301 0 0	£	75 5 0		
1	Burke John	50 0 0	Patrick's Plains	12 10 0	4 April, 1872	12 Dec., 1873
2	White Arthur	41 3 0	,,	10 8 9	24 Oct., 1872	12 ,,
3	Playford William	140 0 0	,,	35 0 0	9 May, 1872	12 ,,
	Total	231 3 0	£	57 18 9		
1	Keech Sarah	41 1 0	Rylstone	10 6 3	21 Nov., 1872	12 Dec., 1873
	Total	41 1 0	£	10 6 3		
1	Chinnery James	40 0 0	Queanbeyan	10 0 0	25 April, 1872	12 Dec., 1873
2	Chinnery John, junior	40 0 0	,,	10 0 0	,,	12 ,,
3	Higgins William	40 0 0	,,	10 0 0	9 May, 1872	12 ,,
4	Higgins William	40 0 0	,,	10 0 0	9 ,,	12 ,,
5	Higgins William	40 0 0	,,	10 0 0	9 ,,	12 ,,
6	Morton William	40 0 0	,,	10 0 0	30 Jan., 1873	12 ,,
7	M'Namarra Ellen, junior	40 0 0	,,	10 0 0	15 Feb., 1872	12 ,,
8	M'Namarra Michael, junior	100 0 0	,,	25 0 0	22 ,,	12 ,,
9	M'Namarra Patrick	50 0 0	,,	12 10 0	23 Jan., 1873	12 ,,
10	Powell Nathaniel S.	40 0 0	,,	10 0 0	9 May, 1872	12 ,,
11	Powell Nathaniel S.	40 0 0	,,	10 0 0	9 ,,	12 ,,
12	Powell Nathaniel	40 0 0	,,	10 0 0	9 ,,	12 ,,
13	Ryan Edward	40 0 0	,,	10 0 0	6 June, 1872	12 ,,
14	Ryan Edward	40 0 0	,,	10 0 0	10 April, 1873	12 ,,
15	Shaw James	40 0 0	,,	10 0 0	9 May, 1872	12 ,,
16	Shaw James	40 0 0	,,	10 0 0	9 ,,	12 ,,
17	Shaw James	40 0 0	,,	10 0 0	9 ,,	12 ,,
	Total	750 0 0	£	187 10 0		
1	Pope Samuel	82 3 0	Wagga Wagga	20 13 9	31 Oct., 1872	29 Aug., 1873
2	Anderson Edward	40 0 0	,,	10 0 0	12 Sept., 1872	12 Dec., 1873
3	Busby James	40 0 0	,,	10 0 0	12 ,,	12 ,,
4	Carrington Walter	40 0 0	,,	10 0 0	29 Aug., 1872	12 ,,
5	Clancey John	200 0 0	,,	50 0 0	7 Mar., 1872	12 ,,
6	Duffin William	40 0 0	,,	10 0 0	20 June, 1872	12 ,,
7	Duffin William	40 0 0	,,	10 0 0	20 ,,	12 ,,
8	Duffin William	40 0 0	,,	10 0 0	10 April, 1873	12 ,,
9	Duffin William	40 0 0	,,	10 0 0	19 June, 1873	12 ,,
10	Duffin William	40 0 0	,,	10 0 0	19 ,,	12 ,,
11	Duffin William	40 0 0	,,	10 0 0	19 ,,	12 ,,
12	Duffin William	40 0 0	,,	10 0 0	19 ,,	12 ,,
13	Duffin William	40 0 0	,,	10 0 0	20 June, 1872	12 ,,
14	Elkington John	40 0 0	,,	10 0 0	12 Sept., 1872	12 ,,
15	Hemphill James	40 0 0	,,	10 0 0	15 Aug., 1872	12 ,,
16	Hemphill James	40 0 0	,,	10 0 0	27 Mar., 1873	12 ,,
17	Hemphill James	50 0 0	,,	12 10 0	1 May, 1872	12 ,,
18	Hemphill James	40 0 0	,,	10 0 0	27 Mar., 1873	12 ,,
19	Hemphill James	40 0 0	,,	10 0 0	27 ,,	12 ,,
20	Howell David	100 0 0	,,	25 0 0	12 Sept., 1872	12 ,,
21	Logan John	100 0 0	,,	25 0 0	29 Aug., 1872	12 ,,
22	Montgomery Mary	40 0 0	,,	10 0 0	17 Oct., 1872	12 ,,
23	Montgomery Mary	40 0 0	,,	10 0 0	17 ,,	12 ,,
24	Montgomery Mary	40 0 0	,,	10 0 0	17 ,,	12 ,,
25	Montgomery Mary	40 0 0	,,	10 0 0	17 ,,	12 ,,
26	M'Intyre Mary	40 0 0	,,	10 0 0	11 July, 1872	12 ,,
27	M'Intyre Mary	200 0 0	,,	50 0 0	5 Dec., 1872	12 ,,
28	Nash Charles	40 0 0	,,	10 0 0	11 July, 1872	12 ,,
29	O'Mara Patrick	320 0 0	,,	80 0 0	23 Jan., 1873	12 ,,
30	Oxley Joseph E.	40 0 0	,,	10 0 0	8 Aug., 1872	12 ,,
31	Reidy John	40 0 0	,,	10 0 0	12 Sept., 1872	12 ,,
32	Ryan James S.	320 0 0	,,	80 0 0	21 Nov., 1872	12 ,,
33	Smith Dugald	100 0 0	,,	25 0 0	12 Sept., 1872	12 ,,
34	Sproule Fanny	40 0 0	,,	10 0 0	5 Dec., 1872	12 ,,
35	Sproule Fanny	140 0 0	,,	35 0 0	23 Jan., 1873	12 ,,
36	Thompson Alfred	80 0 0	,,	20 0 0	11 July, 1872	12 ,,
37	Sabe Thomas	40 0 0	,,	10 0 0	12 Sept., 1872	12 ,,
38	Lindo Alfred	40 0 0	,,	10 0 0	12 ,,	12 ,,
39	Morrison James	80 0 0	,,	20 0 0	13 Mar., 1873	12 ,,
	Total	2,852 3 0	£	713 3 9		
1	Single Henry E.	40 0 0	Warialda	10 0 0	11 July, 1872	29 Aug., 1873.
2	Single Henry E.	40 0 0	,,	10 0 0	11 ,,	29 ,,
3	Cullen Arthur J.	100 0 0	,,	25 0 0	29 Aug., 1872	12 Dec., 1873.
4	Cullen Frank R.	100 0 0	,,	25 0 0	29 ,,	12 ,,
5	Cullen Henry L.	100 0 0	,,	25 0 0	29 ,,	12 ,,
6	Cullen Herbert W.	100 0 0	,,	25 0 0	29 ,,	12 ,,
7	Cullen Ralph	100 0 0	,,	25 0 0	29 ,,	12 ,,
8	Cullen Thomas	100 0 0	,,	25 0 0	29 ,,	12 ,,
	Total	680 0 0	£	170 0 0		

No.	Name.	Area.	District.	Amount of Deposit.	Date of Purchase.	Date of Forfeiture.
		a. r. p.		£ s. d.		
1	Hart Charles	40 0 0	Wellington	10 0 0	25 April, 1872	29 Aug., 1873.
2	Hart Charles	40 0 0	„	10 0 0	14 Mar., 1872	29 „
	Total	80 0 0	£	20 0 0		
1	Kennemore Patrick	200 0 0	Young	50 0 0	5 Sept., 1872	12 Dec., 1873.
2	Norton John	55 0 0	„	13 15 0	22 Feb., 1872	12 „
3	Norton John	40 0 0	„	10 0 0	6 Mar., 1873	12 „
	Total	295 0 0	£	73 15 0		
1	Guennup Alfred	40 0 0	Tenterfield	10 0 0	29 Feb., 1872	12 Dec., 1873.
	Total	40 0 0	£	10 0 0		

Sydney: Thomas Richards, Government Printer.—1874.

[6d.]

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1873-4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

CROWN LANDS.

(PROCLAMATIONS, &c., RESPECTING GRANTS TO INHABITANTS OF SYDNEY.)

Ordered by the Legislative Assembly to be printed, 29 January, 1874.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 25 November, 1873, That there be laid upon the Table of this House,—

	Remarks.
"1. A copy of the Order or Proclamation issued by L. Macquarie, Esq., and dated October 6th, 1810, setting forth the boundaries of the 'Market Place,' 'Hyde Park,' 'Macquarie Place,' 'Market Wharf,' and the names and descriptions of the various Streets, &c., in the Town of Sydney, as described in plan	Herewith.
"2. Copies of any Grants that may have been made by L. Macquarie, Esq., to any person or persons in trust for the use of the inhabitants of Sydney, of the 'Market Place,' 'Hyde Park,' 'Macquarie Place,' 'Sydney Common,' 'Market Wharf,' or other portions of land set apart for the use or recreation of the inhabitants of Sydney	Nil.
"3. A copy of the Proclamation made by L. Macquarie, Esq., and dated October 5th, 1811, setting forth the boundaries of the Sydney Common, and promising a grant of the same, to be held 'in trust for the benefit of the present and all succeeding inhabitants of Sydney'"	Herewith.

(*Mr. Macintosh.*)

CROWN LANDS.

GOVERNMENT PUBLIC NOTICE.

Head Quarters, Sydney,
5 October, 1811.

HIS Excellency the Governor, anxious for the accommodation of the inhabitants of Sydney, and in pursuance of the intention signified in his General Orders of the 6th of October last, gives this public notice, that he has assigned and caused to be marked out and measured a large Common in the immediate vicinity of Sydney, containing 1,000 acres, for the common pasturage of the cattle belonging to the inhabitants of Sydney. The public are to take notice that the said commonage is described by the Acting Surveyor in the following terms:—"Bounded on the west side by 28 chains of Surry Hill Farm and a south line of 96 chains; on the south side by an east line of 97 chains; on the east side by a north line to the road leading from Sydney to the South Head; and on the north side by that road." For the purpose, however, of making said description and boundaries more clearly understood and known, the limits of said commonage will be further marked by four posts with suitable labels, which will be erected on the most conspicuous angles or parts thereof. This land being thus assigned for the use of the public, no excuse can be made for persons in future turning their cattle at large to seek food where it may be most easily found, without considering whether they may not trespass on private property and do material injury to the gardens and enclosures of other persons; and the public are therefore cautioned not to permit any horses, horned cattle, sheep, goats or pigs, to stray in future, either upon the grounds called Hyde Park, or on any private property belonging to other persons, as all cattle which may be thus found trespassing are to be taken up and put into the common pound of Sydney, until all damage incurred by them shall be fully discharged. His Excellency thus communicates to the public that he will make a regular grant of said common lands to the Judge Advocate and Magistrate of Sydney for the time being, in trust for the benefit of the present and of all succeeding inhabitants of Sydney.

By command of His Excellency the Governor,

J. T. CAMPBELL,
Secretary.

GOVERNMENT AND GENERAL ORDERS.

Government House, Sydney,
Saturday, 6 October, 1810.

HIS Excellency the Governor being extremely desirous to do everything in his power that can in the least degree contribute to the ornament and regularity of the town of Sydney, as well as to the convenience, accommodation, and safety of the inhabitants thereof, has already, in prosecution of these views, divided the town into five separate districts, and has given directions for the erecting immediately a proper watch-house in each district, for the protection of the inhabitants from night robberies, and for the more effectually securing the peace and tranquillity of the town, and apprehending all disorderly and ill-disposed persons committing nightly depredations. In further prosecution of these views, His Excellency also intends to establish a well-regulated and strict system of police in the town, as soon as the watch-houses are completely finished.

As a necessary preparatory step to the proposed arrangements, His Excellency deems it expedient to give regular and permanent names to all the streets and ways leading through the town, and to order posts and finger-boards, with the names of the streets painted on them, to be erected in conspicuous parts of the different streets where they cross each other, as well as at their respective terminations. These posts and finger-boards are accordingly to be immediately put up, and the streets are henceforth to be known and called only by the new names given them.

The principal street in the town and leading through the middle of it, from Dawes' Point to the place near the brickfields, where it is intended to erect the first toll-bar, being upwards of a mile in length, and hitherto known alternately by the names of High-street, Spring Row, and Sergeant-major's Row, is now named "George-street," in honor of our revered and gracious Sovereign.

The open space of ground or area whereon the church of St. Phillip now stands, and which is hereafter intended to be formed into a handsome square (the street hitherto known by the name of Church-street, forming the west side thereof), has been named "Charlotte-square," in honor of Her Majesty, by which name only it is henceforth to be denominated.

It being intended to remove all those old buildings and enclosures now on that space of ground which is bounded by the Government Domain on the east,—by the Judge Advocate's, Secretary's, Chaplain's, and Commissary's houses on the south,—by the spring of water and stream on the west,—and by the houses of Mr. Lord, Mr. Thompson, and Mr. Reiby, on the north,—and to throw the same into an open area, the said area or space of ground has been named "Macquarie-place," and it is henceforth to be so denominated.

The present market-place being very badly and inconveniently situated, it is His Excellency's intention to remove the market very soon to a more commodious and centrical situation for the inhabitants of the town in general. The place thus intended to remove the market to is that piece of open ground (part of which was lately used by Messrs. Blaxland as a stockyard, &c.), bounded by George-street on the east, York-street on the west, Market-street on the north, and the Burying-ground on the south; and is henceforth to be called "Market-square."

For the further accommodation and convenience of the inhabitants in general, and particularly of those persons bringing corn or other grain, goods or other merchandise, in vessels or boats from the Hawkesbury, &c., to the market, it is intended to erect a wharf immediately at Cockle Bay, contiguous to the new market-place, and from thence there will be a good road or street made to communicate directly with the said market-square, and which, when completed, is to be called "Market Wharf."

The

The whole of the open ground yet unoccupied in the vicinity of the town of Sydney, hitherto known and alternately called by the names of "The Common," "Exercising ground," "Cricket-ground," and "Racecourse," bounded by the Government Domain on the north, the town of Sydney on the west, the brickfields on the south, and Mr. Palmer's premises on the east, being intended in future for the recreation and amusement of the inhabitants of the town, and as a field of exercise for the troops, the Governor has thought proper to name the ground thus described "Hyde Park," by which name it is henceforth to be called and denominated.

The Governor being desirous to prevent any encroachments from being made on the park by brick-makers, and the Acting Surveyor having been directed to mark out for this purpose a boundary-line dividing Hyde Park from the brickfields, and which line of demarcation runs from the rear of Mr. Wilshire's lease, across to Mr. Palmer's premises, His Excellency commands and directs that none of those persons who obtained permission to make bricks shall in future, on any pretence whatever, presume to cut up any ground for that purpose beyond the line fixed upon as the boundary for the brickfields. Any person transgressing this order will be deprived of the indulgence of making bricks in future, and be prosecuted besides according to law for such trespass.

In further view to the accommodation and convenience of the inhabitants of the town of Sydney, particularly of those who have horses or other cattle that they may wish to have grazing for within a short distance, it is His Excellency's intention to have a large common marked out immediately, within as short a distance of the town as circumstances will admit, and which will be publicly notified as soon as the ground is measured and marked out.

The following plan, containing the names and description of the new streets of the town of Sydney, is now published for general information.

LACHLAN MACQUARIE.

By Command of His Excellency,—
J. T. CAMPBELL,
Sec.

PLAN of the New and Old Names of Streets, &c., in the Town of Sydney, with explanations and references.

New Names of Streets.	Old Names of Streets.	Explanations and references.
1. George-street ...	High-street, Spring Row, or Sergeant-Major's Row	Extends from Dawes' Point in a southerly direction through the middle of the town, to the extremity thereof, and to where the toll-bar is intended to be erected, near the brickfields.
2. Prince-street.....	Windmill Row.....	Extending from Charlotte-square and the Government stone windmill, in a northerly direction towards Dawes' Point.
3. York-street	Barrack-street	Extends from the Barracks in a southerly direction to the burying-ground, parallel with George-street.
4. Clarence-street ...	Middle Soldiers' Row ...	Next street west of York-street, and running parallel with it north and south.
5. Kent-street	Back Soldiers' Row	Westernmost street of the Military District, next to and running parallel with Clarence-street.
6. Cumberland-st....	No name	Extends from Charlotte-square in a northerly direction towards Dawes' Point, next to, and running parallel with Prince-street on the east.
7. Sussex-street.....	No name	A new street to be formed immediately next to Kent-street on the west, and running parallel with it north and south.
8. Cambridge-street.	No name	Extending from Charlotte-square in a northerly direction towards Dawes' Point, next to, and running parallel with Cumberland-street on the east.
9. Pitt-street	Pitt's Row.....	Extends from Hunter-street in a southerly direction to Hyde Park, parallel with, and next to George-street, on the east.
10. Castlereagh-street	Chapel Row	Extends from Hunter-street southerly to Hyde Park, parallel with, and next to Pitt-street, on the east.
11. Phillip-street.....	Back Row East	Extending from the Government Domain southerly to Hyde Park, parallel with, and next to Castlereagh-street on the east.
12. Hunter-street ...	Bell-street.....	Extending from George-street in an easterly direction across the Spring and Tanks, to Hyde Park.
13. King-street	No name	Extending from George-street in an easterly direction by Atkin's Lease, through Pitt-street, &c., to Hyde Park.
14. Bligh-street	Bell Row	Extending from the north end of Castlereagh-street in a northerly direction towards the Government Domain.
15. Macquarie-street.	No name	The easternmost street in the town, and extending in a southerly direction from the Government Domain to Hyde Park.
16. O'Connell-street..	South-street	Extending from the north end of Pitt-street in a northerly direction towards the Government Domain.
17. Bent-street	No name	Extending from Spring Row in an easterly direction to the fountain, and thence to the north end of Phillip-street.
18. Market-street ...	No name	Extending from Cockle Bay in an easterly direction, by Market-square and through George-street, &c., &c., to Hyde Park.
19. Park-street	No name	Extending from George-street in an easterly direction to Hyde Park, by the south end of Pitt-street.
20. Bridge-street.....	Bridge-street.....	Extending in a westerly direction from Macquarie-place across the Spring to George-street.
21. Spring Row	No name	Extending from the Tanks and Hunter-street on the east side of the Spring to Macquarie-place.

LACHLAN MACQUARIE.

By Command of His Excellency,—
JOHN THOMAS CAMPBELL,
Secretary.

Sydney: Thomas Richards, Government Printer.—1874.

[3d.]

1873-4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

CROWN LANDS.

(JOACHIM'S CONDITIONAL PURCHASES.)

Ordered by the Legislative Assembly to be printed, 5 *May*, 1874.

RETURN to an *Order* made by the Honorable the Legislative Assembly, dated 24 February, 1874, That there be laid upon the Table of this House,—

"Copies of all Correspondence and Minutes in reference to the Conditional "Purchases of Annie, George, John, Selina, Sophia, and William Joachim, "gazetted as forfeited on the 12th December last."

(*Mr. Hay.*)

SCHEDULE.

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10.	Messrs. M'Carthy & Robertson to Minister for Lands, enclosing certificate of residence, signed by Mr. Joachim's neighbours, with minutes thereon. 3 July, 1873	6
11.	Mr. Licensed Surveyor Finley to Surveyor General, reporting on Henry Bristow Joachim's conditional purchase, transmitting plan, with application enclosed. 8 July, 1873	6
12.	Same to same, reporting on James Joachim's conditional purchase, transmitting plan, with application enclosed. 8 July, 1873	7
13.	Same to same, reporting on George Joachim's conditional purchase, transmitting plan, with application enclosed. 8 July, 1873	7
14.	Same to same, reporting on William Joachim's, junr., conditional purchase, transmitting plan, with application enclosed. 8 July, 1873	8
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16.	Same to same, reporting on Sophia Joachim's conditional purchase, transmitting plan, with application enclosed—minutes thereon. 8 July, 1873	9
17.	Same to same, reporting on Selina Joachim's conditional purchase, transmitting plan, with application enclosed—minutes thereon. 8 July, 1873	10
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NO.		PAGE.
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CROWN LANDS.

No. 1.

M. FITZPATRICK, ESQ., M.L.A., to THE SECRETARY FOR LANDS.

100, Pitt-street, Sydney,
2 April, 1873.

SIR,

Three or four days ago I had an interview with you touching a remarkable case of free-selection brought under your notice by the Honorable John O'Shanassy, and in deference to the suggestion thrown out by yourself on that occasion, I now state the case in writing, in the confident expectation that the Government will take some steps to vindicate the law. On the 20th February last, at Moama, William Joachim, sen., paid £640 as the deposit on no less than eight half sections of land, as follows :—

Henry Bristow Joachim, minor	320 acres.
James Joachim, minor	320 „
George Joachim, self	320 „
William Joachim, jun., minor	320 „
Annie Joachim, minor	320 „
Sophia Joachim, minor	320 „
Selina Joachim, minor	320 „
John Thomas Joachim, self	320 „

It will be seen that no less than six of these are professedly taken up in the names of minors who are, I understand, his children, and it is worthy of remark that he has taken up no land in his own name. Now the whole of these persons are at present residing under a tent on *one* of the selections.

It is thus seen that no less than 2,560 acres of Crown Lands have been selected practically by one man, contrary to the clear intention of the law, and that in the case of seven out of the eight selections the nominal selectors have not resided (and are not yet residing) on their selections, as required by the 16th clause of the Alienation Act. I say little here of the hardship to the lessee of the run to be thus unlawfully deprived of the opportunity so long sought by him of bidding for these lands at auction, but you, sir, cannot overlook the loss to the Public Revenue which will be sustained if this prostitution of Land law is sanctioned. I trust therefore that you will see fit at once to institute the proper inquiry into the facts now alleged, and that in a case of so unusal a character you will not permit to be turned aside from the inquiry by any of those forms or delays of office which so frequently prove fatal to the cause of truth in cases of this kind.

It will be esteemed an especial favour if I can learn, before Mr. O'Shanassy leaves Sydney, to what officer you will refer, or what course you will see fit to adopt.

I may be excused for mentioning that the Land Agent at Moama, who is also the Police Magistrate, resides only twelve or fourteen miles from the locality in question, whilst, I believe, there is not any surveyor there.

I have, &c.,
MICHL. FITZPATRICK.

The Land Agent at Moama to report upon these cases immediately.—J.S.F.

No. 2.

THE UNDER SECRETARY FOR LANDS to THE LAND AGENT, MOAMA.

Department of Lands,
Sydney, 3 April, 1873.

SIR,

It having been represented by Mr. Michael Fitzpatrick, M.L.A., on behalf of the Honorable John O'Shanassy, that the persons named in the margin, on whose behalf conditional purchases were made by William Joachim, at Moama, on 20th February last, are at present all residing under a tent on *one* of the selections, and that therefore in the case of seven out of the eight purchases the selectors have not resided on their selections, as required by the 16th clause of the "Crown Lands Alienation Act of 1861,"—I am directed by the Secretary for Lands to request that you will furnish an *immediate report* upon these cases.

Henry B. Joachim,
James Joachim,
George Joachim,
Willm. Joachim,
Annie Joachim,
Sophia Joachim,
Selina Joachim,
John T. Joachim—
320 acres each.

I have, &c.,
W. W. STEPHEN.

No. 3.

UNDER SECRETARY FOR LANDS to M. FITZPATRICK, ESQ., M.L.A.

Department of Lands,
Sydney, 3 April, 1873.

SIR,

With reference to your letter of 2nd instant, requesting, on behalf of the Honorable John O'Shanassy, that inquiry may be made with regard to certain conditional purchases taken up at Moama by William Joachim for the persons named in the margin, who, you allege, are at present all residing under a tent on *one* of the selections, and therefore in the case of seven out of the eight purchases the selectors have not resided upon their selections, as required by the 16th clause of the Crown Lands Alienation Act,—I am directed by the Secretary for Lands to inform you, that the Land Agent at Moama has been requested to furnish an immediate report upon these cases.

No. 1.
Henry B. Joachim,
James Joachim,
George Joachim,
William Joachim,
Annie Joachim,
Sophia Joachim,
Selina Joachim,
J. T. Joachim—
320 acres each.

I have, &c.,
W. W. STEPHEN.

No. 4.

No. 4.

THE LAND AGENT, MOAMA, to THE UNDER SECRETARY FOR LANDS.

Court House, Moama,
9 April, 1873.

SIR,

No. 2.
Hy. B. Joachim, James Joachim, George Joachim, Willm. Joachim, Annie Joachim, Sophia Joachim, Selina Joachim, John T. Joachim —320 acres each.

In obedience to your instructions of 3rd instant, I visited the conditional purchases of the persons named in the margin, and now beg to report on the subject of their residence thereon.

The area applied for by the Joachim family being unsurveyed, renders it difficult for me to describe the exact localities to which I am about to refer.

I find that all the selectors are minors, and that it is the intention of their father to erect houses at the junction of such selections as may suit for a compliance with the residence condition when surveyed—that is to say, he intends placing three or more children under one roof.

At a place about 5 chains square, represented to me as being situated at the junction of William, James, and H. B. Joachim's land, met all the selectors with their father and mother.

On this land are erected two tents, portion of dwelling-house, and bark kitchen; apparently the whole family reside at this place.

There are no houses or tents on the selections of Selina, John, Thomas, or George, but Mr. Joachim, their father, informed me that a covered dray, which he pointed out, was used for the purpose of conveying the last named selectors to their lands at night.

I have, &c.,
G. MAUNSELL, L.A.

P.S.—I beg to enclose a voucher for horse-hire, the distance travelled being 25 miles.—G.M.

In the taking up of these eight selections it does appear to me to be a gross attempt to defeat the Land law in its meaning, spirit, and intention. The selections were made on the 20th February last and forty-two days subsequent thereto. It is reported that the selectors (except in two cases) are not *bonâ fide* residents; therefore six out of the eight appears to be liable to forfeiture, and the selections upon which the tents are erected, and on which the parties reside, may stand—Joachims' to show cause why the selections should not be forfeited.—J.S.F., 26/4/73.

No. 5.

THE UNDER SECRETARY FOR LANDS to M. FITZPATRICK, ESQ., M.L.A.

Department of Lands,
Sydney, 28 April, 1873.

SIR,

No. 3.
No. 1.
H. B. Joachim, J. Joachim, G. Joachim, W. Joachim, jun, A. Joachim, S. Joachim, S. Joachim, J. T. Joachim— 320 acres each.

Adverting to my letter of 3rd instant, in which you were apprised that your communication of 2nd instant, respecting the selections made by the persons named in the margin at Moama, on 20th February last, had been referred for the report of the local Land Agent, I am now directed to inform you, that the Land Agent has reported that he visited the selections alluded to, and ascertained that all the selectors were apparently residing in two tents at the junction of William, James, and Henry B. Joachim's purchases; and that there were no houses or tents on the selections of Selina, John, Thomas, or George Joachim.

2. I am therefore to state that the Secretary for Lands has decided that the portions selected by the three last-named persons shall be at once forfeited, and at least four of the others after a definite report shall have been received from the local surveyor as to their position.

I have, &c.,
W. BLACKMAN,
(For the Under Secretary.)

No. 6.

THE UNDER SECRETARY FOR LANDS to MR. W. JOACHIM.

Department of Lands,
Sydney, 30 April, 1873.

SIR,

It having been represented by Mr. Michael Fitzpatrick, on behalf of the Honorable John O'Shanassy, that the conditions of the Crown Lands Alienation Act had not been fulfilled with regard to the conditional purchases made by you in the names of your children, Henry B. Joachim, James Joachim, George Joachim, William Joachim, junior, Annie Joachim, Sophia Joachim, Selina Joachim, and John T. Joachim, at Moama, on 20th February last,—I am directed to inform you, that the local Land Agent was referred to on the subject, and that officer now reports that he visited the selections alluded to, and ascertained that all the selectors were residing in two tents, at the junction of the portions purchased by William, James, and Henry B. Joachim, and that there were no houses or tents on the selections of Selina, John, Thomas, or George Joachim.

2. I am therefore to state, that the Secretary for Lands has decided that the three last-mentioned selections shall at once be forfeited, and that as each selection must have a separate and independent residence, junction residences not being allowed, at least four of the other selections will be forfeited after a definite report shall have been received from the local surveyor as to their position.

I have, &c.,
W. W. STEPHEN.

No. 7.

No. 7.

THE SURVEYOR GENERAL to MR. LICENSED SURVEYOR FINLEY.

Surveyor General's Office,
Sydney, 2 May, 1873.

Form F., Memorandum of Instructions. To be returned with reply.

MR. LICENSED SURVEYOR FINLEY is requested to carry out the measurements of the conditional purchases noted in the margin, at his *earliest* convenience, if unobjectionable. C.P. 73-2,742 2,743 2,744 2,745 2,746 2,747 2,748 2,749

Care should be taken to adhere strictly to the form of measurement provided under the Regulations, and no modification should be made merely for the purpose of embracing any particular improvements, or of making boundaries cut through such improvements.

The plans should clearly represent (as required by paragraphs 54 and 113 of Surveyors' Instructions) all improvements on the ground at time of survey, and the reports should enter fully into the occupation by residence of the several conditional purchases.

The Hon. the Minister for Lands, on representations made to him, and on the report of the Land Agent, has directed the forfeiture of some of the conditional purchases referred to, and the forfeiture of others may ensue; but nevertheless the measurements of all should be carried out.

ROBT. D. FITZGERALD,
(For the Surveyor General.)

No. 8.

MR. W. JOACHIM to THE SECRETARY FOR LANDS.

Moama, 7 May, 1873.

SIR,

Referring to your letter, dated 30th ultimo, forfeiting my children's selections, I am prepared to prove that they have complied in every respect with the requirements of the Act, and are now living on their several allotments. I have, therefore, the honor to request that you will delay gazetting the forfeiture for a few days to enable me to obtain and forward to you declarations to that effect. No. 6.

I have, &c.,
WILLIAM JOACHIM.

No. 9.

W. CLARKE, ESQ., to THE SECRETARY FOR LANDS.

181, Pitt-street, Sydney,
19 May, 1873.

SIR,

Mr. William Joachim, of Moama, has forwarded to me the Under Secretary for Lands' letter to him, under date 30th ultimo, which letter informs Mr. Joachim that certain conditional selections made by him and other members of his family had become forfeited by non-compliance with the residence clause of the Act, and also that for the same cause other selections by other members of the family would suffer the same fate. No. 6.

Acting now as Mr. Joachim's agent in the matter, I enclose you herein his declaration that all the selectors mentioned had complied with the Regulations, and also a certificate from workmen who have been in the employ of the said selectors to the same effect.

It appears from the correspondence that exceptionally urgent instructions were issued by the Government to the local Land Agent to watch this family, and it also appears that on the visit of that officer to the selections he found *all the selectors thereon*, all willing and ready to commence with the requisite improvements, and I am at a loss to know what more could be required of them.

As regards the question of junction residences, mentioned in the Under Secretary's letter to Mr. Joachim, I will not allude at any length here, except to say that such have been allowed in numerous cases, as I am prepared to prove, and therefore should the Joachim family be shown to have been residing in this manner, I only ask that they receive the same treatment at the hands of the Government that other selectors have.

Under these circumstances, I respectfully request that the forfeitures already decided on be not gazetted, nor any action adverse to the Joachims be taken with regard to the other selections, without that thorough investigation that the case demands.

I have, &c.,
WILLIAM CLARKE.

[*Enclosure to No.* 9.]

REFERRING to your letter of the 30th ultimo, and my reply of the 7th instant, I, William Joachim, of Moama, do solemnly and sincerely declare that the undermentioned selectors— No. 6. No. 8.

James Joachin,
Henry B. Joachim,
George Joachim,
Wm. Joachim, junr.,
Annie Joachim,
Sophia Joachim,
Selina Joachim,
John T. Joachim,

have each resided on their respective selections since the 19th March last, and have material on the ground to proceed with the required improvements as soon as the lots are surveyed; and I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of the Act 9 Victoria No. 9.

WILLIAM JOACHIM.

Made and subscribed before me, at Moama, this 10th day of May, 1873,—
GEO. MAUNSELL, P.M.

We, the undersigned, have been in the employment of the selectors named above since the beginning of March last, and do hereby certify that they have resided on their respective selections, as stated in the above declaration.

HENRY FILGATE.
JOHN POWER.
ARTHUR his × mark PENNY.
CHARLES DWYER.

Signed before me, 12th May, 1873,—
J. W. M'Laurin, J.P.

No. 10.

Messrs. M'Carthy & Robertson to The Secretary for Lands.

Pitt-street North, Sydney,
3 July, 1873.

Sir,

In reference to the conditional purchases of H. B. Joachim, James Joachim, George Joachim, William Joachim, junior, Annie Joachim, Sophia Joachim, Selina Joachim, and John T. Joachim, made at Moama on the 20th February last, and to your letter of the 30th April last to Mr. William Joachim, we beg to transmit to you the enclosed certificate of residents, signed by ten of Mr. William Joachim's neighbours, and to state that four of the gentlemen signing are personally known to us, and are highly respectable men; and we beg to inform you, that we have received instructions to obtain an injunction to restrain Mr. O'Shanassy from trespassing on the conditional purchases in question; and we beg therefore to request that, pending the decision of the Supreme Court, you will stay further proceedings in the matter of the threatened forfeiture of the selections.

No. 6.

We have, &c.,
M'CARTHY & ROBERTSON.

I do not think that I should be justified in staying the proceedings in the usual course in this matter. I am not aware in what way a decision of the Supreme Court will affect the merits of this case, as it appears to me to be a case between the Crown and a selector.—J.S.F., 11/7/73.

Forfeited list is now being prepared, and I think it is time that the special report called for by direction of the Minister was received from Mr. L.-S. Finley.—W.W.S., 15/7/73.

Plans and applications have been received in all these cases of the Joachims from Mr. L. S. Finley.—(Written by Mr. Wiseman.) 21/7/73.

The surveyor's reports are now submitted for the information of the Secretary for Lands.—W.B., 21/7/73.

It will be seen that the surveyor reports residence in each case, and also improvements. The reports apply of course to date of survey.—W.W.S., 24 July.

Inform Mr. Fitzpatrick of surveyor's reports, &c.—J.S.F., 24/7/73.

[*Enclosure to No.* 10.]

Moama, 10 May, 1873.

We, the undersigned, having repeatedly visited the land selected by Mr. Joachim's family on the Moira Run, can state, from our personal knowledge, that the eight members of Mr. Joachim's family, who selected the land, have resided thereon since the 19th March last, and that the materials for the erection of permanent dwellings are on the ground.

EDWIN HUGHES,
Manager, Moama Meat Preserving Company.
ARCHIBALD M'LAURIN.
J. L. JURIN.
J. W. M'LAURIN, J.P.
JAMES S. KELLY.
MICHAEL WELDAN.
GUY DORWARD.
DUNCAN SINCLAIR.
DONALD SINCLAIR.
C. M'KEOWN.

The persons signing this document have not stated the date of their visit to the land selected by Joachim's family. I infer that they visited on the day of the date of this document, and I find that it bears even date with Joachim's declaration of the 10th May, and that the 19th March above-mentioned is the date stated by Joachim; and I also find that the certificate was signed before Mr. M'Laurin, J.P., one of the persons signing the above. In all probability they were all on the land on the 10th of May, but that does not prove residence within one month of selection, namely, on the 20th February.—J.S.F.

No. 11.

Mr. Licensed Surveyor Finley to The Surveyor General.

Deniliquin, 8 July, 1873.

Sir,

I have the honor to transmit you a plan* and report of Henry Bristow Joachim's 320-acre conditional purchase, parish of Bama, county Cadell, applied for under the 13th clause of the "Crown Lands Alienation Act of 1861."

*Appendix A.

Henry Bristow Joachim—an infant of about twelve months of age—was resident at the time of survey. His mother, I believe, lives with him. The residence is a canvas tent, erected on a frame, with chimney attached, and it is of the value of about £8.

The country consists of open plain and box and oak forest. There is a road 1 chain wide left between this portion and the railway reserve.

I have, &c.,
F. G. FINLEY, L.S.

[*Enclosure*

[*Enclosure* B *to No.* 11.]

[Alienation Act, section 13.]

C. P., No. 73-2,742. Land Agent's No., 1 of 1873.

APPLICATION for the conditional purchase, without competition, of 320 acres unimproved Crown Land, under section 13 of the Lands Alienation Act of 1861.

Received by me, with a deposit of £80, this 20th day of February, 1873, at 1 o'clock.

GEO. MAUNSELL,
Agent for Sale of Crown Lands at Moama.

Moama, 20 February, 1873.

Sir,

I am desirous of purchasing, without competition, under the 13th section of the "Crown Lands Alienation Act of 1861," the portion of unimproved Crown land hereunder described, containing 320 acres; and I herewith tender the sum of £80, being a deposit at the rate of five shillings (5s.) per acre on the area for which I apply, and on which it is my intention to reside.

I am, &c.,
HENRY BRISTOW JOACHIM (a minor.)
Per his Agent, WILLIAM JOACHIM, Echuca.

To the Agent for the Sale of Crown Lands at Moama.

Description :—

County of Cadell, parish of Moira, or unnamed, 320 acres: Commencing at a point opposite and west of the south-west angle of allotment 58, parish Moira, and only divided therefrom by the reserve for railway line; thence north-easterly along the reserve for said railway-line 60 chains; thence west about 60 chains 50 links; thence south about 57 chains; and thence east about 47 chains to the point of commencement.

No. 12.

MR. LICENSED SURVEYOR FINLEY to THE SURVEYOR GENERAL.

Deniliquin, 8 July, 1873.

SIR,

I have the honor to transmit to you a plan* and report of James Joachim's 320-acre conditional purchase, parish of Bama, county Cadell, applied for under the 13th clause of the "Crown Lands Alienation Act of 1861." *Appendix B.

James Joachim (a minor) resides on the land. The improvements are—a dwelling-hut of two rooms, worth £40, the materials used being sawn timber, with zinc roof; a garden, securely fenced and planted with trees, vines, &c., worth £40; and a tank and dam, worth £10; total value of improvements, £90. There is also a wire fence crossing the portion which was erected by the lessee of the run, worth £50 per mile, not included in the above amount.

The land consists of open plain and box and oak forest country.

I have, &c.,
F. G. FINLEY,
Licensed Surveyor.

[*Enclosure* B *to No.* 12.]

[Alienation Act, section 13.]

C.P., No. 73-2,743. Land Agent's No., 2 of 1873.

APPLICATION for the conditional purchase, without competition, of 320 acres unimproved Crown Land, under section 13 of the Lands Alienation Act of 1861.

Received by me, with a deposit of £80, this 20th day of February, 1873, at 1 o'clock.

GEO. MAUNSELL,
Agent for the Sale of Crown Lands at Moama.

Moama, 20 February, 1873.

Sir,

I am desirous of purchasing, without competition, under the 13th section of the "Crown Lands Alienation Act of 1861," the portion of unimproved Crown Land hereunder described, containing 320 acres; and I herewith tender the sum of £80, being a deposit at the rate of five shillings (5s.) per acre on the area for which I apply, and on which it is my intention to reside.

I am, &c.,
JAMES JOACHIM,
Per his Agent, WILLIAM JOACHIM, Moama.

To the Agent for the Sale of Crown Lands at Moama.

Description :—

County of Cadell, parish of Moira, or unnamed, 320 acres: Commencing at the north-east angle of the block applied for by H. B. Joachim; thence north-easterly 60 chains along the reserve for railway-line; thence west about 60 chains 50 links; thence south about 57 chains; and thence east along the northern boundary of block applied for by H. B. Joachim, about 47 chains to the point of commencement.

No. 13.

MR. LICENSED SURVEYOR FINLEY to THE SURVEYOR GENERAL.

Deniliquin, 8 July, 1873.

SIR,

I have the honor to transmit you a plan* and report of George Joachim's 320-acre conditional purchase, in the parish of Bama, county of Cadell, applied for under the 13th clause of the Land Act of 1861. *Appendix C.

George Joachim, at the time of survey, was residing with his brother, Henry Bristow Joachim, on the supposition that it (the residence) was on the boundary-line dividing the two selections. He is on this date residing on this portion, as shown on the plan. It appears from the statement of the father of the applicant that he (the applicant) has resided in several different spots on the land, in consequence of not knowing where the boundaries would be. The house in which he is at present residing is of the value of £22; it is the only improvement.

I have, &c.,
F. G. FINLEY,
Licensed Surveyor.

[*Enclosure*

[*Enclosure* B *to No.* 13.]

[Alienation Act, section 13.]

C.P., No. 73–2,744. Land Agent's No., 3 of 1873.

APPLICATION for the conditional purchase, without competition, of 320 acres unimproved Crown Land, under section 13 of the Lands Alienation Act of 1861.

Received by me, with a deposit of £80, this 20th day of February, 1873, at 1 o'clock.

GEO MAUNSELL,
Agent for the Sale of Crown Lands at Moama.

Sir,

Moama, 20 February, 1873.

I am desirous of purchasing, without competition, under the 13th section of the "Crown Lands Alienation Act of 1861," the portion of unimproved Crown Land hereunder described, containing 320 acres; and I herewith tender the sum of £80, being a deposit at the rate of five shillings (5s.) per acre on the area for which I apply, and on which it is my intention to reside.

I am, &c.,
GEORGE JOACHIM.

To the Agent for the Sale of Crown Lands at Moama.

Description :—

County of Cadell, parish of Moama, 320 acres: Commencing at the south-west angle of block applied for by Henry Bristow Joachim; thence north about 57 chains; thence west about 56 chains; thence south about 57 chains; and thence east about 57 chains to point of commencement.

Forfeited—*Gazette*, 12 Dec., 1873, p. 3472.

No. 14.

MR. LICENSED SURVEYOR FINLEY to THE SURVEYOR GENERAL.

Deniliquin, 8 July, 1873.

SIR,

* Appendix D. I have the honor to transmit you a plan* and report of William Joachim's, junr., 320 acres C.P., parish of Bama, county Cadell, applied for under the 13th clause of the Land Act of 1861.

William Joachim (a minor) resides on the land. The improvements consists of a hut of the value of £20, and about 5 acres of cultivation to the value of £15.

The land consists of open plain and box forest. The soil on the plain is of excellent quality.

I have, &c.,
F. G. FINLEY,
Licensed Surveyor.

[*Enclosure* B *to No.* 14.]

[Alienation Act, section 13.]

C.P., No. 73–2,745. Land Agent's No., 4 of 1873.

APPLICATION for the conditional purchase, without competition, of 320 acres unimproved Crown Land, under section 13 of the Lands Alienation Act of 1861.

Received by me, with a deposit of £80, this 20th day of February, 1873, at 1 o'clock.

GEO. MAUNSELL,
Agent for Sale of Crown Lands at Moama.

Moama, 20 February, 1873.

Sir,

I am desirous of purchasing, without competition, under the 13th section of the "Crown Lands Alienation Act of 1861," the portion of unimproved Crown Land hereunder described, containing 320 acres; and I herewith tender the sum of £80, being a deposit at the rate of five shillings (5s.) per acre on the area for which I apply, and on which it is my intention to reside.

I am, &c.,
WILLIAM JOACHIM, JUN.,
Agent for WILLIAM JOACHIM, Moama.

To the Agent for the Sale of Crown Lands at Moama.

Description :—

County of Cadell, parish of Moama, 320 acres: Commencing at the north-east angle of the block applied for by George Joachim; thence north-easterly along the reserve for railway-line, 60 chains; thence west about 60 chains 50 links; thence south about 57 chains; and thence east along the northern boundary of the block applied by about 47 chains to the commencing point.

Forfeited—*Gazette*, 12 Dec., 1873.

No. 15.

MR. LICENSED SURVEYOR FINLEY to THE SURVEYOR GENERAL.

Deniliquin, 8 July, 1873.

SIR,

* Appendix E. I have the honor to transmit you a plan* and report of Annie Joachim's 320 acres conditional purchase, in the parish of Bama, county Cadell, applied for under the 13th clause of the Land Act of 1861.

Annie Joachim was residing in a tent with galvanized iron roof at the time of survey and as shown on plan. The tent was erected there on the supposition that it was on the land applied for, but owing to the form of measurement it was on Selina Joachim's 320 acres adjoining. Before the survey was completed the residence was removed, and the applicant is now residing on her land. The applicant appears to be a *bonâ fide* resident. The value of the tent is £6. Land composed of open plain and soil of good quality.

I have, &c.,
F. G. FINLEY,
Licensed Surveyor.

[*Enclosure*

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[*Enclosure B to No.* 15.]

[Alienation Act, section 13.]

C. P., No. 73–2,746. Land Agent's No., 5 of 1873.

APPLICATION for the conditional purchase, without competition, of 320 acres unimproved Crown Land, under section 13 of the Lands Alienation Act of 1861.

Received by me, with a deposit of £80, this 20th day of February, 1873, at 1 o'clock.

GEORGE MAUNSELL,
Agent for the Sale of Crown Lands at Moama.

Moama, 20 February, 1873.

Sir,

I am desirous of purchasing, without competition, under the 13th section of the "Crown Lands Alienation Act of 1861," the portion of unimproved Crown Land hereunder described, containing 320 acres; and I herewith tender the sum of £80, being a deposit at the rate of five shillings (5s.) per acre on the area for which I apply, and on which it is my intention to reside.

I am, &c.,
ANNIE JOACHIM, Spinster and Minor,
Per Agent, WILLIAM JOACHIM, Moama.

To the Agent for the Sale of Crown Lands at Moama.

Description :—

County of Cadell, parish of Moama, 320 acres: Commencing at the north-east angle of the block applied for by James Joachim; thence north-easterly along the reserve for railway-line, 60 chains; thence west about 60 chains 50 links; thence south about 57 chains; and thence east along northern boundary of block applied for by about 47 chains to point of commencement.

Forfeited—*Gazette*, 12 Dec., 1873, p. 3472.

RETURNED to Land Agent to know whether applicant is a spinster or widow? This information is always required.—W.B. (for the Under Secretary.)—B.C., Lands, 29/3/73.—To be returned.

A spinster and a minor.—GEO. MAUNSELL, L.A., Moama, 10/4/73.

No. 16.

MR. LICENSED SURVEYOR FINLEY to THE SURVEYOR GENERAL.

Deniliquin, 8 July, 1873.

SIR,

I have the honor to transmit you a plan* and report of Sophia Joachim's 320-acre conditional purchase, in the parish of Bama, county Cadell, applied for under the 13th clause of the "Crown Lands Alienation Act of 1861." * Appendix F.

Sophia Joachim was residing in a hut near the west boundary, and just off this portion. It would appear that the applicant was ignorant of the exact position that the boundaries would be laid out in. She appears to be a *bonâ fide* resident, and since the survey was commenced has removed her residence to a tent within this portion. The only improvement is the tent in question—worth about £2 10s. Her hut, which is partly on Selina Joachim's and partly on J. T. Joachim's conditional purchases, is worth £20. The land is all open plain, and soil of fair quality.

I have, &c.,
F. G. FINLEY, L.S.

[*Enclosure B to No.* 16.]

[Alienation Act, section 13.]

C.P., No. 73–2,747. Land Agent's No., 6 of 1873.

APPLICATION for the conditional purchase, without competition, of 320 acres unimproved Crown Land, under section 13 of the Lands Alienation Act of 1861.

Received by me, with a deposit of £80, this 20th day of February, 1873, at 1 o'clock.

GEORGE MAUNSELL,
Agent for Sale of Crown Lands at Moama.

Moama, 20 February, 1873.

Sir,

I am desirous of purchasing, without competition, under the 13th section of the "Crown Lands Alienation Act of 1861," the portion of unimproved Crown Land hereunder described, containing 320 acres; and I herewith tender the sum of £80, being a deposit at the rate of five shillings (5s.) per acre on the area for which I apply, and on which it is my intention to reside.

I am, &c.,
SOPHIA JOACHIM,
Per Agent, WILLIAM JOACHIM, Moama.

To the Agent for the Sale of Crown Lands at Moama.

Description :—

County of Cadell, parish of , 320 acres: Commencing at the south-west angle of the block applied for by Annie Joachim; thence north about 57 chains; thence west about 56 chains; thence south about 57 chains; and thence east about 56 chains to commencing point.

Forfeited—*Gazette* 12 Dec., 1873, p. 3472.

Returned to Land Agent to know whether applicant is a spinster or widow?—W.B. (for the Under Secretary.) B.C., Lands, 29/3/73.—To be returned.

Spinster and a minor.—G. MAUNSELL, L.A., 10/4/73.

No. 17.

MR. LICENSED SURVEYOR FINLEY to THE SURVEYOR GENERAL.

Deniliquin, 8 July, 1873.

SIR,

Appendix G. I have the honor to transmit you a plan and report of Selina Joachim's 320-acre conditional purchase, parish of Bama, county of Cadell, applied for under the 13th clause of the Land Act of 1861.

Also 5-acre cultivation, value £15. Selina Joachim resides on the land and appears to be a *bonâ fide* resident. The improvement consist of a hut, tent, and part of another (Sophia Joachim's residence) hut, of the total value of £38. The tent in question was Annie Joachim's residence and is now removed from off this portion. There is also a wire fence crossing this portion, worth £50 per mile, erected by the lessee of the run, and which is not included in the above estimate. The form of measurement appears to be the best that could be adopted. I could not extend the portion farther to the west owing to an improvement purchase of John O'Shannassy's. The land is composed of open plain and soil of good quality.

I have, &c.,
F. G. FINLEY,
Licensed Surveyor.

[*Enclosure* B *to No.* 17.]

[Alienation Act, section 13.]

C.P., No. 73-2,748. Land Agent's No., 7 of 1873.

APPLICATION for the conditional purchase, without competition, of 320 acres unimproved Crown Land, under section 13 of the Lands Alienation Act of 1861.

Received by me, with a deposit of £80, this 20th day of February, 1873, at 10 o'clock.

GEO. MAUNSELL,
Agent for the Sale of Crown Lands at Moama.

Moama, 20 February, 1873.

Sir,

I am desirous of purchasing, without competition, under the 21st section of the "Crown Lands Alienation Act of 1861," the portion of unimproved Crown Land hereunder described, containing 320 acres; and I herewith tender the sum of £80, being a deposit at the rate of five shillings (5s.) per acre on the area for which I apply, and on which it is my intention to reside.

I am, &c.,
SELINA JOACHIM,
per Agent, WILLIAM JOACHIM, Moama.

To the Agent for the Sale of Crown Lands at Moama.

Description:—

County of Cadell, parish of , 320 acres: Commencing at the south-west angle of block applied for by Annie Joachim; thence north about 57 chains; thence west about 56 chains; thence south about 57 chains; and thence east about 56 chains to the commencing point.

Forfeited—*Gazette* 12 Dec., 1873, p. 3472.

Returned to Land Agent to know whether applicant is a spinster or a widow?—W.B. (for Under Secretary.) B.C., Lands, 29/3/73. To be returned.

A spinster and a minor.—GEO. MAUNSELL, L.A., Moama, 14/3/73.

No. 18.

MR. LICENSED SURVEYOR FINLEY to THE SURVEYOR GENERAL.

Deniliquin, 8 July, 1873.

SIR,

Appendix H. I have the honor to transmit you a plan and report of John Thos. Joachim's 320-acre conditional purchase, parish of Bama, county Cadell, applied for under the 13th clause of the Land Act of 1861.

John Thomas Joachim was residing on the land in a covered-in dray, of the value of £15. There is also a portion of Sophia Joachim's hut on this land (worth £10), as shown on plan.

The former measurement adopted in this case is the best for future subdivision.

I have, &c.,
F. G. FINLEY,
Licensed Surveyor.

[*Enclosure B to No.* 18.]

[Alienation Act, section 13.]

C.P., No. 73-2,749. Land Agent's No., 8 of 1873.

APPLICATION for the conditional purchase, without competition, of 320 acres unimproved Crown Land, under section 13 of the Lands Alienation Act of 1861.

Received by me, with a deposit of £80, this twentieth day of February, 1873, at 10 o'clock.

GEO. MAUNSELL,
Agent for Sale of Crown Lands at Moama.

Moama, 20 February, 1873.

Sir,

I am desirous of purchasing, without competition, under the 13th section of the "Crown Lands Alienation Act of 1861," the portion of unimproved Crown land hereunder described, containing 320 acres; and I herewith tender the sum of £80, being a deposit at the rate of five shillings (5s.) per acre on the area for which I apply, and on which it is my intention to reside.

I am, &c.,
JOHN THOMAS JOACHIM,
Per Agent for WILLIAM JOACHIM, Moama.

To the Agent for the Sale of Crown Lands at Moama.

Description:—

Description :—

County of Cadell, 320 acres: Commencing at the south-west angle of the block applied for by Selina Joachim; thence north about 59 chains; thence west about 56 chains; thence south about 57 chains; and thence east about 56 chains to the point of commencement.

Forfeited—*Gazette*, 12 Dec., 1873, p. 3472.

No. 19.

MR. LICENSED SURVEYOR FINLEY to THE SURVEYOR GENERAL.

Deniliquin, 8 July, 1873.

SIR,

I have the honor to state that I have this day, under separate cover, transmitted plans and reports of eight conditional purchases in the parish of Bama, county of Cadell, made by William Joachim, at Moama, as agent for his children. See Nos. 11 to 18 inclusive.

I have endeavoured to show clearly therein the different residences of the several applicants.

They all appear to be *bonâ fide* residents, as far as occupation goes, in their dwellings, as shown on the plans. Having been in the neighbourhood for some time past I watched them closely.

I also beg to forward you some correspondence between Mr. District Surveyor Wood and myself, relative to these conditional purchases.

I have, as nearly as possible, surveyed the lands in strict accordance with the Regulations.

I have, &c.,
F. G. FINLEY,
Licensed Surveyor.

[*Enclosure to No.* 19.]

Mr. Licensed Surveyor Finley to Mr. District Surveyor Wood.

Deniliquin, 25 March, 1873.

Sir,

I have the honor to state that a Mr. Joachim, agent for eight of his children, has taken up eight 320-acre conditional purchases in the parish of Bama, county Cadell, and he has applied to me for some information as to how his land will be measured, to enable him to go on with some dwellings. I have given him a sketch similar to the enclosed tracing,* showing how they will be surveyed, subject *to your approval* of the design. *Appendix I.

Will you be kind enough to express your decision on the matter? I may add that the applicant is very anxious about the matter, as he apprehends strong opposition from the owner of the run where he has selected.

I have, &c.,
F. G. FINLEY,
Licensed Surveyor.

To Mr. Licensed Surveyor Finley,—

INSTEAD of having four steps in the west boundary it will be better for the future subdivision of the adjoining vacant lands to mark the back boundary as shown in pencil.

Leave a road 1 chain wide along the railway-line in every survey you may have to make. The railway reserve is 3 chains wide. Centre line marked *approved*.

J. H. WOOD.

No. 20.

THE UNDER SECRETARY FOR LANDS to MESSRS. M'CARTHY & ROBERTSON.

Department of Lands,
Sydney, 21 July, 1873.

GENTLEMEN,

With reference to your letter of 3rd instant, stating that you have received instructions to obtain an injunction to restrain Mr. O'Shanassy from trespassing upon the conditional purchases made by H. B. Joachim, James Joachim, George Joachim, William Joachim, junior, Annie Joachim, Sophia Joachim, Selina Joachim, and John T. Joachim at Moama, on 20th February last, and requesting that, pending the decision of the Supreme Court, proceedings may be stayed in the matter of the threatened forfeiture of the selections,—I am directed to inform you, that the Secretary for Lands does not think that he should be justified in staying the proceedings, in the usual course, in this matter, and that he is not aware in what way a decision of the Supreme Court will affect the merits of this case, as it appears to him to be a case between the Crown and a selector. No. 10.

I have, &c.,
W. W. STEPHEN.

No. 21.

MESSRS. M'CARTHY & ROBERTSON to THE SECRETARY FOR LANDS.

Pitt-street, North,
21 July, 1873.

SIR,

We beg to acknowledge the receipt of your letter of to-day, concerning the legal proceedings about to be commenced by the Joachims against Mr. O'Shanassy, the lessee of the Moira Run, and we beg to explain that the question the Supreme Court will have to decide will be precisely the question at issue between the Joachims and the Crown, viz.:—whether these conditional purchasers have complied with the terms and conditions of the 13th clause of the "Crown Lands Alienation Act of 1861." No. 20.

The inconvenience that would arise from your anticipating the decision of the Supreme Court would perhaps be this, that you might decide, from the conflicting and necessarily imperfect evidence before you, that the conditions of the said clause had not been complied with, and a jury might decide that they had, and moreover no power can prevent the case from ultimately being decided by a jury, should the Joachims determine notwithstanding any decision you may arrive at to maintain their legal rights, for assuming, for the sake of argument, that you should declare the selection cancelled, the Crown will then have

have either to reject the selectors by a writ of intrusion, or sell the land and leave the Crown grantee to bring ejectment; and should the selectors succeed in showing that they have complied with the Act, their Parliamentary title to the land will be declared to be paramount to any grant the Crown may have issued, and compensation would have to be given to the Crown grantee.

We have, &c.,
M'CARTHY & ROBERTSON.

No. 22.

THE UNDER SECRETARY FOR LANDS to M. FITZPATRICK, ESQ., M.L.A.

Department of Lands,
Sydney, 31 July, 1873.

SIR,

No. 5. With reference to my letter of 28th April last, in which you were apprised, as agent of the Honorable John O'Shanassy, that, under a report received from the Crown Lands Agent, the portions of land selected by Selina, John Thomas, and George Joachim, at Moama, on 20th February last, would be declared forfeited, and at least four of the selections made at that place on the same day by Henry B. Joachim, James Joachim, William Joachim, Annie Joachim, and Sophia Joachim, after a definite report should have been received from the local surveyor as to their position,—I am directed to inform you, that Mr. Licensed Surveyor Finley has reported that all the selectors alluded to are residing upon their conditional purchases. George Joachim, at the time of survey, Mr. Finley states, was residing with his brother, Henry B. Joachim, on the supposition that the residence was on the boundary-line dividing the two selections, and has since removed on to the portion selected by him. The selectors, Sophia and Annie Joachim, in ignorance of the exact position in which the boundaries would be laid out, were residing outside of their conditional purchases, and afterwards removed on to them.

2. I am therefore to apprise you, that the Secretary for Lands cannot enforce the forfeiture of the purchases without further investigation, and he desires to afford Mr. O'Shanassy the opportunity at the same time of making any further representation that he may think necessary.

I have, &c.,
W. W. STEPHEN.

No. 23.

THE UNDER SECRETARY FOR LANDS to MESSRS. M'CARTHY & ROBERTSON.

Department of Lands,
Sydney, 31 July, 1873.

GENTLEMEN,

No. 21. With reference to your letter of 21st instant, on the subject of your request, that, pending the result of the legal proceedings about to be taken by the Joachims against the Honorable John O'Shanassy, the forfeiture of their conditional purchases at Moama might be stayed, I am directed to inform you that Mr. Licensed Surveyor Finley has reported that all the conditional purchasers in this case are residing upon their selections.

George Joachim, at the time of the survey, Mr. Finley states, was residing with his brother, Henry B. Joachim, on the supposition that the residence was on the boundary-line dividing the two selections, and has removed on to the portion selected by him.

The selectors, Sophia and Annie Joachim, in ignorance of the exact position in which the boundaries would be laid out, were residing outside of their conditional purchases, and afterwards removed on to them.

2. I am therefore to state that Mr. O'Shanassy has been apprised, through his agent, Michael Fitzpatrick, Esq., M.L.A., that the Secretary for Lands cannot enforce the forfeiture of the purchases without further investigation, and Mr. O'Shanassy has at the same time been afforded the opportunity of making any further representation that he may think necessary.

I have, &c.,
W. W. STEPHEN.

No. 24.

M. FITZPATRICK, ESQ., M.L.A., to THE SECRETARY FOR LANDS.

100, Pitt-street, Sydney,
21 August, 1873.

SIR,

No. 22. Your letter of 31st July, which reached me on the 4th August, informed me that the various members of the Joachim family, in whose names selections were on 20th February taken up on the Moira Run, were reported to be then resident, and invited the lessee of the run (the Honorable John O'Shanassy) to offer further evidence in support of the allegation that they were non-resident. That

No. 1. letter unintentionally raised a false issue. I asserted in my letter to you of the 2nd April that the persons (chiefly minors) whose names had been used in the affair were not resident, and had never resided, although they were required by law to reside within one month from the date of selection, and you reply that towards the end of *July* they are reported to be resident. I cannot see what this has to do with the case, even if it were the fact that they were lawfully residing in July, which Mr. O'Shanassy denies, more especially as your own officer, the Land Agent at Moama, had previously informed you, unequivocally, that the parties were not residing. The case is, as you yourself characterized it, a bare-

No. 5 faced attempt to defeat the law. When you first promised, under date 28th April, that these selections should be cancelled, you had abundant evidence before you that the parties were not complying with the law, and nothing that has occurred since, or can occur hereafter, can alter that fact.

No. 22. In deference, however, to your wishes as implied, if not expressed, in your last letter, I now transmit to you three statutory declarations by George Milledge, Henry Palmer, and Maurice P. Fitzgerald, Esq., the latter being the overseer of Moira Station. The

The first of these persons declares that he daily shepherded sheep over the land in question, to the extent of 5,000 acres, from 27th February to 23rd March, inclusive, and that during all that period no person resided on the land, nor was any improvement whatever made.

Henry Palmer makes the like declaration, covering the period from 19th February to 18th April, during which no person resided, and no improvements were effected, save that on 19th March Joachim erected two *tents*.

Mr. Fitzgerald declares that he visited the land thirteen times during the period from 20th February to 6th April, and saw neither residents nor improvements, save the tents already alluded to. Can testimony be more conclusive than this? I now ask you, on Mr. O'Shanassy's behalf, in the spirit of the law, to give effect to the letter of the law.

The attempt made by one man to select 2,560 acres is a gross violation of the spirit of the law, and was fully acknowledged by your first decision, and I am at a loss to see what there is in the case to affect that first decision.

Permit me to remind you that the reference to the surveyor was not for his report as to whether Joachim and his family resided, nor for his opinion as to what constituted residence; it was merely to fix the position of and to identify the one lot out of the eight on which it was admitted that the family, or some members of it, resided; and nothing which the surveyor may have reported, and nothing which the entire family can now do, can or ought to affect the decision given by you in the first instance on the report of the Land Agent of the district.

I await with some interest an intimation of your final decision in this very remarkable case—a case which I venture to say has seldom, if ever, been equalled in its flagrant violation of the spirit of the law.

I have, &c.,
MICHL. FITZPATRICK.

MINUTE AND DECISION ON No. 24.

Submitted.

This case has been under the Minister's special consideration.

The enclosed declarations go to prove that with the exception of two tents, erected within the month upon certain of the selections, there was no occupation as required by the Act.

The question seems to depend upon the obligations to reside within a month.

A.O.M.,
25 August, 1873.

Two selections allowed, and six to be forfeited.—J.S.F., 15/9/73.

The question for decision is—Did the Joachims, eight in number (all infants), occupy and reside upon the land conditionally purchased by them, within one month of such purchase, in accordance with the sixteenth (16th) section of the Crown Lands Alienation Act? I find that two of the conditional purchasers, viz., James Joachim and Henry B. Joachim, did occupy their selections respectively, within the time prescribed by law, and that the other six (6) selectors did not occupy and reside on their respective selections within the time prescribed by law, and the regulations thereunder, namely, within one month after the time of purchase. I am therefore of opinion that the selections of John T., Sophia, Selina, Annie, William, and George Joachim should respectively be forfeited. There is one feature in this case worthy of notice. That is, that Joachim, the father of the eight (8) selectors (he, himself not selecting), has made a declaration in proof of residence on their behalf. I very much doubt whether a declaration of this kind should be allowed, but as I am satisfied with the proofs of residence in two (2) of the above selections, and as it does not affect the merits of this case it need not be considered now.

J.S.F., 15/9/73.

[*Enclosure* A *to No.* 24.]

I, GEORGE MILLEDGE, of Moira, do solemnly declare, that during the period from 27th February to 23rd March inclusive, I daily shepherded sheep on land situated west of railway-line on the Moira run adjoining, and west of lots 69, 86, 89, and part of 65, parish of Bama and county Cadell; and I declare further, that the area over which I shepherded the above-named sheep exceeded 5,000 acres, and that during the above-mentioned period no person or persons resided on said land; that no improvements or erections of any sort whatever were made on said land during the above-mentioned period; that during the said period no one directed me to remove the sheep of which I had charge, or prevented me from depasturing them on said land.

I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the ninth year of the reign of Her present Majesty, intituled "*An Act for the more effectual abolition of oaths and affirmations, taken and made in various departments of the Government of New South Wales, and to substitute declarations in lieu thereof, and for the suppression of voluntary and extra-judicial oaths and affidavits.*"

GEO. MILLEDGE.

Taken and declared at Moama, this 11th day of August, 1873, before me,—
J. W. M'LAURIN, J.P.

[*Enclosure* B *to No.* 24.]

I, HENRY PALMER, of Moira, do solemnly and sincerely declare, that during the period from 19th February to 18th April last past, I daily shepherded sheep on land situated west of the railway-line, on the Moira Run, and west of and adjoining lots 58 and 65, county of Cadell and parish of Bama; the land on which I depastured the sheep exceeds 5,000 acres in extent.

I declare further, that on the 19th March last one Joachim erected two tents on said land, about 60 chains west of railway-line, and about 60 chains north of the northern boundary of water reserve No. 90; the said tents were erected within 100 yards of each other.

I declare further, that during the aforesaid period, namely, from 19th February to 18th April, no person or persons resided on, occupied, or erected any improvements whatever, with the exception of the two tents referred to, and that no one directed me to remove the sheep of which I had charge, or prevented me from depasturing them on said land.

I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the ninth year of the reign of Her present Majesty, intituled "*An Act for the more effectual abolition of oaths and affirmations taken and made in various departments of the Government of New South Wales, and to substitute declarations in lieu thereof, and for the suppression of voluntary and extra-judicial oaths and affidavits.*"

HENRY PALMER.

Taken and declared at Moama, this 14th day of August, 1873, before me,—
J. W. M'LAURIN, J.P.

[*Enclosure*

[*Enclosure C to No. 24.*]

I, MAURICE P. FITZGERALD, of Moira Station, superintendent, do solemnly and sincerely declare, that during the period from 20th February to 6th of April last past, I visited on thirteen different days the land situated west of and adjoining lots 89, 86, 69, 65, and 58, county of Cadell, parish of Bama; the said land is identical with the portions recently surveyed by Mr. Finley for the Joachim family; that during the said period no improvements of any kind were erected on said land, with the exception of two tents, which were erected at a spot about 60 chains west of lot 58, and about 60 chains north of the water reserve No. 90. I further declare that no one resided on the said land during the said period, except the occupants of the two tents above mentioned.

The two tents are situated within about 60 yards of each other.

I further declare that during the said period, that no one prevented me depasturing the sheep on said land.

I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the ninth year of the reign of Her present Majesty, intituled "*An Act for the more effectual abolition of oaths and affirmations taken and made in various departments of the Government of New South Wales, and to substitute declarations in lieu thereof, and for the suppression of voluntary and extra-judicial oaths and affidavits.*"

MAURICE P. FITZGERALD.

Taken and declared at Moama, this 14th day of August, 1873, before me,—
J. W. M'LAURIN, J.P.

No. 25.

MESSRS. M'CARTHY & ROBERTSON to THE SECRETARY FOR LANDS.

Pitt-street North,
Sydney, 28 August, 1873.

SIR,

No. 23. In reference to your letter of 31st ultimo, we beg to inform you that His Honor Mr. Justice Hargrave has granted injunctions restraining Mr. J. O'Shanassy from trespassing with his sheep upon the selections of J. T. Joachim, Selina Joachim, and Sophia Joachim, and we have therefore to request that you will withhold your decision in these cases, pending the decision of the Supreme Court in October next.

Mr. Joachim has desired us to state that upon the trial of the above cases he will be prepared to swear that he and his family are *bonâ fide* settlers, and not, as he understands has been represented to you, the dummies of Mr. Fisher or any person.

We have, &c.,
M'CARTHY & ROBERTSON.

No. 26.

MESSRS. ELLIS & MAKINSON to THE UNDER SECRETARY FOR LANDS.

89, Elizabeth-street,
Sydney, 12 September, 1873.

SIR,

See No. 6. On behalf of the Hon. John O'Shannassy, lessee of Moira Run, we have the honor to request that you will allow us to have a copy of a letter from you to Wm. Joachim, dated 30th April last, respecting certain free selections on Moira Run, disputed by our client.

The reason of this application is that in certain proceedings taken by the Joachim selectors in the Supreme Court, the facts stated in the said letter are ignored, and we wish, on behalf of our client, to show that the said letter was written to the said W. Joachim.

We have, &c.,
ELLIS & MAKINSON.

I was directed by the Secretary for Lands to have a copy of the letter in question prepared, which should now be forwarded.—W.B., 13/9/73.

No. 27.

THE UNDER SECRETARY FOR LANDS to MESSRS. ELLIS & MAKINSON.

Department of Lands,
Sydney, 13 September, 1873.

GENTLEMEN,

No. 26. In accordance with the request contained in your letter of 12th instant, on behalf of the Honorable John O'Shanassy, I am directed to transmit to you herewith a copy of a letter addressed from this

See No. 6. department to Mr. William Joachim, on 30th April last, respecting certain selections on the Moira Run, disputed by Mr. O'Shanassy.

I have, &c.,
W. W. STEPHEN.

No. 28.

THE UNDER SECRETARY FOR LANDS to MESSRS. M'CARTHY & ROBERTSON.

Department of Lands,
Sydney, 30 September, 1873.

GENTLEMEN,

No. 23. With reference to my letter of 31st July last, in which you were informed, that (for the reasons therein set forth) the Honorable John O'Shanassy had been apprised that the forfeiture of the selections made by various members of the Joachim family on the Moira Run, on the 20th February last, could not

not be enforced without further investigation,—I am now directed to inform you that Mr. O'Shanassy, through his agent, Michael Fitzpatrick, Esq., M.L.A., has furnished three statutory declarations in support of his allegation, that the conditional purchasers have not resided, as required by the Crown Lands Alienation Act.

2. I am to state that the Secretary for Lands finds that two of the conditional purchasers in this case, namely, James Joachim and Henry B. Joachim, occupied their respective selections within the time prescribed by law, namely, within one month after date of purchase, and that the other six selectors did not so occupy and reside upon their respective selections.

3. I am therefore to apprise you that it has been decided that the selections made by John T., Sophia, Selina, Annie, William, and George Joachim, respectively, shall be declared forfeited.

I have, &c.,
W. W. STEPHEN.

No. 29.

THE UNDER SECRETARY FOR LANDS to M. FITZPATRICK, ESQ., M.L.A.

Department of Lands,
Sydney, 30 September, 1873.

SIR,

With reference to your letter of the 21st ultimo, on behalf of the Honorable John O'Shanassy, forwarding three statutory declarations in support of his allegation, that the requirements of the law with regard to the selections made in the names of the different members of the Joachim family on the Moira Run, on the 20th February last, have not been complied with, I am directed to inform you that the Secretary for Lands finds that two of the conditional purchasers, namely, James Joachim and Henry B. Joachim, occupied their respective selections within the time prescribed by law, namely, within one month after date of purchase, and that the other six selectors did not so occupy and reside upon their respective selections. No. 24.

2. I am therefore to state that it has been decided that the selections made by John T., Sophia, Selina, Annie, William, and George Joachim, respectively, shall be declared forfeited.

I have, &c.,
W. W. STEPHEN.

No. 30.

MESSRS. M'CARTHY & ROBERTSON to THE UNDER SECRETARY FOR LANDS.

Pitt-street North,
Sydney, 4 October, 1873.

SIR,

In reference to your letter of the 30th ult., informing us that Mr. O'Shanassy, through his agent, Michael Fitzpatrick, Esq., M.L.A., had furnished three statutory declarations in support of his allegation that the conditional purchasers (the Joachims) have not resided as required by the Crown Lands Alienation Act, and that the Secretary for Lands had decided that the selections made by John T., Sophia, Selina, Annie, William, and George Joachim should be forfeited, we have the honor to request that we may be furnished with copies of the three statutory declarations in question. No. 28.

We have, &c.,
M'CARTHY & ROBERTSON.

No. 31.

MESSRS. M'CARTHY & ROBERTSON to THE UNDER SECRETARY FOR LANDS.

Pitt-street North,
Sydney, 7 October, 1873.

"The Joachim's Selections."

SIR,

We would be very much obliged by your furnishing us with copies of the declarations referred to in your letter of the 30th ultimo, and for which we wrote on the 4th inst. No. 28. No. 30.

We are, &c.,
M'CARTHY & ROBERTSON.

No. 32.

THE HONORABLE J. O'SHANASSY to THE SURVEYOR GENERAL.

Sydney, 11 October, 1873.

SIR,

I beg that six half sections of land, parish of Caloola, county Cadell, opposite portions 58, 65, and 69, portions purchased by me at auction selection, be put up to auction with other surveyed portions on Moira Run, now in course of being charted.

I am, &c.,
JOHN O'SHANASSY.

D. S.

D. S. General,—
This application refers to some portions conditionally purchased.

1. Should it not be ascertained from the Lands Department how many of the conditional purchases are declared forfeited before the portions can be sent to auction sale?

2. How is the sale to be arranged, whether a reasonable time between the date of sale and date of forfeiture should intervene?

3. The portions are not yet charted, the plans being still in portfolio, awaiting action on the papers, which I cannot at present obtain.

T.H.L., 13 Oct., 1873.

'Till the applications are duly noted "forfeited" the portions should not be sent to auction.—R.D.F., 15th Oct., 1873.

The selections are included in forfeited list now submitted for signature.—W.B., 22 Oct., 1873.

No. 33.

MESSRS. M'CARTHY & ROBERTSON to THE SECRETARY FOR LANDS.

Sydney, 13 November, 1873.

SIR,

No. 28. In reference to your letter of the 30th September last, informing us that it had been decided that the selections made by John T., Sophia, Selina, Annie, William, and George Joachim respectively, should be declared forfeited, and our Mr. Robertson's and Mr. Joachim's subsequent interview with you on the 6th of October, when you consented to re-open the above cases for the reception of further proof of conformity with the Alienation Act, by the respective conditional purchasers,—we beg now to forward

See A. you, herewith, in regard to John T. Joachim's selection, a statutory declaration, dated the 23rd of October last, by the said John Thomas Joachim, showing that he entered upon possession of his selection on the 20th March last, and that he has continuously resided there ever since; and also a declaration by his

See B. father, Mr. William Joachim, to the same effect; and also a declaration from Henry Filgate to the same

See C. effect; and, in reference to Sophia Joachim's selection, we beg to forward a statutory declaration

See D. by the said Sophia Joachim, showing that she entered upon possession of her selection on the 20th day of March last, and has continuously resided there since. And we also forward statutory

See E, F, G. declarations to the same effect from her father, William Joachim, Henry Filgate, and John Thomas

See H. Joachim; and in regard to Selina Joachim's selection, we beg to forward a statutory declaration from the said Selina Joachim, showing that she took possession of her conditional purchase on the 20th day of March last, and that although on the night of that day she slept in a tent which was not upon the selection, it was close to and was thought to be upon it until adjustment of the boundary-lines of said selection, when it was discovered not to be so, and stating further, that upon this discovery a house worth £40 was then erected on said conditional purchase, into which the said Selina Joachim then removed, and

See I. in which she has continuously resided ever since; and we beg also to forward statutory declaration, made

See J. by William Joachim, her father, to the same effect; and in regard to Annie Joachim's conditional purchase, we beg to forward a statutory declaration, made by William Joachim, her father, showing that the said Annie Joachim entered upon her conditional purchase upon the 20th day of March, and slept upon the night of that day in a tent, which was intended to have been pitched partly upon the said conditional purchase, but which, on adjustment of the boundary-lines, proved to be a little distance off the selection, and that upon this discovery a hut worth £25 was then erected upon said conditional purchase, into which the Annie Joachim then removed, and wherein she has resided ever since; and, in regard to William Joachim's

See K, L. selection, we beg to forward statutory declarations from William Joachim, his father, and Jane Joachim, his mother, showing that the said William Joachim, junior, entered upon his selection upon the 20th day of March last, and slept there on the night of that day, and has continuously resided there ever since; and

See M. in regard to George Joachim's selection, we beg to forward a declaration from William Joachim, his father, showing that he entered upon his said conditional purchase on the 20th day of March last, and that on the night of that day he slept in a tent, which was intended to have been pitched partly upon said conditional purchase, but which, upon adjustment of the boundary-lines of said selection, proved to be a little distance off the selection, and that upon the discovery a hut worth £25 was then erected upon said selection, into which the said George Joachim was then removed, and where he has continuously resided ever since.

We have, &c.,
M'CARTHY & ROBERTSON.

The facts of the case will be within the Minister's recollection, as stated in former declarations and correspondence, now, with his notes thereon, resubmitted.—A.O.M., 26/11/73.

These conditional purchases are, I may add, in the schedule of conditional purchases recently sent on for the approval of the Executive Council.—W.W.S., 3/12/73.

I approved of the forfeiture of these conditional purchases on the 16th October, and the declarations herewith were received on the 17th November. I have read the declarations, and they appear to me to be a reiteration of Joachim's previous statements. These declarations may be true or not true, but why were they not put in in the first instance? However the evidence on one side flatly contradicts that on the other, and not having had an opportunity of seeing the witnesses face to face I cannot very well judge of the truth of their respective declarations, because I could not examine them in reference thereto. I therefore cannot see any valid reason for reversing my former decision. The conditional purchases forfeited should not be brought to auction for the present.—J.S.F., 15/12/73.

Charting Branch.—The plans (eight in number) have now been examined and charted, and the necessary notation made, viz., the two cases 73/10,947 and 10,950, as dealt with in Charting Branch, and the remaining six cases—being the forfeited selections noted—has not to go to auction.—5 Jan., 1874.

[*Enclosure*

[*Enclosure* A *to No.* 33.]

[Schedule U.]

I, JOHN THOMAS JOACHIM, parish of Bama, New South Wales, do hereby solemnly and sincerely declare as follows:—I arrived upon my conditional purchase, No. 167, on the Moira Run, in the said parish, on the twentieth day of March, 1873, and slept there on the night of that day in a covered cart, and I have since put up a house, at a cost of £40, and I have continued to reside there as my only place of residence to the present date. And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the ninth year of the reign of Her present Majesty, intituled, "*An Act for the more effectual abolition of oaths and affirmations taken and made in various departments of the Government of New South Wales, and to substitute declarations in lieu thereof, and for the suppression of voluntary and extra-judicial oaths and affidavits.*"

JOHN THOMAS JOACHIM.

Made and signed before me, at Echuca, this 23rd day of October, 1873,—

JAMES SHACKELL, J.P.

[*Enclosure* B *to No.* 33.]

[Schedule U.]

I, WILLIAM JOACHIM, parish of Bama, in the Colony of New South Wales, stock-dealer, do hereby solemnly and sincerely declare as follows:—My son, John T. Joachim, arrived upon his conditional purchase, No. 167, on the Moira Run, in the said parish, on the twentieth March, 1873, and slept there on the night of that day in a covered cart, and has since put up a house, and has continued to reside there as his only place of residence to the present date. And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the ninth year of the reign of Her present Majesty, intituled, "*An Act for the more effectual abolition of oaths and affirmations taken and made in various departments of the Government of New South Wales, and to substitute declarations in lieu thereof, and for the suppression of voluntary and extra-judicial oaths and affidavits.*"

WILLIAM JOACHIM.

Made and signed before me, at Echuca, this 23rd day of October, 1873,—

JAMES SHACKELL, J.P.

[*Enclosure* C *to No.* 33.]

[Schedule U.]

I, HENRY FILGATE, parish of Bama, in the Colony of New South Wales, drover, do hereby solemnly and sincerely declare as follows:—John Thomas Joachim arrived upon his conditional purchase, No. 167, on the Moira Run, in the said parish, on the twentieth day of March, one thousand eight hundred and seventy-three, and slept there on the night of that day in a covered cart, and has since put up a house, and has continued as his only place of residence to the present date. And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the ninth year of the reign of Her present Majesty, intituled, "*An Act for the more effectual abolition of oaths and affirmations taken and made in various departments of the Government of New South Wales, and to substitute declarations in lieu thereof, and for the suppression of voluntary and extra-judicial oaths and affidavits.*"

HENRY FILGATE.

Made and signed before me, at Echuca, this 22nd day of October, 1873,—

JAMES SHACKELL, J.P.

[*Enclosure* D *to No.* 33.]

[Schedule U.]

I, SOPHIA JOACHIM, parish of Bama, in the Colony of New South Wales, spinster, do hereby solemnly and sincerely declare as follows:—I am between twelve and thirteen years of age; I arrived upon my conditional purchase, No. 168, on the Moira Run, in the said parish, on 20th March, 1873, and slept there on the night of that day in a tent, and there has since been erected on my said conditional purchase a house worth £30, in which I have continued to reside as my only place of residence ever since. And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the ninth year of the reign of Her present Majesty, intituled "*An Act for the more effectual abolition of oaths and affirmations taken and made in various departments of the Government of New South Wales, and to substitute declarations in lieu thereof, and for the suppression of voluntary and extra-judicial oaths and affidavits.*"

SOPHIA JOACHIM.

Made and signed before me, at Echuca, this 23rd day of October, 1873,—

JAMES SHACKELL, J.P.

[*Enclosure E to No.* 33.]

[Schedule U.]

I, WILLIAM JOACHIM, parish of Bama, in the Colony of New South Wales, stock-dealer, do hereby solemnly and sincerely declare as follows:—My daughter, Sophia Joachim, arrived upon her conditional purchase, No. 168, on the Moira Run, in the said parish, on 20th March, 1873, and slept there on the night of that day in a tent, and there has since been erected on said conditional purchase a house worth £30, and the said Sophia Joachim has continued to reside there as her only place of residence until the present date; and I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the ninth year of the reign of Her present Majesty, intituled "*An Act for the more effectual abolition of oaths and affirmations taken and made in various departments of the Government of New South Wales, and to substitute declarations in lieu thereof, and for the suppression of voluntary and extra-judicial oaths and affidavits.*"

WILLIAM JOACHIM.

Made and signed before me, at Echuca, this 23rd day of October, 1873,—

JAS. SHACKELL, J.P.

[*Enclosure F to No.* 33.]

[Schedule U.]

I, HENRY FILGATE, parish of Bama, in the Colony of New South Wales, drover, do hereby solemnly and sincerely declare as follows:—Sophia Joachim arrived upon her conditional purchase, No. 168, on the Moira Run, in the said parish, on 20th day of March, 1873, and slept there on the night of that day, and there has since been erected on said conditional purchase a house worth £30, in which the said Sophia Joachim has continued to reside, as her only place of residence, until date. I arrived

arrived on the said conditional purchases on the 20th March, and erected said tent; and I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the ninth year of the reign of Her present Majesty, intituled "*An Act for the more effectual abolition of oaths and affirmations taken and made in various departments of the Government of New South Wales, and to substitute declarations in lieu thereof, and for the suppression of voluntary and extra-judicial oaths and affidavits.*"

HENRY FILGATE.

Made and signed before me, at Echuca, this 22nd day of October, 1873,—
JAMES SHACKELL, J.P.

[*Enclosure G to No.* 33.]

[Schedule U.]

I, JOHN THOMAS JOACHIM, of parish of Bama, in the Colony of New South Wales, do hereby solemnly and sincerely declare as follows:—I am between fifteen and sixteen years of age; my sister, Sophia Joachim, arrived upon her conditional purchase, No. 168, on the Moira Run, in the said parish, on the 20th day of March, 1873, and slept there on the night of that day in a tent, and there has since been erected on said conditional purchase a house worth £30 (thirty pounds), in which the said Sophia Joachim has continued to reside as her only place of residence until the present date; and I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the ninth year of the reign of Her present Majesty, intituled "*An Act for the more effectual abolition of oaths and affirmations taken and made in various departments of the Government of New South Wales, and to substitute declarations in lieu thereof, and for the suppression of voluntary and extra-judicial oaths and affidavits.*"

JOHN THOMAS JOACHIM.

Made and signed before me, at Echuca, this 23rd day of October, 1873,—
JAMES SHACKELL, J.P.

[*Enclosure* H *to No.* 33.]

[Schedule U.]

I, SELINA JOACHIM, parish of Bama, in the Colony of New South Wales, spinster, aged fourteen years, do hereby solemnly and sincerely declare as follows:—I entered upon my conditional purchase, No. 166, on the Moira Run, in the parish of Bama, on 20th March, 1873, and I slept in a tent on the night of that day which was thought to have been pitched partly upon said conditional purchase, before the survey; but after the adjustment upon paper of the said conditional purchase by the licensed surveyor, it proved that the said tent was about 1 chain away from my said conditional purchase. A house, worth £40, was then erected on my said conditional purchase, into which I removed, and I was living there when the licensed surveyor (Mr. Finley) surveyed my selection, and I have continued to reside there since as my *bonâ fide* and only residence, and part of said conditional purchase has been sown with wheat; and I make this solemn declaration, conscientiously believing the same to be true and by virtue of the provisions of an Act made and passed in the ninth year of the reign of Her present Majesty, intituled "*An Act for the more effectual abolition of oaths and affirmations taken and made in various departments of the Government of New South Wales, and to substitute declarations in lieu thereof, and for the suppression of voluntary and extra-judicial oaths and affidavits.*"

SELINA JOACHIM.

Made and signed before me, at Echuca, this 23rd day of October, 1873,—
JAMES SHACKELL, J.P.

[*Enclosure* I *to No.* 33.]

[Schedule U.]

I, WILLIAM JOACHIM, parish of Bama, in the Colony of New South Wales, stock-dealer, do hereby solemnly and sincerely declare as follows:—My daughter, Selina Joachim, entered upon her conditional purchase, No. 166, on the Moira Run, in the parish of Bama, on 20th March, 1873, and slept in a tent on the night of that day, which was thought to have been pitched partly on said conditional purchase. Before the survey, but after the adjustment upon paper of the said conditional purchase by the licensed surveyor, it proved that the said tent was about 1 chain away from said conditional purchase; and a house, worth £40, was then erected on said conditional purchase; and into the said house the said Selina Joachim removed, and she was living there when the survey was made, and has continued to reside there as her only place of residence ever since; and part of the said land has been sown with wheat; and I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the ninth year of the reign of Her present Majesty, intituled "*An Act for the more effectual abolition of oaths and affirmations taken and made in various departments of the Government of New South Wales, and to substitute declarations in lieu thereof, and for the suppression of voluntary and extra-judicial oaths and affidavits.*"

WILLIAM JOACHIM.

Made and signed before me, at Echuca, this 23rd day of October, 1873,—
JAMES SHACKELL, J.P.

[*Enclosure J to No.* 33.]

[Schedule U.]

I, WILLIAM JOACHIM, parish of Bama, in the Colony of New South Wales, stock-dealer, do hereby solemnly and sincerely declare as follows:—My daughter, Annie Joachim, aged ten years, entered upon her conditional purchase, No. 165, on the Moira Run, in the said parish, on 20th March, 1873, and slept in a tent on the night of that day, which was intended to have been pitched partly upon said conditional purchase; but after the adjustment upon paper of the said conditional purchase by the licensed surveyor, it proved that the said tent was about 3 chains from said conditional purchase. A hut, worth about £25, was then erected on said conditional purchase; and into the said hut the said Annie Joachim then removed, and she was living there when Mr. Licensed Surveyor Finley surveyed said conditional purchase, and she has continued to reside there as her only place of residence ever since; and I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the ninth year of the reign of Her present Majesty, intituled, "*An Act for the more effectual abolition of oaths and affirmations taken and made in various departments of the Government of New South Wales, and to substitute declarations in lieu thereof, and for the suppression of voluntary and extra-judicial oaths and affidavits.*"

WILLIAM JOACHIM.

Made and signed before me, at Echuca, this 23rd day of October, 1873,—
JAMES SHACKELL, J.P.

[*Enclosure*

[*Enclosure* K *to No.* 33.]

[Schedule U.]
I, WILLIAM JOACHIM, parish of Bama, in the Colony of New South Wales, stock-dealer, do hereby solemnly and sincerely declare as follows:—My son, William Joachim, junior, a minor, between seven and eight years of age, arrived upon his conditional purchase (No. 163) on the Moira Run, in the said parish, on 19th March, 1873, and slept there that night in a tent; and a house and other improvements worth £40 have been erected on said conditional purchase since, and the said William Joachim, junior, has continued to reside there as his only place of residence to the present date, and part of the said land has been sown with wheat and barley; and I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the ninth year of the reign of Her present Majesty, intituled "*An Act for the more effectual abolition of oaths and affirmations taken and made in various departments of the Government of New South Wales, and to substitute declarations in lieu thereof, and for the suppression of voluntary and extra-judicial oaths and affidavits.*"

WILLIAM JOACHIM.

Made and signed before me, at Echuca,
this 23rd day of October, 1873,—
JAMES SHACKELL, J.P.

[*Enclosure* L *to No.* 33.]

[Schedule U.]
I, JANE JOACHIM, parish of Bama, in the Colony of New South Wales, do hereby solemnly and sincerely declare as follows:—My son, William Joachim, junior, a minor, between seven and eight years of age, arrived upon his conditional purchase (No. 163) on the Moira Run, in the said parish, on the 19th March, 1873, and slept there that night in a tent; and a house and the improvements worth £40 has been erected since on said conditional purchase, and he, the said William Joachim, my son, has continued to reside there as his only place of residence to the present date, and part of the said land has been sown with wheat and barley; and I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the ninth year of the reign of Her present Majesty, intituled "*An Act for the more effectual abolition of oaths and affirmations taken and made in various departments of the Government of New South Wales, and to substitute declarations in lieu thereof, and for the suppression of voluntary and extra-judicial oaths and affidavits.*"

JANE JOACHIM.

Made and signed before me, at Echuca,
this 23rd day of October, 1873,—
JAMES SHACKELL, J.P.

[*Enclosure* M *to No.* 33.]

[Schedule U.]
I, WILLIAM JOACHIM, parish of Bama, in the Colony of New South Wales, stock-dealer, do hereby solemnly and sincerely declare as follows:—My son, George Joachim, aged six years, entered upon his conditional purchase (No. 162) on the Moira Run, in the said parish, on 19th March, 1873, and slept in a tent on the night of that day, which was intended to have been pitched partly upon said conditional purchase, but on the adjustment on paper of the said conditional purchase by the licensed surveyor, it proved that the said tent was about 20 chains away from said conditional purchase; a hut worth about £25 was then erected on said conditional purchase, and into the said hut the said George Joachim then removed, and he was living there when Mr. Licensed Surveyor Finley visited the selection, and he has continued to reside there ever since as his *bonâ fide* place of residence; and I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the ninth year of the reign of Her present Majesty, intituled "*An Act for the more effectual abolition of oaths and affirmations taken and made in various departments of the Government of New South Wales, and to substitute declarations in lieu thereof, and for the suppression of voluntary and extra-judicial oaths and affidavits.*"

WILLIAM JOACHIM.

Made and signed before me, at Echuca,
this 23rd day of October, 1873,—
JAMES SHACKELL, J.P.

No. 34.

MESSRS. M'CARTHY & ROBERTSON to THE SECRETARY FOR LANDS.

Pitt-street North, Sydney,
13 December, 1873.

SIR,

On the 6th of October last you consented to re-open the cases of John T., Sophia, Selina, Annie, William, and George Joachim (concerning which you had previously written to us on the 30th of September), for the purpose of receiving further proof of residence by these minors within the period prescribed by law, and on the 13th ultimo we had the honor to forward to you thirteen statutory declarations to that effect. On Thursday last, the 11th instant, our Mr. Robertson understood you to say that you had not had time to peruse and consider the said declarations. We were therefore much surprised to find in the *Gazette*, published on the following morning, the selections of the said minors gazetted as forfeited. We therefore beg respectfully to ask if the forfeiture of these selections has not been gazetted through inadvertence.

No. 28.

See No. 33.

We have, &c.,
M'CARTHY & ROBERTSON.

No. 35.

THE UNDER SECRETARY FOR LANDS to MESSRS. M'CARTHY & ROBERTSON.

Department of Lands,
Sydney, 23 December, 1873.

GENTLEMEN,

With reference to your letter of the 13th ultimo, forwarding statutory declarations from the parties named in the margin, in regard to the six conditional purchases made by members of the Joachim family, which were declared forfeited in consequence of the requirements of the law as to residence not having been carried out by them, I am directed to inform you that the Minister for Lands has read these declarations, but as they appear to him merely reiterations of Joachim's previous statements he cannot see any valid reason for reversing his former decision.

No. 33.
Jane Joachim.
William Joachim.
Selina Joachim.
Sophia Joachim.
Henry Filgate.
J. T. Joachim.

I have, &c.,
W. W. STEPHEN.

No. 36.

238 866

No. 36.

MESSRS. M'CARTHY & ROBERTSON to THE UNDER SECRETARY FOR LANDS.

Pitt-street North, Sydney,
30 December, 1873.

SIR,

No. 35. Your letter of the 23rd instant was not delivered to us until yesterday.

We hope we shall be excused for saying that it would have been much more satisfactory to us and to our clients if the Honorable the Minister for Lands had perused the thirteen statutory declarations before the publication of the forfeitures in the *Government Gazette* of the 12th instant instead of after that publication, because this unlucky accident must of necessity have increased the difficulty he would have felt in reversing his former decision had he, upon reading those declarations, have determined so to do.

We cannot refrain from expressing our surprise at the ground upon which the Honorable the Minister for Lands has concluded to disregard these thirteen statutory declarations, viz., that they appeared to him merely reiterations of "Joachim's previous statements," for it was upon Mr. Joachim's "previous statements" that Mr. Farnell re-opened the case, expressly in order that Mr. Joachim might have the opportunity of affording proofs of the truth of his statement.

Of necessity Joachim's declarations are reiterations of his statements, but seven of the declarations out of the thirteen were made by others than Joachim. How, then, can they be said to be "reiterations of Joachim's previous statements"? Corroborations of Joachim's statements they might be truly called, and that is precisely what Mr. Joachim and ourselves were given to understand by the Honorable the Minister for Lands were wanted, and the case we understood was re-opened for no other purpose than to afford an opportunity for such corroborations to be sent in.

We protest against the forfeiture of these selections on the ground that the said forfeitures have been made on *ex parte* and false representations to the Minister for Lands in the form of statutory declarations by persons whom the Joachims have had no opportunity of cross-examining, and whose statements have been completely refuted not only by the evidence of the Joachims but by the disinterested testimony of magistrates, squatters, and the district surveyor; and we beg respectfully to remind you that all we have ever asked the Minister for Lands to do in these cases was to reserve his decision, pending that of the Supreme Court, in actions now going on between the Joachims and the Honorable John O'Shanassy, in which the question as to the compliance with the Act by these minors was at issue.

As it is a maxim in our jurisprudence that there is no wrong without a remedy, we believe we shall find an efficient remedy for the most grievous wrong the decision of the Honorable the Minister for Lands inflicts in these cases, by which not only are the rights of these minors to their land attempted to be destroyed, but by which £480 of their money is sought to be absolutely confiscated, besides entailing upon them the loss of a still larger sum expended upon their selections.

We have, &c.,
M'CARTHY & ROBERTSON.

No. 37.

DECISION OF THE SECRETARY FOR LANDS ON THE CASE.

THE notification of the forfeiture in the *Gazette* of the 12th December, 1873, did not affect the consideration of the case upon its merits. Lists of forfeitures are periodically published in the *Gazette*, and these selections were included in one of these ordinary lists; therefore there was nothing special in the forfeiture of these selections. Eight selections were made on the 20th February, 1873; an inquiry respecting them commenced in April, 1873, and on the 15th September, 1873, I decided to forfeit six of them. Mr. Thos. Robertson and Mr. Joachim had an interview with me, at which I produced a tracing showing the eight selections, when he (Joachim) admitted that two of his children had not occupied or resided on their respective selections within the period of one month, as provided by the 16th section of the Act and the 28th regulation. This admission was made after he had made his declaration of the 10th of May, in behalf and in proof of the residence of his eight (8) children. At this interview I, in answer to a question, said I would consider any evidence in proof of their case that they might choose to furnish. On the 17th November thirteen (13) declarations were received at the Lands Office, and they were subsequently considered by me, together with other evidence and statements. I confess I did not place very much reliance on these thirteen declarations, consequently I did not revoke my former decision. Joachim, in a declaration made on the 10th May, declared that eight (8) of his children were resident within one month from date of selection. On the 23rd October he made six (6) declarations in behalf of six of his children respectively (these being for the six selections that were decided to be forfeited on the 15th October, residence on the other two having been accepted), so that these six were a reiteration of his declaration of the 10th May. Two declarations were made by one Henry Filgate, a person in Joachim's employ, in behalf of Selina and John Thomas Joachim. One was made by John Thomas, in behalf of his sister Selina Joachim. One was made by Mrs. Jane Joachim, in behalf of her son William, and John Thomas, Selina, and Sophia each declared for themselves; thus, by an interchange, these thirteen declarations have been made up. Who could or would believe these declarations in the face of the report of the Land Agent who had inspected the selections some forty-two days after selection, and who reported that the selectors were residing on two out of the eight selections, and that there was no residence on the other (6) six—and who also reported that Joachim had informed him that they intended to reside, but for the present they were driven in a covered van over the selections every evening?

As to the selections having been forfeited on *ex parte* statements, that is not the fact; and as to the cross-examination of the declarants, Mr. Robertson must know that a Court is not held at the Lands Office, and that witnesses are not examined in person, but that all cases are disposed of by the Minister by documentary evidence alone. The statements of the three declarants, and the report of the Land Agent in proof of non-residence by the Joachims, has not, in my opinion, been refuted by the persons referred to by Mr. Thomas Robertson.

Fitzgerald, Palmer, and Milledge.

The squatters mentioned have made a general statement, but they have not stated at what period they visited the selections, but they have left it to be inferred that the date of their visit was the 10th May.

May. The surveyor was instructed to measure on the 2nd May, 1873, and he completed the measurement and reported on the 9th July, one hundred and thirty-nine (139) days after the selections were made; therefore the surveyor's report is not evidence as to whether the Joachims had occupied and resided on their respective selections within one month from their selecting them. It is obvious that the surveyor did not receive instructions until forty-three days after the period that the Joachims ought to have been in residence, and he did not report until 110 days after they ought to have been in residence; therefore he was not a competent witness as to whether they had entered upon residence within the month allowed by law. The request that I would defer my decision, pending that of the Supreme Court, was so absurd that I did not comply with the request. The administration of the Land Acts are vested in the Secretary for Lands, and he could not and should not depute the functions of his office to any other tribunal. Those who may feel aggrieved have a right of appeal to the Law Courts. Mr. Joachim has exercised this right by appealing to the Supreme Court, at which place the witnesses will be confronted with each other, and the judge and jury will have a better opportunity of judging of their truthfulness than I have had.

The statement that I have inflicted a wrong on Mr. Robertson's clients in these cases may be his opinion, but I, who have no interest on one side or the other, am of opinion that I have not inflicted a wrong (*i.e.*, if the evidence is reliable as against Joachim), but that I have administered the law, both according to its spirit and intention. It appears to me to be no part of my duty to argue with those who may have cases in dispute in this office, but, if I understand rightly, it is my duty to consider all documentary evidence or statements submitted to me, and to decide accordingly. Therefore I must be excused if I decline to argue these cases, but I thought it right to make the foregoing remarks in answer to those made by Mr. Robertson on behalf of his clients.

J.S.F., 5/1/74.

[Nine Sketches.]

Sydney: Thomas Richards, Government Printer.—1874.

[2*s.* 6*d.*]

562—D

APPENDIX A.

[*Enclosure A to No* 11.]

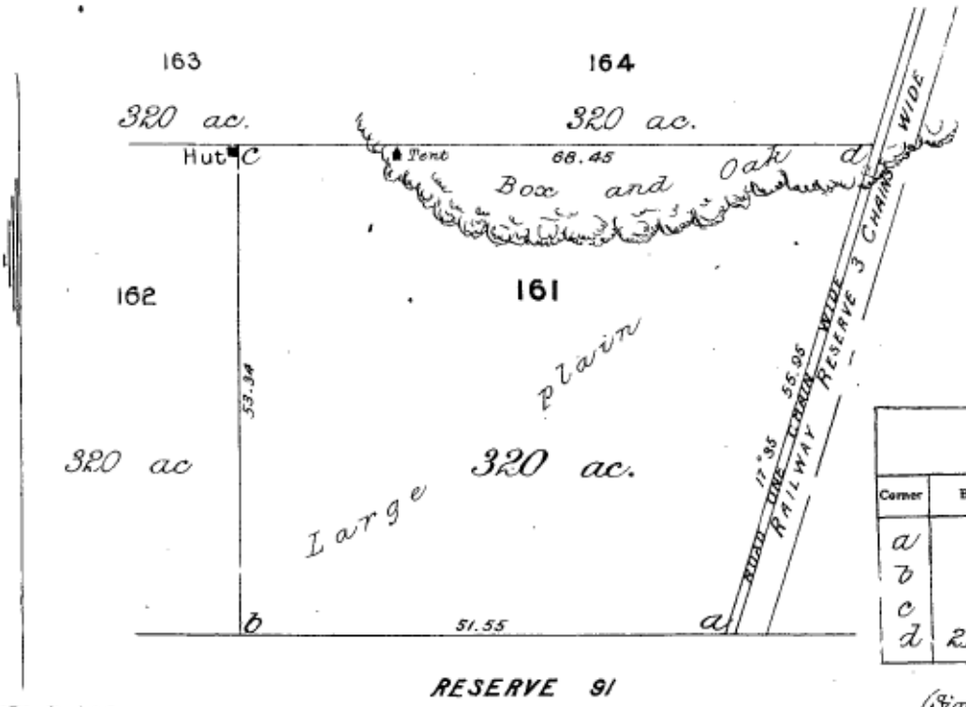
TRACING

Shewing Portion 161 in the

PARISH OF BAMA, COUNTY OF CADELL.

C. P. of Henry B. Joachim.

Scale 20 chains to an inch.



Reference to Corners.				
Corner	Bearing.	From.	Links.	No. on Tree.
a		*Post*		*161*
b		*do*		*161.2*
c		*do*		*" "*
d	*211°30*	*Oak*	*23*	*162.164*

(Signed) F. G. Finley, L.S.

Cat. N° C. 169. 1817

TRACING

[*Enclosure A to No.* 12.]

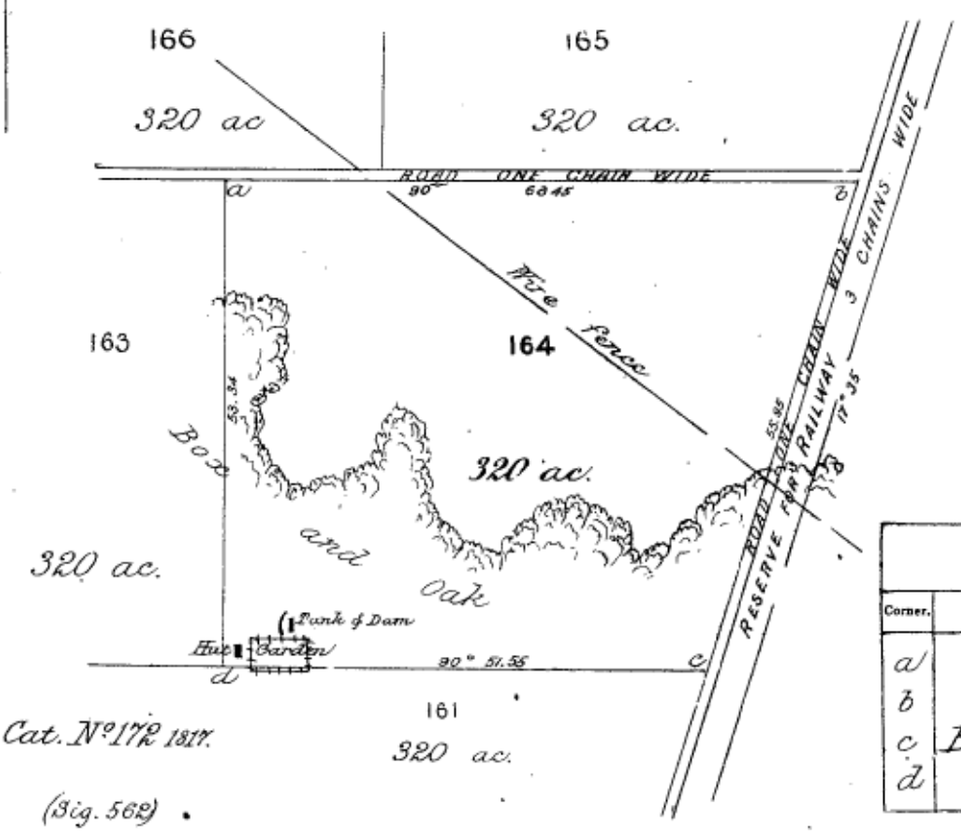
APPENDIX B.

Shewing Portion 165 in the

PARISH OF BAMA, COUNTY OF CADELL.

C. P. of James Joachim.

Scale 20 chains to an inch.



Reference to Corners.				
Corner.	Bearing.	From.	Links.	No. on Tree.
a	*Post*	*at corner*	*.*	*163.164*
b	*do.*	*do.*	*.*	*164*
c	*Box*	*2 Box*	*23*	*161.164*
d		*Oak*		*163.164*

Cat. N° 172 1817.

(Sig. 562)

(Signed) F. G. Finley, L.S.

APPENDIX C. [*Enclosure A to No.* 13.]

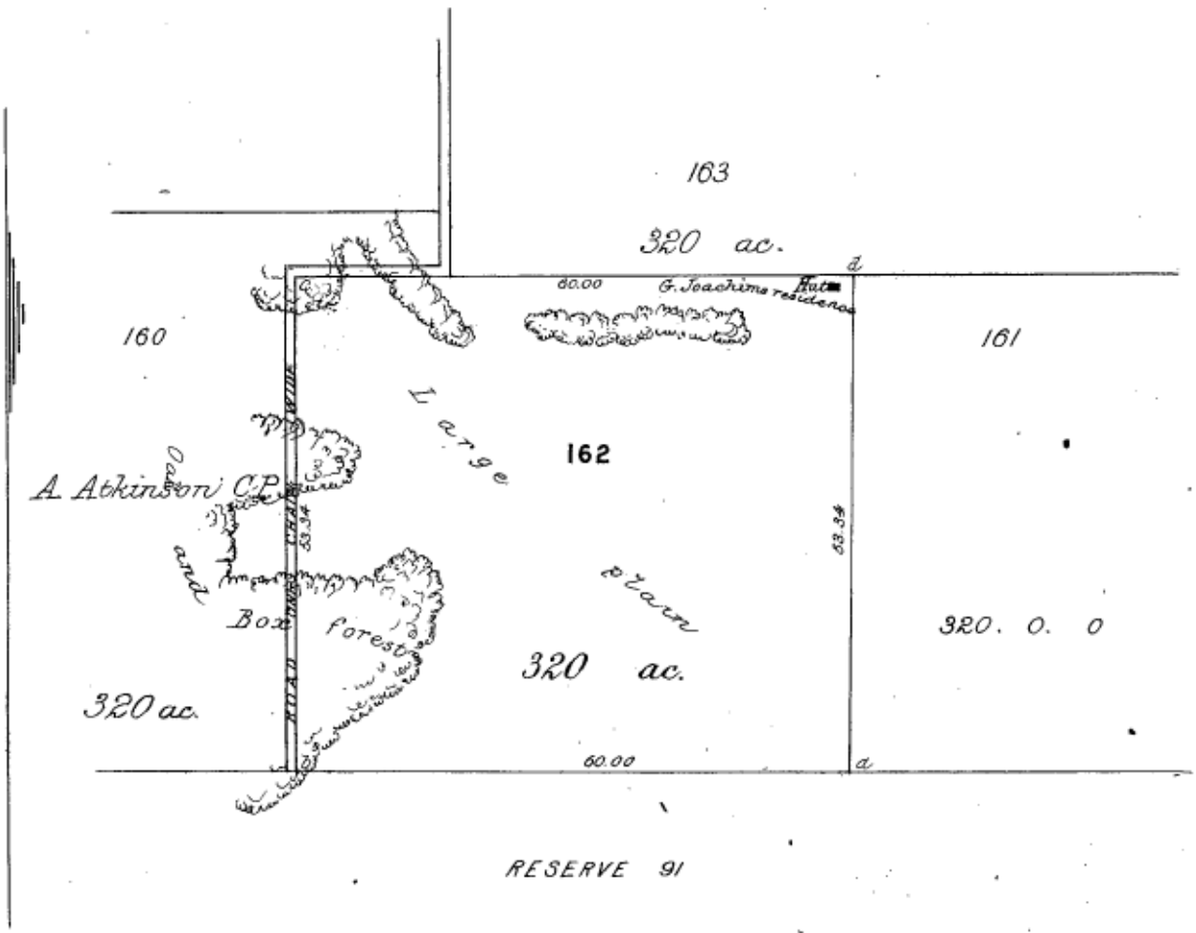
TRACING

Shewing Portion 162 in the

PARISH OF BAMA, COUNTY OF CADELL.

Forfeited Con. Pur. of George Joachim.

Scale 20 chains to an inch.



Reference to Corners.				
Corner.	Bearing.	From.	Links.	No. on Tree.
a	"	*Post*	"	*161. 162*
b	*202°*	*Oak*	*35*	*162*
c	*46°*	*do.*	*41*	*162*
d	"	*Post*	"	*161. 162*

(Signed) *F. G. Finley, L. S.*

Cat. No. C. 170. 1817.

(Sig. 562)

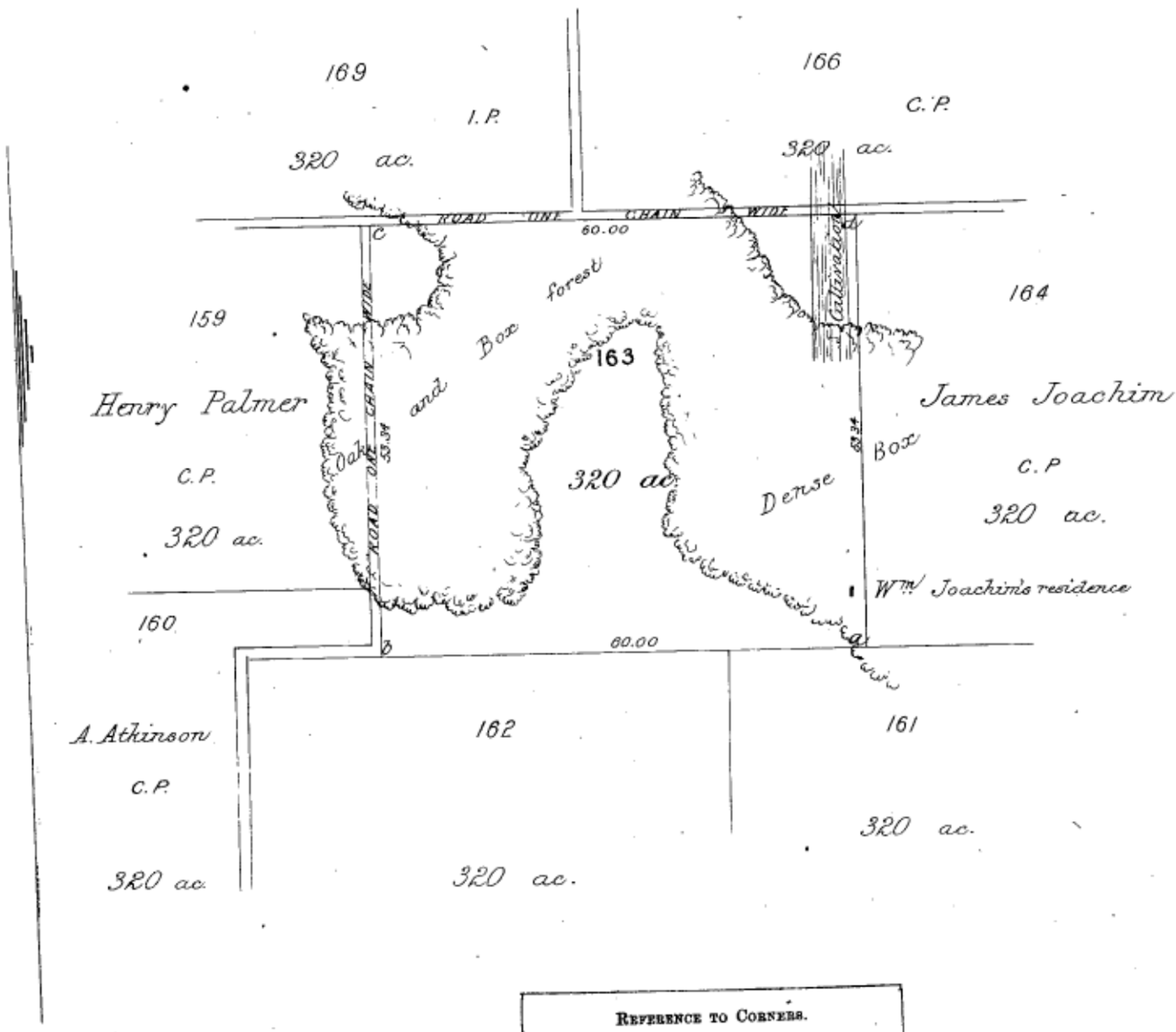
TRACING

Shewing Portion 163 in the

PARISH OF BAMA, COUNTY OF CADELL.

Forfeited Con. Pur. of Wm Joachim, Jr

Scale 20 chains to an inch.



Reference to Corners.				
Corner.	Bearing.	From.	Links.	No. on Tree.
a	"	Oak	"	163.164
b	"	Post	"	163
c	"	do.	"	"
d	"	do.	"	163.164

(Signed) F. G. Finley, L. S.

Cat No C. 171. 1817.

(Sig. 562)

APPENDIX E

[*Enclosure A to No.* 15.]

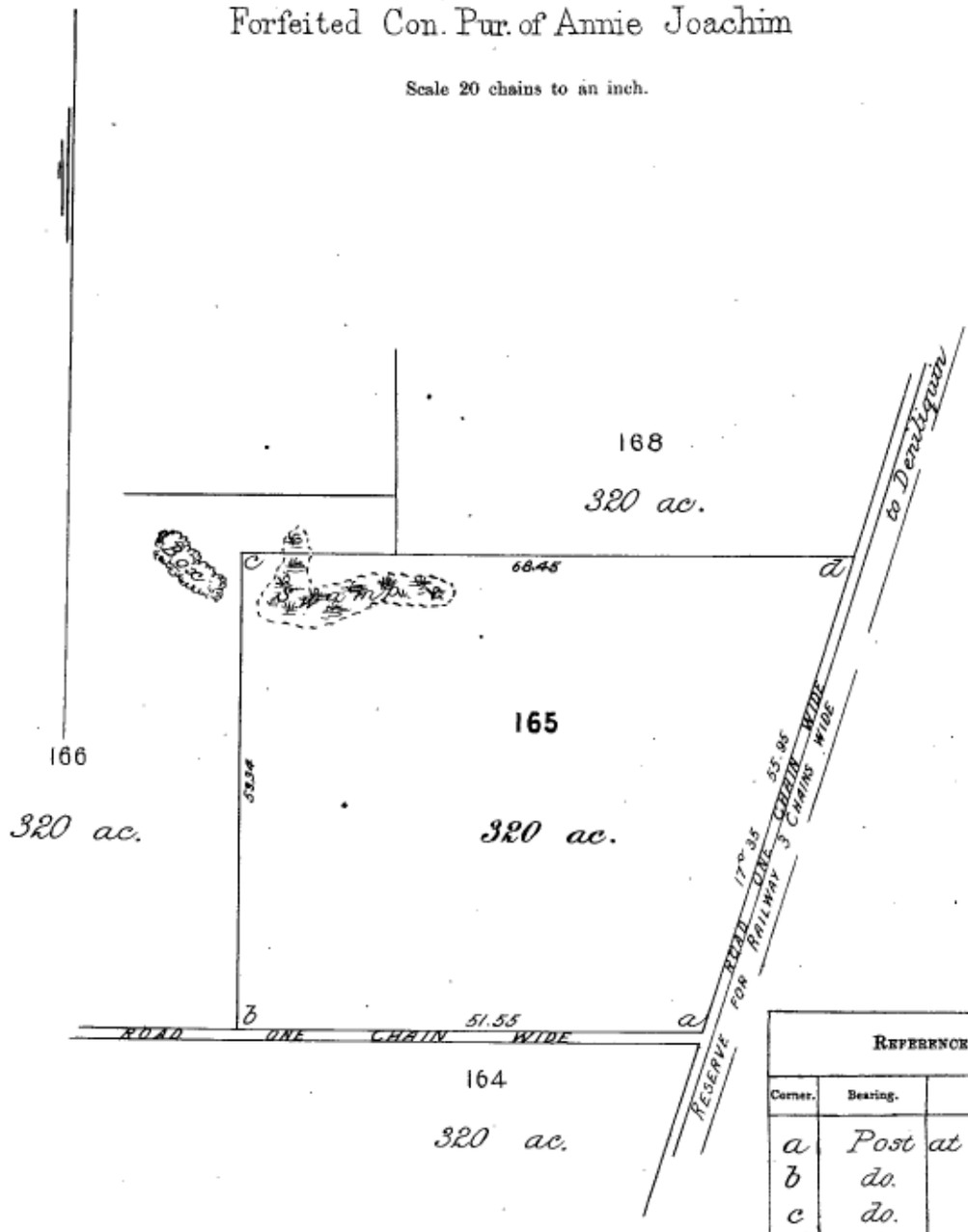
TRACING

Shewing Portion 165 in the

PARISH OF BAMA, COUNTY OF CADELL.

Forfeited Con. Pur. of Annie Joachim

Scale 20 chains to an inch.



Reference to Corners.				
Corner.	Bearing.	From.	Links.	No. on Tree.
a	*Post*	*at corner*	.	*165*
b	*do.*	*do.*	.	*165 166*
c	*do.*	*do.*	.	*" "*
d	*do.*	*do.*	.	*" 168*

Cat. No C173.1817

(Sig. 562)

(Signed) F. G. Finley, L.S.

APPENDIX F

[*Enclosure A to No.* 16.]

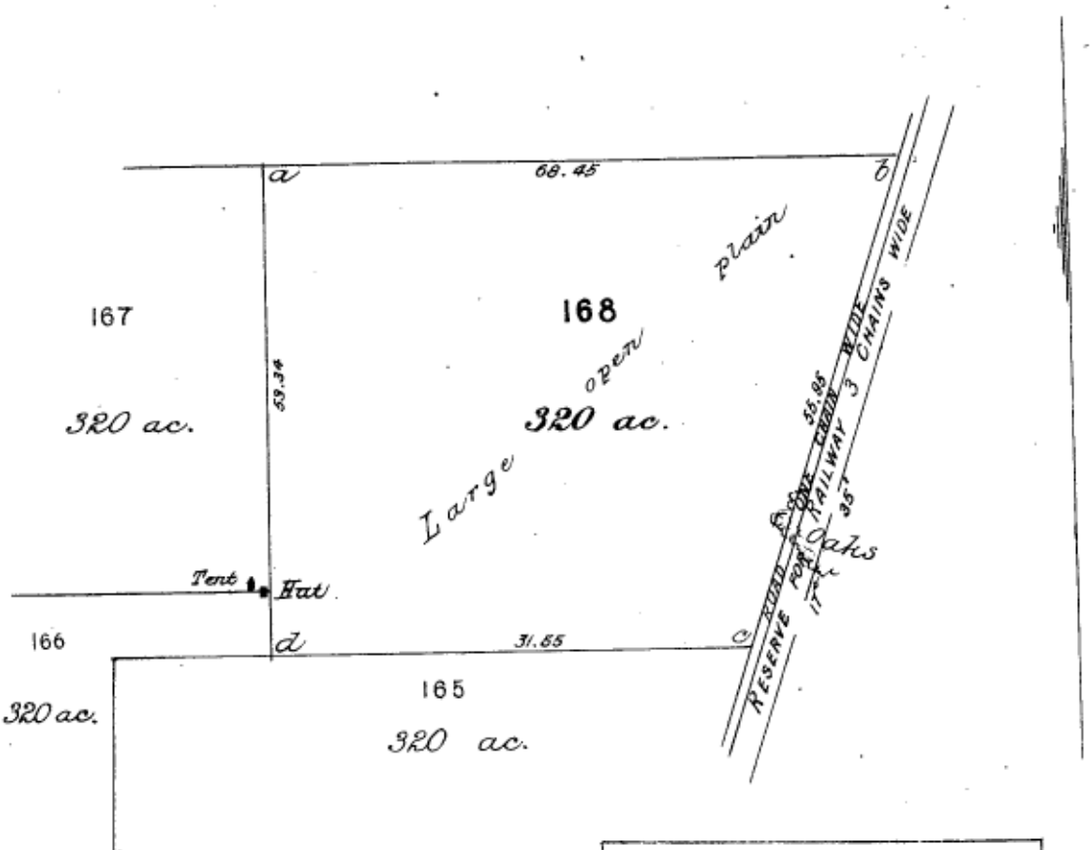
TRACING

Shewing Portion 168 in the

PARISH OF BAMA, COUNTY OF CADELL.

Forfeited Con. Pur. of Sophia Joachim.

Scale 20 chains to an inch.



Reference to Corners.				
Corner.	Bearing.	From.	Links.	No. on Tree.
	Posts at all corners.			

(Signed) F. G. Finley, L.S.

Cat. No. C176. 1917

(Big 562)

APPENDIX G. [*Enclosure A to No. 17.*]

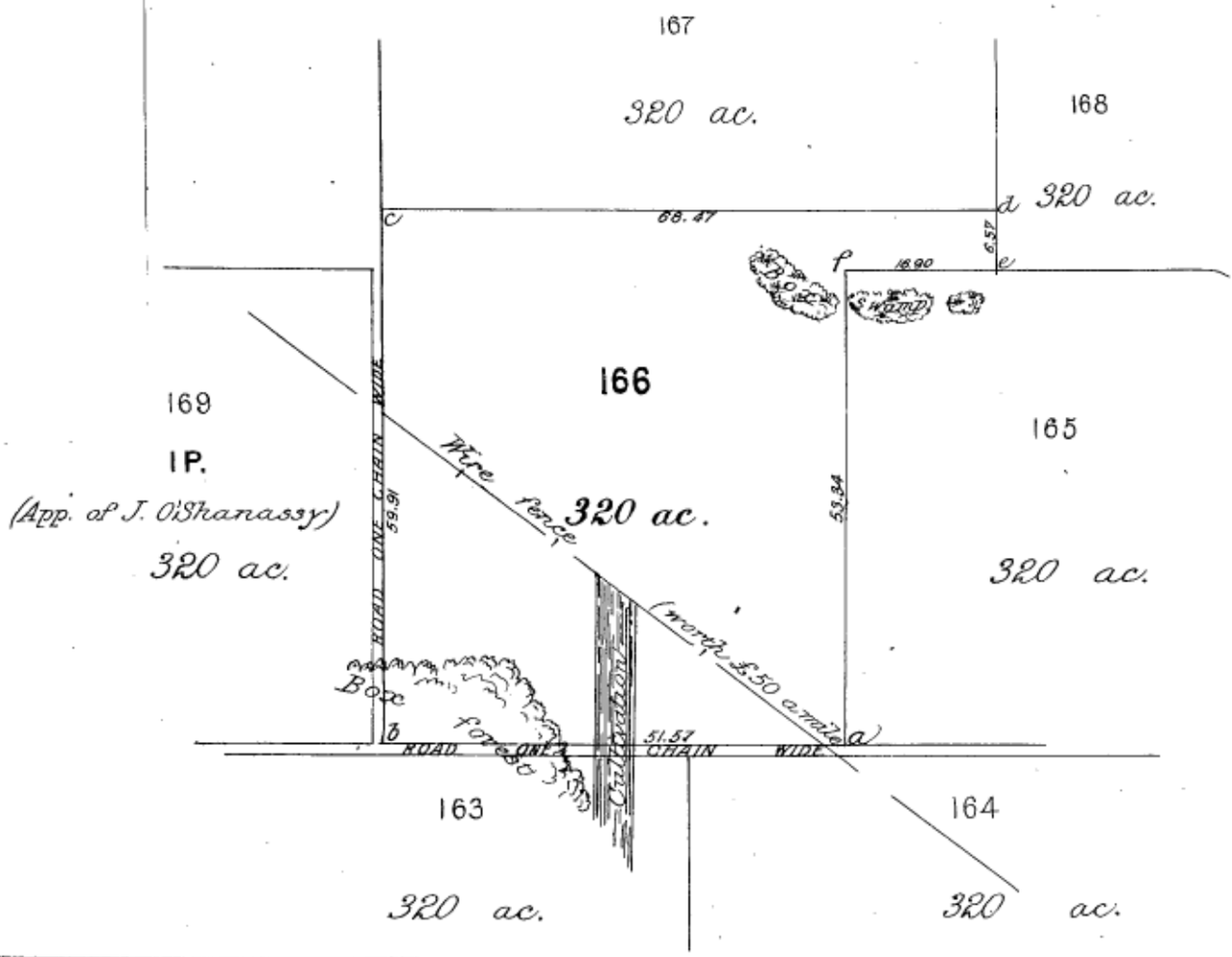
TRACING

Shewing Portion 166 in the

PARISH OF BAMA, COUNTY OF CADELL.

Forfeited Con. Pur. of Selina Joachim.

Scale 20 chains to an inch.



Reference to Corners.				
Corner.	Bearing.	From.	Links.	No. on Tree.
a	.	*Post*	.	*166.165*
b	*35° 15*	*Box*	*46*	*166*
c	*Post*	*at corner*	.	*166.167*
d		*do*	.	" "
e		*do*	.	" *168*
f		*do*	.	" *165*

Cat. No. C. 174. 1817

(Sig. 562)

(Signed) F. G. Finley, L. S.

APPENDIX H.

[*Enclosure A to No.* 18.]

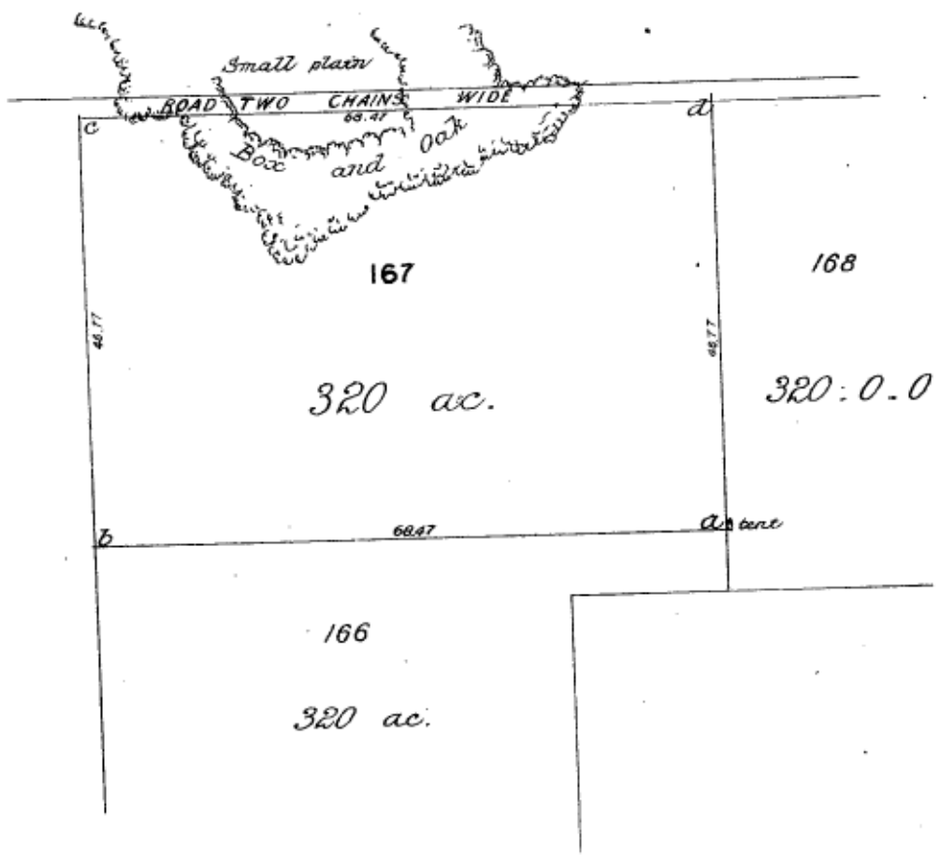
TRACING

Shewing Portion 167 in the

PARISH OF BAMA, COUNTY OF CADELL.

Forfeited Con.Pur. of John T. Joachim.

Scale 20 chains to an inch.



Reference to Corners.				
Corner.	Bearing.	From.	Links.	No. on Tree.
a	"	Post	"	166.167
b	"	do.	"	" "
c	"	do.	"	167
d	"	do.	"	167.168

(Signed) F. G. Finley, L.S.

(Sig. 562)

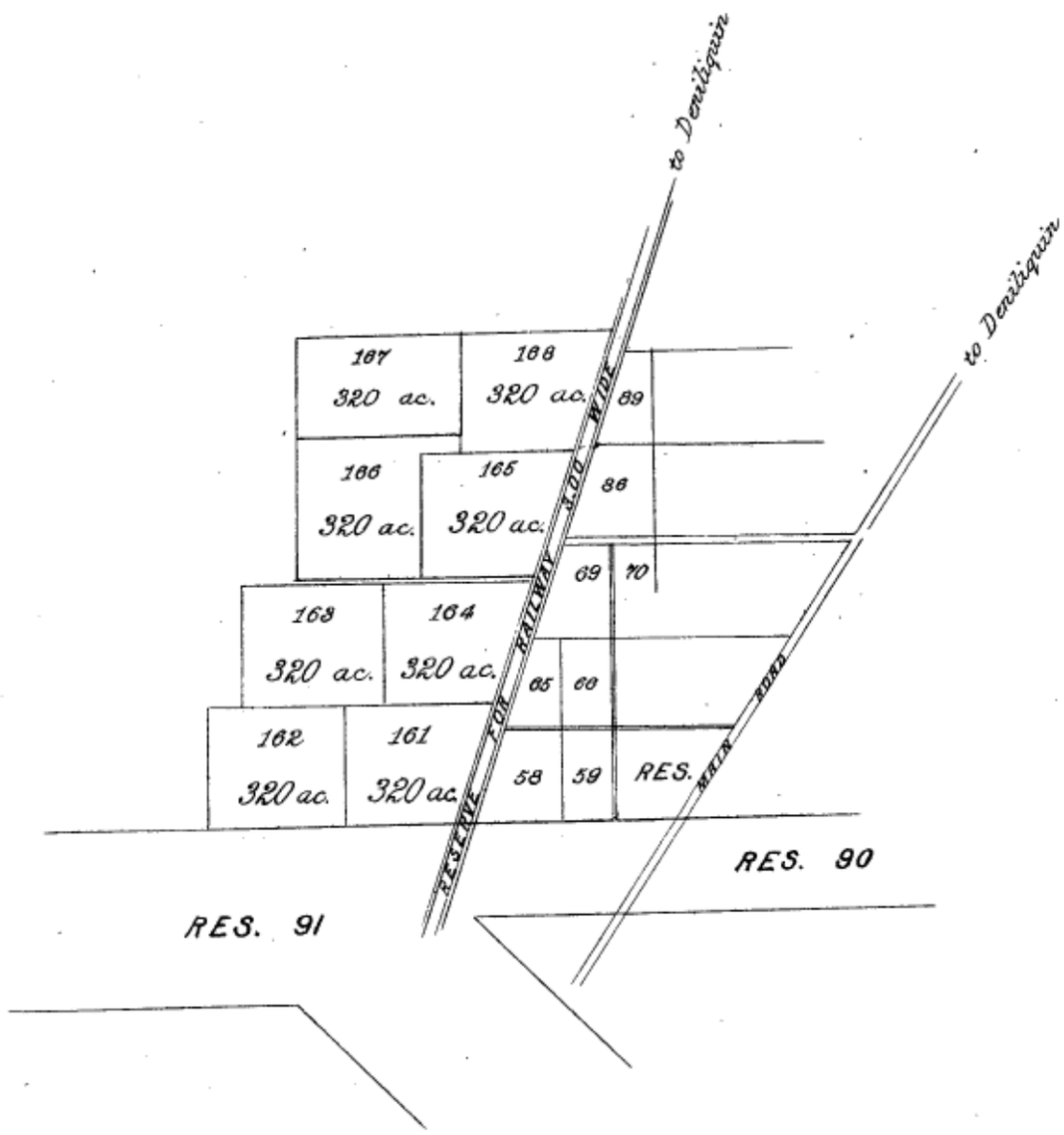
APPENDIX I. [*Sub-Enclosure to Enclosure No.* 19.]

TRACING

Shewing Portions in the

PARISH OF BAMA, COUNTY OF CADELL.

Scale 20 chains to an inch.



(Sig. 562)

1873.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

LAND AGENT AND CLERK OF PETTY SESSIONS AT CASINO.

(COPIES OF CHARGES AGAINST.)

Ordered by the Legislative Assembly to be printed, 5 December, 1873.

No. 1.

TELEGRAM from MR. ROBT. G. BALMER to THE MINISTER FOR LANDS, SYDNEY.

LAND sale advertised eleven (11) o'clock; no agent present; people waiting.

The Land Agent to be informed that he has been reported by Mr. R. G. Balmer as being absent from the sale of Crown Lands advertised to have been held at Casino on the 23rd instant, and asked for an explanation as to the cause of his absence.—W.C.E., 24 Sept.

Yes.—W.W.S., 24 Sept.

Informed by telegram, copy of which cannot be obtained.

No. 2.

MR. R. G. BALMER to THE MINISTER FOR LANDS.

Richmond River Express Printing Office,
Casino, 23 September, 1872.

SIR,

Referring to a telegram forwarded by me to-day, I have the honor to explain my reason for so doing. In my capacity as a journalist I attended at the Court House at 12 noon, the usual hour at which land sales are held in Casino—although the hour stated in the *Gazette* is 11 (eleven) o'clock—and there was no Land Agent present, consequently the sale could not be carried on at the proper hour. Several parties present drew my attention to the state of affairs, and requested me to notice the absence of the Land Agent, in the next issue of the *Express;* but knowing that anything which may appear in a newspaper is very seldom noticed by those in power, I took what I thought was the right step, and forwarded the telegram referred to. No. 1.

I believe the Land Agent arrived at his office at about fifteen minutes past 1 o'clock, and the land was offered for sale at twenty minutes to 2 o'clock.

Were this an exceptional case I should not draw your attention to it, but as the C.P.S. and Land Agent here seems to act as he thinks proper, without respect to any of those in authority over him, I think (and indeed, all whose business compels them to attend at either of these offices agree with me) that it is high time a *stop* should be put to these irregularities of a daily occurrence. It is necessary for me to state that there is a wide-spread feeling of dissatisfaction throughout the district at the manner in which business is conducted at the Land Office. Parties having to ride some 20 and 30 miles to do business, and finding on their arrival that the Land Agent is at dinner between the hours of 2 and 3 p.m., instead of being in his office. In the mornings the office is never open before 10 o'clock, and sometimes 11, 12, and often later.

I have therefore to request, on behalf of the public, that you will be pleased to furnish me with a copy of the circular (if any) referring to the hours which the office is supposed to be open for publication; also, that you will cause such inquiries to be made as shall be the means of the Government offices in this township and district becoming, not the laughing-stock of the community, but places where business will be conducted in the regular hours, and where equal respect will be paid to the hard-plodding free-selectors as to those of more nominal class—*the squatter*.

I have written this in as plain a manner as a working-man can do. If I have trespassed upon any of the rules of official etiquette, I beg to be excused, as, in communicating with you on this subject, I believe I am conferring a benefit on many poor men in this district.

I have, &c.,
ROBERT GORDON BALMER,
Proprietor, *Richmond River Express.*

(Minute on No. 2.)

Perhaps this might be referred to the Police Magistrate, Casino, as it refers to Mr. Stratford in his capacity as C.P.S. as well as Land Agent. With regard to the land sales, the agent should, no doubt, be in attendance to conduct them at the time they are advertised by this Department to take place.—W. W. STEPHEN, B.C., 4 October, 1872.

To be returned.

No. 3.

TELEGRAM from THE LAND AGENT, CASINO, to THE UNDER SECRETARY FOR LANDS.

LAND sale was held by me on Monday at the usual time; proceeds, two hundred thirty-seven pounds (237) ten (10) shillings, now on the way to Treasury. Mr. Balmer is a person of no great repute here, and his statement mere personal ill feeling.

No. 4.

MEMO. FROM POLICE MAGISTRATE, CASINO.

Casino, 18 October, 1872.

No. 2. MEMO.—I have no reason whatever to doubt the accuracy of the statements contained in Mr. Balmer's letter of the 23rd ultimo.

Complaints have frequently been made to me respecting Mr. Stratford's irregularity in opening the office, in his dual capacity of Clerk of Petty Sessions and Land Agent.

These complaints caused me, some time ago (and again more recently on the 30th August) to address him a memo., calling his attention to the necessity of opening his office at the hour prescribed in the circular issued by the Hon. the Colonial Secretary.

JOHNSON GEO. KING, P.M.

I think that the Land Agent should be apprised to the effect of the Police Magistrate's statement, as to his unpunctuality in attending at the Land Office, and informed that it is imperative that when the Government advertise a land sale at a specified time he should be there at that time to conduct it.—W.W.S., 12 Nov.

Approved.—J.S.F., 14/11/72.

No. 5.

THE UNDER SECRETARY FOR LANDS to THE LAND AGENT, CASINO.

Department of Lands,
Sydney, 16 November, 1872.

SIR,

I am to apprise you that the Police Magistrate at Casino confirms the statement made by Mr. Balmer, as to your irregularity in opening your office, in your capacity as Land Agent at Casino; and the Minister for Lands directs me to inform you that it is imperative when the Government advertise a land sale at a specified time that you should be there at that time to conduct it.

I have, &c.,
OSBORNE RICH,
(For Under Secretary).

No. 6.

MR. R. G. BALMER to THE SECRETARY FOR LANDS.

Richmond River Express Printing Office,
Casino, 25 November, 1872.

SIR,

No. 2. Referring to a letter written by me on the 23rd September last, referring to the absence of the Land Agent from the land sale held on that day, and the late hour at which the sale was held—in that letter I complained of the Land Agent's conduct, but received no reply.

I have the honor to request, if it is customary in Government Departments, that in order to enable me to rebut any statements made by the Land Agent, that I may be furnished with a copy of the statement made by that gentleman in reference to the complaint made by me on that occasion, without having to request the Member for the Electorate to obtain it for the public and myself, through the Legislative Assembly, by the usual motion.

I may state that I am aware Government officials are in the habit, when charges are laid against them, of ridiculing those whose duty it is to do so, especially in cases like the present.

I have, &c.,
ROBT. G. BALMER,
Proprietor *R. R. Express.*

(Minute on No. 6.)

Inform for approval that the complaint was forwarded for the report of the Police Magistrate, Casino, and he reported without sending in any statement of the Land Agent. The decision on that report was communicated to the writer.—O.R., 5 Dec., /72.

No. 7.

No. 7.

THE UNDER SECRETARY FOR LANDS to MR. R. G. BALMER.

Department of Lands,
Sydney, 30 November, 1872.

SIR,

In reference to your letter of the 23rd September, complaining of the irregular attendance at his office of the Land Agent at Casino, I am directed by the Minister for Lands to inform you that the Land Agent has been censured, and informed that it is imperative that when the Government advertise a land sale at a specified time he should be there at that time to conduct it. No. 2.

I have, &c.,
OSBORNE RICH,
(For Under Secretary).

No. 8.

MR. R. G. BALMER to THE UNDER SECRETARY FOR LANDS.

Express Office, Casino,
9 December, 1872.

SIR,

Referring to your letter of the 30th November, I beg to state that I am perfectly satisfied with the step you have taken in the matter of my complaint, and also beg to withdraw letter on subject written you for last week. No. 7.

I beg to thank you for the prompt manner in which you attended to my complaint, to express a hope that the C.P.S. and Land Agent at Casino will take a lesson therefrom.

I have, &c.,
ROB. G. BALMER,
Sole Proprietor, *R. R. Express.*

No. 9.

THE UNDER SECRETARY FOR LANDS to MR. R. G. BALMER.

Department of Lands,
Sydney, 11 December, 1872.

SIR,

Referring to your letter of the 25th ultimo, requesting that you may be furnished with a copy of the statement made by the Land Agent at Casino, respecting your complaint of his conduct, I am directed to inform you that your complaint was forwarded for the report of the Police Magistrate at Casino, and he reported without sending any statement of the Land Agent. No. 6.

2. I am to add that the decision on that report was communicated to you on the 30th ultimo. No. 7.

I have, &c.,
OSBORNE RICH,
(For Under Secretary).

Sydney: Thomas Richards, Government Printer.—1873.

[3*d.*]

1873–4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

MR. H. E. STRATFORD.

(CHARGES AGAINST, AS CROWN LANDS AGENT AND CLERK OF PETTY SESSIONS AT CASINO.)

Ordered by the Legislative Assembly to be printed, 1 *April*, 1874.

RETURN (in part) to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 20 January, 1874, That there be laid upon the Table of this House,—

> " Copies of all Charges and Complaints made against Mr. H. E. Stratford, " both in his capacity as Crown Lands Agent and Clerk of Petty Sessions " at Casino, up to the 31st December last, together with all Correspondence, " Minutes, and Papers relative thereto."

(Mr. Bawden.)

SCHEDULE.

NO.		PAGE.
1.	Telegram from Mr. R. G. Balmer to the Minister for Lands, stating that no Land Agent was present at land sale advertised to take place at Casino on 22nd September, at 11 a.m. Minute thereon. 23 September, 1872	2
2.	Letter from same to same, explaining reason for forwarding No. 1 minute thereon. 23 September, 1872	2
3.	Telegram from Under Secretary for Lands to Land Agent, Casino, on the subject, and requesting explanation. 24 September, 1872	2
4.	Telegram from Land Agent, Casino, to Under Secretary for Lands, in reply to No. 3. 25 September, 1872	2
5.	Memo. of Police Magistrate, Casino, to Minister for Lands, reporting on the conduct of Mr. Stratford, Land Agent, Casino, with minute thereon. 18 October, 1872	3
6.	Mr. R. G. Balmer to Minister for Lands, respecting his complaint, with minute thereon. 25 November, 1872	3
7.	Under Secretary for Lands to Land Agent, Casino, informing him that the Police Magistrate at Casino confirms Mr. Balmer's statement, and also, that it is imperative to conduct land sale at specified time. 26 November, 1872	3
8.	Under Secretary for Lands to Mr. R. G. Balmer, in reply to No. 2. 30 November, 1872	3
9.	Mr. R. G. Balmer to Minister for Lands, in answer to No. 8. 9 December, 1872	4
10.	Under Secretary for Lands to Mr. Balmer, in reply to No. 6. 11 December, 1872	4
11.	Question asked by Mr. Cunneen, in the Legislative Assembly on the subject, with minute thereon. 5 December, 1873	4
12.	Under Secretary for Lands to Land Agent, Casino, asking for an explanation of the matters referred to in above. 18 December, 1873	4
13.	Land Agent, Casino, to Under Secretary for Lands, in reply to No. 12. 12 January, 1874	5

MR. H. E. STRATFORD.

No. 1.

TELEGRAM FROM MR. R. G. BALMER to THE SECRETARY FOR LANDS.

LAND sale advertised eleven (11) o'clock—no agent present—people waiting.

THE Land Agent to be informed that he has been reported by Mr. R. G. Balmer as being absent from the sale of Crown Lands advertised to have been held at Casino on the 23rd instant, and asked for an explanation as to the cause of his absence.—W.C.E., 24/9/1872. Yes.—W.W.S.

No. 2.

MR. R. G. BALMER to THE SECRETARY FOR LANDS.

"*Richmond River Express*,"
Printing Office, Casino,
23 September, 1872.

SIR,

No. 1. Referring to a telegram forwarded by me to-day, I have the honor to explain my reason for so doing. In my capacity as a journalist I attended at the Court House at 12 noon (the usual hour at which land sales are held in Casino, although the hour stated in the *Gazette* is 11 o'clock), and there was no land agent present, consequently the sale could not be carried on at the proper hour. Several parties present drew my attention to the state of affairs, and requested me to notice the absence of the land agent in the next issue of the *Express*, but knowing that anything which may appear in a newspaper is very seldom noticed by those in power, I took what I thought was the right step, and forwarded the telegram referred to.

I believe the Land Agent arrived at his office at about 15 minutes past 1 o'clock, and the land was offered for sale at 20 minutes to 2 o'clock.

Were this an exceptional case I should not draw your attention to it, but as the C.P.S. and Land Agent here seems to act as he thinks proper without respect to any of those in authority over him, I think (and indeed all whose business compels them to attend at either of these offices agree with me) that it is high time a stop should be put to these irregularities of daily occurrence.

It is unnecessary for me to state that there is a wide-spread feeling of dissatisfaction throughout the district at the manner in which business is conducted at the land office: parties having to ride twenty and thirty miles to do business, and finding on their arrival that the Land Agent is at dinner between the hour of 2 and 3 p.m., instead of being in his office. In the mornings the office is never open before 10 o'clock, and sometimes 11, 12, and often later.

I have therefore to request, on behalf of the public, that you will be pleased to furnish me with a copy of the circular (if any) referring to the hours which the office is supposed to be open for publication; also, that you will cause such inquiries to be made as shall be the means of the Government Offices in this township and district becoming not the laughing stock of the community but places where business will be conducted in the regular hours, and where equal respect will be paid to the hard-plodding free selector as to those of more nominal class—the squatter.

I have written this in as plain a manner as a working man can do. If I have trespassed upon any of the rules of official etiquette I beg to be excused, as in communicating with you on this subject I believe I am conferring a benefit on many poor men in this district.

I have, &c.,
ROBERT GORDON BALMER.
Proprietor, *R. R. Express.*

Perhaps this might be referred to the Police Magistrate, Casino, as it refers to Mr. Stratford in his capacity as C.P.S., as well as Land Agent. With regard to the land sales the agent should, no doubt, be in attendance to conduct them at the time they are advertised by this department to take place.—W.W.S., B.C., 4 October, 1872.

No. 3.

TELEGRAM FROM THE UNDER SECRETARY FOR LANDS to THE LAND AGENT, CASINO.

Sydney, 24 September, 1872.

YOU have been reported by Mr. R. G. Balmer absent from the sale of Crown Lands, advertised to be held by you at Casino yesterday. An explanation as to the cause of your absence is requested. Reply quickly.

No. 4.

TELEGRAM FROM THE LAND AGENT, CASINO, to THE UNDER SECRETARY FOR LANDS.

LAND sale was held by me on Monday at the usual time—proceeds, two hundred and thirty-seven pounds ten shillings; now on the way to Treasury. Mr. Balmer is a person of no great repute here, and his statement mere personal ill-feeling.

No. 5.

No. 5.

THE POLICE MAGISTRATE, CASINO, to THE SECRETARY FOR LANDS.

MEMO. Casino, 18 October, 1872.

I HAVE no reason whatever to doubt the accuracy of the statements contained in Mr. Balmer's letter of the 23rd ultimo. See No. 2.

Complaints have frequently been made to me respecting Mr. Stratford's irregularity in opening the office in his dual capacity of Clerk of Petty Sessions and Land Agent.

These complaints caused me some time ago (and again more recently on the 30th August) to address him a memo., calling his attention to the necessity of opening his office at the hour prescribed in the circular issued by the Honorable the Colonial Secretary.

JOHNSON G. KING, P.M.

I think that the Land Agent should be apprised to the effect of the Police Magistrate's statement as to his unpunctuality in attending at the land office, and informed that it is imperative that when the Government advertise a land sale at a specified time he should be there at that time to conduct it.—W.W.S., 12 Nov., 1872.

Approved.—J.S.F., 14/11/72.

No. 6.

MR. R. G. BALMER to THE SECRETARY FOR LANDS.

"*Richmond River Express*,"
Printing Office, Casino,
25 November, 1872.

SIR,

Referring to a letter written by me on the 23rd September, reporting the absence of the Land Agent from the land sale held on that day, and the late hour at which the sale was held; in that letter I complained of the Land Agent's conduct, but received no reply. No. 2.

I have the honor to request—if it is customary in Government Departments—that in order to enable me to rebut any statements made by the Land Agent that I may be furnished with a copy of the statements made by that gentleman in reference to the complaint made by me on that occasion without having to request the Member for the electorate to obtain it for the public and myself through the Legislative Assembly, by the usual motion.

I may state that I am aware Government officials are in the habit, when charges are laid against them, of ridiculing those whose duty it is to do so, especially in a case like the present.

I have, &c.,
ROBT. G. BALMER,
Proprietor of *R. R. Express*.

Inform for approval that the complaint was forwarded for the report of the Police Magistrate, Casino, and he reported without sending in any statements of the Land Agent. The decision on that report was communicated to the writer.—O.R., 5 Dec., 1872.

No. 7.

THE UNDER SECRETARY FOR LANDS to THE LAND AGENT, CASINO.

Department of Lands,
Sydney, 26 November, 1872.

SIR,

I am to apprise you that the Police Magistrate at Casino confirms the statement made by Mr. Balmer as to your irregularity in opening your office in your capacity as Land Agent at Casino, and the Minister for Lands directs me to inform you that it is imperative when the Government advertise a land sale at a specified time that you should be there at that time to conduct it.

I have, &c.,
OSBORNE RICH,
(For Under Secretary.)

No. 8.

THE UNDER SECRETARY FOR LANDS to MR. R. G. BALMER.

Department of Lands,
Sydney, 30 November, 1872.

SIR,

In reference to your letter of the 23rd September last, complaining of the irregular attendance at his office of the Land Agent at Casino, I am directed by the Minister for Lands to inform you, that the Land Agent has been censured, and informed that it is imperative that when the Government advertise a land sale at a specified time he should be there at that time to conduct it. No. 2.

I have, &c.,
OSBORNE RICH,
(For Under Secretary.)

No. 9.

No. 9.

MR. R. G. BALMER to THE SECRETARY FOR LANDS.

Express Office, Casino,
9 December, 1872.

SIR,

Referring to your letter of 30th November, I beg to state that I am perfectly satisfied with the step you have taken in the matter of my complaint, and also beg to withdraw letter on subject, written you last week.

I beg to thank you for the prompt manner in which you attended to my complaint to express a hope that the C.P.S. and Land Agent at Casino will take a lesson therefrom.

I have, &c.,
ROBT. G. BALMER,
Sole proprietor *R. R. Express.*

No. 10.

THE UNDER SECRETARY FOR LANDS to MR. R. G. BALMER.

Department of Lands,
Sydney, 11 December, 1872.

SIR,

No. 6. Referring to your letter of the 25th ultimo, requesting that you may be furnished with a copy of the statement made by the Land Agent at Casino, respecting your complaint of his conduct, I am directed to inform you that your complaint was forwarded for the report of the Police Magistrate at Casino, and he reported without sending any statement of the Land Agent.

2. I am to add that the decision on that report was communicated to you on the 30th ultimo.

I have, &c.,
OSBORNE RICH,
(For the Under Secretary.)

No. 11.

QUESTION ASKED BY MR. CUNNEEN IN THE LEGISLATIVE ASSEMBLY.

Friday, 5 December, 1873.

Question:—Clerk of Petty Sessions and Land Agent at Casino:—Mr. Cunneen asked the Secretary for Lands, pursuant to Notice,—

(1.) Has he any objection to lay upon the Table of this House, copies of any charges of neglect of duty made against the Clerk of Petty Sessions and Land Agent at Casino during the years 1871-2-3, with the reports of the Bench of Magistrates upon the same?

(2.) Is he aware that the Land Agent at Casino is in the habit of charging free selectors a fee of 2s. 6d. for every declaration made in accordance with the 18th clause of the "Crown Lands Alienation Act of 1861"?

(3.) If so, by what authority is such charge made?

(4.) Is he aware that the Land Agent at Casino refuses to allow the proprietor of the *Richmond River Express* to take a list of the conditional purchases made each land office day, for the purpose of publishing the same in the said newspaper for the information of intending selectors and the public in general?

(5.) If so, has he any objection to instruct the said Land Agent to allow such a list of conditional purchases to be taken for the purpose stated?

Mr. Farnell answered,—

(1.) I will lay the papers upon the Table this afternoon.

(2.) No.

(3.) No.

(4.) No.

(5.) There can be no objection to information of this character being obtained for publication on application.

Will any communication be made on the subject to the Land Agent in question?—O.R., 10/12/73.

Yes; ask the Land Agent to reply to the facts herein alluded to, giving at the same time an explanation for the information of the Minister for Lands.—A.O.M., 10/12/73.

No. 12.

THE UNDER SECRETARY FOR LANDS to THE LAND AGENT, CASINO.

Department of Lands,
Sydney, 18 December, 1873.

SIR,

See No. 11. In forwarding you a copy of the Questions to which an answer was given in the Legislative Assembly on the 5th instant, I am directed by the Minister for Lands to request you to forward a reply as to the facts alluded to therein, giving at the same time an explanation of the matters referred to for his information.

I have, &c.,
W. W. STEPHEN.

No. 13.

No. 13.

THE LAND AGENT, CASINO, to THE UNDER SECRETARY FOR LANDS.

Land Office, Casino,
12 January, 1874.

SIR,

In attention to your letter, numbered as per margin, forwarding for my report certain questions answered in the Legislative Assembly by the Honorable the Minister for Lands, I do myself the honor to explain, for his information, as follows :— 73-3036, M.L. No. 12.

1. Having reported at length upon every charge of alleged neglect of duty, of which I have been made aware, I conclude that I need not again do so, unless there is any specific matter upon which the Honorable the Minister requires further information.

2. As Commissioner for Affidavits, I am in the habit of charging 2s. 6d. for every affidavit made before me, according to a published scale of fees allowed to Commissioners of Affidavits, viz., 2s. for affidavit, and 6d. for marking exhibit, which means in these cases the filling in of the entire document. When the declaration is brought to me already filled up and made, of course I charge nothing. This amount of 2s. 6d. is charged for the same purpose at every land office in the Colony as far as I have been able to discover.

3. By the authority of the Supreme Court, as above pointed out.

4. The proprietor of the *Richmond River Express* had full access to the books of this office, for the purposes of publication, until I found that in no instance did he ever publish correct information, thereby causing me much unnecessary correspondence, through the readers of his paper writing continually to me—some to know if his information was correct ; others complaining of its incorrectness. Every blunder he made I, of course, had to set right with each correspondent, and at length, after warning him, I was obliged to close the books to Mr. Balmer, as I found that what he has been pleased to call "*information* to intending selectors and the public in general," was in fact merely misinformation, which served neither the public nor the Government.

5. I have now an additional reason for not allowing Mr. Balmer any rights or even indulgence in connection with the records of my office, in the fact that he has thought fit in malice and revenge to publish persistently all sorts of libellous abuse of me in my official capacity, and has never ceased in striving to create prejudice against me at head quarters by numerous frivolous complaints. The consequence of the offensive published matter is, that after taking proper legal advice I have *two* actions for libel now pending against Mr. Balmer,—one in the District Court and one criminally,—and it is only left to me to hope that the result of one or other of these actions will have the effect of protecting me for the future from the mischievous malignity of this person.

I have, &c.,
H. E. STRATFORD.

Sydney : Thomas Richards, Government Printer.—1874.

[6*d*.] 505—B

1873–4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

WESTERN DISTRICT SURVEY OFFICE.

(REMOVAL OF, FROM BATHURST TO ORANGE.)

Ordered by the Legislative Assembly to be printed, 27 *March*, 1874, A.M.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 24 February, 1874, That there be laid upon the Table of this House,—

"Copies of all Correspondence, Reports, Minutes, and other documents "having reference to the removal of the Western District Survey Office "from Bathurst to Orange."

(Mr. Combes.)

SCHEDULE.

NO.		PAGE.
1.	Memorandum from Surveyor General to Under Secretary for Lands, relative to the removal of the District Survey Office from Bathurst to Orange. 24 September, 1873	2
2.	J. C. M'Lachlan to Surveyor General. 6 October, 1873	2
3.	Minute of the Surveyor General. 6 October, 1873	2
4.	Surveyor General to Mr. C. H. Bolton, Acting District Surveyor, informing him that the Minister for Lands has approved of the removal of said office; with two enclosures. 27 October, 1873	2

WESTERN DISTRICT SURVEY OFFICE.

No. 1.

THE SURVEYOR GENERAL to THE UNDER SECRETARY FOR LANDS.

ON a recent visit to Bathurst I found it would be necessary to find another building for the District Survey Office; and, as none suitable could be found, it occurred to me that it would be a favourable opportunity to remove the office to Orange, where it will be more centrally situated for the work. The necessity for the removal of the office further west will increase with railway communication, which practically brings Bathurst more near to head quarters; and, further, the alienation of land in the west is vastly on the increase.

P.F.A.,
24 Sept.

Appd.—J.S.F., 11/10/73.

No. 2.

MR. J. C. M'LACHLAN to THE SURVEYOR GENERAL.

Orange, 6 October, 1873.

MY DEAR SIR,

Could you favour me with any information as to the probability of your requiring the offices you spoke about when you were in Orange a short time ago?

If I am to build, it is of the utmost importance that operations should soon be commenced; at all events the timber ought to be ordered at once.

I am sorry to trouble you, but my time for making arrangements is limited.

Yours truly,
JNO. C. M'LACHLAN.

No. 3.

MINUTE OF THE SURVEYOR GENERAL.

WHEN the authority for the removal of the D.S. Office to Orange is accorded, let this note* be sent, with the instructions thereof, to Mr. Bolton.

I think the offer of Mr. M'Lachlan to build an office will probably be found to be the best that will be made; and, as he desires to impose no conditions, I think Mr. Bolton should take an early opportunity of adopting it.

P.F.A.

* Note written to-day to Mr. M'L.—P.F.A.

* The note embodied the matter referred to in the memo. to Mr. Bolton.—P.F.A.

No. 4.

THE SURVEYOR GENERAL to MR. ACTING DISTRICT SURVEYOR BOLTON.

Surveyor General's Office,
Sydney, 27 October, 1873.

SIR,

The Honorable the Minister for Lands having, upon the Surveyor General's recommendation, been pleased to approve of the removal of the District Survey Office from Bathurst to Orange, I am directed to inform you of the fact, and also to enclose for your guidance a note upon this subject from Mr. M'Lachlan, with the Surveyor General's minute indorsed thereon.

See No. 2.
See No. 3.

I am, &c.,
R. D. FITZGERALD,
(For Surv. Genl.)

Sydney: Thomas Richards, Government Printer.—1874.

[3d.]

1873–4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

SURVEY OF LANDS.

(STATISTICS RESPECTING APPLICATIONS FOR.)

Ordered by the Legislative Assembly to be printed, 14 *April*, 1874.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 25 November, 1873, That there be laid upon the Table of this House,—

" (1.) A Return,—showing the number of applications for the survey of " lands to be put up by auction since the 1st January, 1870, to 31st " October last.

" (2.) The number of lots surveyed and offered at auction for same period.

" (3.) The number of such lots sold when offered.

" (4.) The number of such lots conditionally purchased before offered for " sale at auction and after, respectively, during same period.

" (5.) The number of such lots selected at the upset price, without con- " ditions of residence and improvement.

" (6.) The number of such lots remaining unsold at 31st October last.

" (7.) The average cost per acre of surveying such lands."

(Mr. Garrett.)

SURVEY OF LANDS.

1. The number of applications for the survey of lands to be put up by auction since the 1st January, 1870, to 31st October, 1873.

2. The number of lots surveyed and offered at auction for same period.

3. The number of such lots sold when offered.

4. The number of such lots conditionally purchased before offered for sale at auction and after, respectively, during same period.

5. The number of such lots selected at the upset price, without conditions of residence and improvement.

6. The number of such lots remaining unsold at 31st October last.

7. The average cost per acre of surveying such lands.

1..... 1,907.
2.....20,700.
3.....10,789.
4..... 2,074; 785 before offered; 1,289 after.
5..... 1,194.
6..... 6,643.
7.....1/6$\frac{5}{8}$.

Department of Lands,
Sydney, 14th April, 1874.

Sydney: Thomas Richards, Government Printer.—1874.

[3*d*.]

1873–4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

SURVEYORS AND CROWN RUN APPRAISERS.

(CIRCULARS ISSUED TO.)

Ordered by the Legislative Assembly to be printed, 16 *June*, 1874.

No. 1.

(Circular.)

Surveyor General's Office,
Sydney, 18 February, 1874.

SIR,

Misapprehension exists with some surveyors as to their duties in reporting residence upon C.P.'s, and for your guidance I have to make the following observations:—

Before reporting residence you will satisfy yourself that the applicant makes the land his *bonâ fide home;* and you will bear in mind that, for the purposes of the Alienation Act of 1861, he can have but one home.

Your most particular attention is therefore drawn to those cases where several members of a family take conditional purchases adjoining each other, and where several conditional purchases are made by persons in the employment of one person.

You will not content yourself with merely ascertaining that at the time of survey the applicant was on the ground, and had built a hut on it; but should also observe if the hut is of a kind likely to be the home of a person in the applicant's station in life, and if it is supplied with furniture, cooking utensils, &c., suited to the applicant's station.

Whenever you are in doubt as to the *bonâ fides* of the residence of an applicant, you should state it, giving your reasons in full detail, in order that the Minister for Lands, in forming his judgment, may be in possession as fully of the facts as if he had been himself on the ground.

Although the Minister may not cause the forfeiture of the deposit in any particular case, you are not, as I have reason to believe has not unfrequently been the case with surveyors, to consider that you have exceeded your duty in bringing the matter under notice, nor should you be deterred from submitting subsequent cases in like manner.

When the applicant is a child of tender years, or a spinster, and his or her guardian does not reside on the land, the circumstances should be stated, as it seems improbable that in such a case the residence can be *bonâ fide*.

When you may observe that a conditional purchaser, previously reported as resident by yourself or another surveyor, has ceased to be resident within three years from date of purchase, you should at once report afresh, giving full particulars.

For such reports you will be allowed payment according to the scale of fees stated in the general instructions, should there appear to be sufficient grounds for such report.

I am, &c.,
P. F. ADAMS,
Surveyor General.

Mr. Licensed Surveyor

No. 2.

(Circular.)

Surveyor General's Office,
Sydney, 18 February, 1874.

SIR,

In reporting the value of improvements on conditional purchases, or portions applied for in right of improvements, you should take into account the amount for which such improvements could be placed on the ground by a contractor. If they consist of wooden buildings, fences, or other improvements of like character, their value will diminish with their age, and a proportionate deduction is to be made in your estimate. Thus, a fence which would have originally been likely to have lasted twenty (20) years, and at the time of inspection is twelve (12) years old, is only worth eight-twentieths of what a new fence would cost.

Sapping trees, clearing undergrowth, and other improvements tending to increase the stock-carrying capabilities of the land, are only to be valued at their probable cost.

Whenever it may come within your knowledge that little or no improvements have been made upon a conditional purchase upon which the declaration of residence may be shortly due, you will report the circumstance to me, in order that a further report may be obtained, if deemed necessary, before the Minister records his final adoption of the declaration.

I have reason to believe that in many cases the evils of evasion of the Act might be effectually met by a rigorous inspection of the improvements made on conditional purchases, and I expect you to do your utmost to furnish such information as will enable the Minister to cause to be forfeited all conditional purchases in which the conditions have not been fulfilled.

I am, &c.,
P. F. ADAMS,
Surveyor General.

Mr. Licensed Surveyor

No. 3.

THE OFFICER IN CHARGE, OCCUPATION OF LANDS, to THE COMMISSIONERS OF CROWN LANDS.

Occupation of Lands,
Sydney, 7 April, 1874.

SIR,

In view of the duties on which you are presently about to enter as Appraiser, on behalf of the Government, of the fair annual value of runs, the leases of which fall in at the end of the current year, I have the honor to invite your attention to the enclosed copy of a memorandum submitted to the Honorable the Minister for Lands and approved by him, having reference to the inadequate revenue derived from lands leased for pastoral purposes beyond the Settled Districts.

I have, &c.,
A. O. PRETIOUS,
Officer in charge.

[*Enclosure.*]

MEMORANDUM.

THERE can be but little question that ordinarily the present rental of land held under pastoral lease beyond the Settled Districts very inadequately represents its fair annual value for grazing purposes.

In many cases indeed it may be considered as a merely nominal equivalent.

As all station property has considerably advanced in value since the date on which the leases falling in this year were last appraised, I think that, without in any way fettering the discretion of the Government Appraisers, who are doubtless alive to these facts, it may be well to advise them that the Government fully contemplate a considerable increase of revenue from this source.

When presently entering on the exercise of their functions, no effort on their part should be spared to realize this anticipation.

A.O.P.,
23rd March, 1874.

Approved.—J.S.F., 1/4/74.

Sydney: Thomas Richards, Government Printer.—1874.

[3*d*.]

1873.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

JOHN ROCHE ARDILL.

(PETITION FROM—RESPECTING CANCELLATION OF TENDER, &c.)

Ordered by the Legislative Assembly to be printed, 7 November, 1873.

To the Honorable the Legislative Assembly of New South Wales, in Parliament assembled.

The humble Petition of John Roche Ardill, a Licensed Surveyor of New South Wales,—

RESPECTFULLY SHOWETH:—

That your Petitioner in the year 1866 tendered for a certain portion of Crown Lands, namely 19,200 acres, then vacant in the Pastoral District of the Lachlan for pastoral purposes, paying at the time a deposit of £2 10s.

That the said tender was accepted by the Government, but subsequently the local Commissioner for Crown Lands reported to the Government that there was no vacant Crown Lands in the neighbourhood, and in consequence of this report, though incorrect in every respect, and notwithstanding that your Petitioner made a professional survey of the land, showing, beyond the possibility of a doubt, that the land was vacant, yet the Government on the veracity of this report reversed the acceptation of your Petitioner's tender, and condemned the survey.

That by a return furnished to the Committee of your Honorable House, now sitting to enquire into and report upon the working of the Land Laws (*Vide Appendix* A 2, to Report of the Committee, dated the 24th April, 1873), showed that the land was vacant at the time your Petitioner tendered for it, and that some years after your Petitioner's tender the run was added to the Condobonlin Run, which addition doubled the area of that run, that is, made it 38,400 acres instead of 19,000 acres, the original area.

That by the said cancellation of your Petitioner's tender your Petitioner lost about three thousand pounds, and your Petitioner prays that your Honorable House may be pleased to take these premises into your consideration, and grant relief.

And Petitioner, as in duty bound, will ever pray.

JOHN ROCHE ARDILL,
L.S.

Molong, 13 October, 1873.

[3d.] 205—

1873–4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

WILLIAM DUNN.

(PETITION OF.)

Ordered by the Legislative Assembly to be printed, 20 *March*, 1874.

To the Honorable the Legislative Assembly of New South Wales, in Parliament assembled.

The humble Petition of William Dunn, now residing at Paddington, near Sydney, in the Colony of New South Wales, a British subject, although a coloured man,—

RESPECTFULLY SHOWETH:—

First. That in the year 1823 your Petitioner's wife (then Elizabeth Blaxcell, a coloured woman) became entitled, by custom then existing, to a grant of either 30 acres of land in the country, or a half acre town allotment, she having arrived in the Colony of New South Wales a free colonist from India, many years previously, in Her Majesty's Ship "Samarang," Commander Case, when a very young girl.

Secondly. That the said Elizabeth Blaxcell (afterward Elizabeth Dunn) was married to your Petitioner at St. Phillip's Church, Sydney, on the 8th day of August, 1823.

Thirdly. That prior to her marriage the said Elizabeth Blaxcell lived several years in the service of His Excellency the then Governor General Macquarie, who took occasion on the eve of his departure from the Colony to inform her of the fact that she would be entitled to a grant of land upon her marriage and settling in this Colony.

Fourthly. Pursuant to such direction your Petitioner's wife, by your Petitioner, forwarded a Petition to the then Governor General, Sir Thomas Brisbane, praying for a grant of land; and your Petitioner was on one occasion personally informed by His Excellency that his wife's application should be granted.

Fifthly. That your Petitioner being directed by a letter from the Surveyor General's Department to make a selection, did so accordingly, by pointing out a spot off Kent-street, near the Flag-staff, which selection, half an acre in extent, was measured to him in right of his wife, by Mr. Mien, the then Deputy Surveyor General; and the corners of the said selection were then and there stated, by direction of the then Deputy Surveyor General, and your Petitioner thereupon partially fenced in the said half an acre of land.

Sixthly. That your Petitioner and his wife subsequently resided for some years in the country, during which time he made no use of the said land, and owing to his ignorance of its importance or its necessity he made no application for the deed of grant or otherwise in respect to the said land, believing that a record of the fact in the Surveyor General's Department was sufficient, and all that was necessary to secure to him the right and title to and possession of the said land.

Seventhly. That during your Petitioner's residence in the country the fencing placed by your Petitioner upon the land was, by some persons, or other means unknown to him, removed, and consequently on his return to Sydney, after the death of his wife, your Petitioner was unable to identify the boundaries of the said land, and upon taking steps to get the same defined, he found that no record could be discovered in the Surveyor General's Office by which the boundaries could be determined; but your Petitioner found upon one of the earlier charts a plot of ground delineated similar in size and position to that selected by him, which was marked on such chart as reserved, and from which your Petitioner believes his name has been by some accident omitted; and your Petitioner also found that the land in the vicinity had in the mean time been alienated from the Crown, and finally, that your Petitioner had no means of legally establishing his right to obtain the necessary title to the said land (although grounding his claim upon the fact of possession having been given to him he considers himself seised and possessed of the said land), except by appeal to your Honorable House.

Eighthly and lastly. Your Petitioner deeply laments his want of knowledge at the proper time, of what was necessary to be done by him to avoid the difficulty which has arisen, and also that so much time should have elapsed without his taking the prompt and proper steps to secure his title to the said land.

Your Petitioner therefore humbly prays your Honorable House to take all these circumstances into consideration, and be pleased to direct an inquiry into the subject, so as to discover what was officially done by command of His Excellency the then Governor in respect of your Petitioner's late wife's Petition, presented in the year 1825. And your Petitioner prays your Honorable House to grant him such redress as from the premises may appear just and expedient.

And your Petitioner, as in duty bound, will ever pray.

WILLIAM DUNN.

1873–4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

MR. THOMAS GORDON GIBBONS DANGAR.

(PETITION OF.)

Ordered by the Legislative Assembly to be printed, 7 May, 1874.

To the Honorable the Legislative Assembly, in Parliament assembled.

The Petition of Thomas Gordon Gibbons Dangar, of Bullerewa, Wee Waa, in the Colony of New South Wales, Grazier,—

RESPECTFULLY SHOWETH:—

Your Petitioner has observed with considerable alarm that by several notices emanating from the Crown Lands Department, dated respectively the sixteenth and thirtieth of October, 1860, he has been deprived of a considerable portion of his Bunnawannah and West Bunnawannah Runs, situated on the north bank of the Barwin River, in the District of Warrego, by their alienation by license to meet the tenders of Messrs. G. W. Lord, Samuel Smith, and George Lee, for Georgy East, in the District of Wellington, Georgy and Biree, and Kunreeberee East, in the District of Warrego, and begs to lay a statement before your Honorable House.

That the Bunnawannah Run was originally taken up by Messrs. Evans and subsequently forfeited, and ultimately taken up by your Petitioner.

That the Messrs. Evans, when they took up the Bunnawannah Run, commenced from a tree marked WL, the western boundary of Mohanna Run, as originally marked under the old Regulations, by order of the late Mr. William Lawson.

That the Mohanna Run has always been occupied from the earliest formation of the run from the junction of the Bokira with the Barwin to the said WL tree, as may be gleaned from the remains of the yard and hut that were originally erected near this spot, and can be proved by the testimony of those who originally formed the station.

That the Messrs. Evans, when they formed the station of Bunnawannah, commenced from the WL tree, the acknowledged boundary of the old Mohanna Run, and claimed down the Barwin, to the junction of the Culgoa or Bree, as indicated by a tree marked $\frac{\text{MD}}{\text{JIE}}$.

That your Petitioner subsequently purchased the right, title and interest of Mr. W. B. Tooth to the Upper Turee and Turee Runs, adjoining Bunnawannah.

That your Petitioner upon visiting Bunnawannah, observed that the distance between the Western boundary of the Bunnawannah Run and the $\frac{\text{MD}}{\text{JIE}}$ tree was greater than estimated by Messrs. Evans.

That your Petitioner, fearing that some dispute might arise as regarded the excess of country, tendered for all the vacant land between the western boundary of Bunnawannah and the eastern boundary of Upper Turee, under the name of West Bunnawannah, and which was not supposed to be much more than five miles, which tender was accepted by the Government, and which run your Petitioner has held possession of and kept stocked and occupied up to the present time.

That the Chief Commissioner of Crown Lands and the Land Board have decided contrary to justice and to my great injury to disturb my eastern boundary of Bunnawannah to a point on the Barwin, six or seven miles nearer the junction of the Bokira, to make space on a map for the lands tendered for as Georgy and Georgy East, that being considered by them to be the western boundary of the Mohanna Run, instead of the said WL tree, notwithstanding that there is not even the actual distance of twelve miles required for the frontage of the Mohanna Run between the Bokira and the WL tree.

That your Petitioner claims for his Bunnawannah Run from the said WL tree, and not from the recent boundaries resolved upon by the Chief Commissioner of Crown Lands, and positively confirmed after patient consideration by the Land Board upon false premises and prejudiced reports.

That your Petitioner asserts, that by the description of his accepted tender for West Bunnawannah, there is no vacant land between the western boundary of Bunnawannah and the eastern boundary of Upper Turee.

That your Petitioner conceives that he has a claim under the Orders in Council, and by virtue of his accepted tender for West Bunnawannah, to any excess of country less than sufficient for a run that may be found to exist between the western boundary of Bunnawannah and the eastern boundary of Upper Turee; and that by paying up arrears of rent and assessment for the same he ought not to be deprived of it, his intention to obtain the whole of the land between the western boundary of Bunnawannah and Upper Turee being fully borne out by his description of West Bunnawannah, inserted in his tender for the same.

Your

Your Petitioner begs to draw attention to the fact that G. W. Lord, the lessee of a portion of his West Bunnawannah Run, has become the lessee of several large tracts of country on the Culgoa or Bree, contrary to the Orders in Council, as being in excess of area permitted by the Regulations, and dispossessed others who had tendered some years previously in consequence of their having tendered in a wrong district; and yet the said G. W. Lord tendered for, and had his name gazetted as the lessee of a portion of your Petitioner's runs as Georgy East, in the district of Wellington, whereas the said land is situated in the district of Warrego, which leads your Petitioner to believe that justice has not been done him.

That your Petitioner has been subjected to further vexation by the acceptance of two tenders for two runs, named respectively Biree and Kunreeberee East, the latter tendered for as "Kunreeberee," and as no doubt identical with Kunreeberee, accepted in favour of Evans on the north side of the Bree, and altered to Kunreeberee East by the local Commissioner, and made to embrace country at the back of Bunnawannah; the run of Biree would cut off a considerable portion of the Bunnawannah Run if the area of the said run of Biree were to be satisfied; and your Petitioner urges that as there is not sufficient space by fully twelve square miles for the run of Biree—that it ought to merge into the Bunnawannah Run, a part of which it has always been considered.

That your Petitioner having caused a survey to be made of his run and the adjacent country, finds that there is barely one square mile to meet the tender for Georgy East, and that the intervening space between, ten miles below the WL tree and the east boundary of Upper Turee, is insufficient for a run or to meet the tender for Georgy, independent of its being embraced within the boundaries of your Petitioner's licensed run of West Bunnawannah.

Your Petitioner, feeling aggrieved at the injustice that has been done him, appeals to your Honorable House, and prays that a thorough investigation may be made as regards the facts of the case, and that such relief may be afforded to him as to your Honorable House may seem meet.

THOS. G. DANGAR.

[3*d*.] Sydney: Thomas Richards, Government Printer.—1874.

1873–4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

THIRD PROGRESS REPORT FROM THE SELECT COMMITTEE

ON

ADMINISTRATION OF THE LAND LAW;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND

APPENDIX.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
24 *June*, 1874.

SYDNEY: THOMAS RICHARDS, GOVERNMENT PRINTER.

1874.

124—*a*

[4*s*. 6*d*.]

1873–4.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY.

VOTES No. 4. FRIDAY, 12 SEPTEMBER, 1873.

9. ADMINISTRATION OF THE LAND LAW:—Mr. Cunneen moved, pursuant to Notice,—
(1.) That a Select Committee be appointed, with power to send for persons and papers, to inquire into and report upon the administration and working of the Crown Lands Alienation and Occupation Acts of 1861.
(2.) That such Committee consist of Mr. Farnell, Mr. John Robertson, Mr. Macleay, Mr. Creed, Mr. Garrett, Mr. Rodd, Mr. Tunks, Mr. Lucas, Mr. Stewart, and the Mover.
(3.) That the Progress Reports and Evidence on the same subject, laid upon the Table of this House, and ordered to be printed on the 6th August, 1872, and 24th April, 1873, be referred to the said Committee.
Question put and passed.

VOTES No. 44. FRIDAY, 21 NOVEMBER, 1873.

4. ADMINISTRATION OF THE LAND LAW ("*Formal*" *Motion*):—*Mr. Piddington*, on behalf of Mr. Cunneen, moved, pursuant to Notice, That leave be given to the Select Committee on "Administration of the Land Law" to sit during any adjournment of the House.
Question put and passed.

VOTES No. 157. WEDNESDAY, 24 JUNE, 1874.

2. ADMINISTRATION OF THE LAND LAW:—Mr. Cunneen, as Chairman, brought up a Third Progress Report from, and laid upon the Table the Minutes of Proceedings of, and of Evidence taken before, the Select Committee for whose consideration and report this subject was referred on 12th September, 1873, together with Appendix.
Ordered to be printed.

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1873–4.

ADMINISTRATION OF THE LAND LAW.

THIRD PROGRESS REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, appointed on the 12th September, 1873, "*with power to send for persons and papers, to inquire into and report upon the administration and working of the Crown Lands Alienation and Occupation Acts of* 1861, to whom were referred, on the same day, *the Progress Reports and Evidence on the same subject, laid upon the Table of this House, and ordered to be printed on the 6th August,* 1872, *and 24th April,* 1873, and to whom was given, on the 21st November, 1873, *leave to sit during any adjournment of the House,*"—have agreed to the following further Progress Report:—

Your Committee have to report that they have examined the witnesses named in the List,* and are prevented from finally reporting by the non-production of the returns referred to in the evidence of Mr. Blackman.

* See List, page 10.

Your Committee therefore report the evidence to your Honorable House, recommend that it be printed, and that the inquiry be resumed early in the next Session of Parliament.

J. A. CUNNEEN,
Chairman.

No. 2 Committee Room,
Sydney, 24th June, 1874.

1873–4.

PROCEEDINGS OF THE COMMITTEE.

FRIDAY, 19 *SEPTEMBER*, 1873.

MEMBER PRESENT:—

Mr. Cunneen.

In the absence of a Quorum, the meeting called for this day lapsed.

TUESDAY, 23 *SEPTEMBER*, 1873.

MEMBERS PRESENT:—

Mr. Cunneen, | Mr. Stewart,
Mr. John Robertson.

Mr. Cunneen called to the Chair.

Entry from Votes and Proceedings, appointing the Committee and referring Papers, *read* by the Clerk.

Progress Reports and Evidence on the same subject laid on the Table of the House, and ordered to be printed on the 6th August, 1872, and 24th April, 1873, and referred to the Committee, before the Committee.

Committee deliberated.

Ordered,—That William Hay, Esq., M.P., be requested to give evidence next meeting.

Re-assembling of the Committee to be arranged by the Chairman.

[Adjourned.]

FRIDAY, 26 *SEPTEMBER*, 1873.

MEMBERS PRESENT:—

Mr. Cunneen, | Mr. Stewart.

In the absence of a Quorum, the meeting called for this day lapsed.

WEDNESDAY, 1 *OCTOBER*, 1873.

MEMBERS PRESENT:—

Mr. Cunneen in the Chair.

Mr. Stewart, | Mr. Rodd.

William Hay, Esq., M.P., called in and examined.

Witness withdrew.

Committee deliberated.

Ordered,—That Michael Fitzpatrick, Esquire, M.P., be requested to give evidence next meeting.

[Adjourned to Friday next, at *half-past Two* o'clock.]

FRIDAY, 3 *OCTOBER*, 1873.

MEMBERS PRESENT:—

Mr. Cunneen in the Chair.

Mr. Stewart, | Mr. Tunks,
Mr. Rodd.

Michael Fitzpatrick, Esq., M.P., called in and examined.

Witness withdrew.

Committee deliberated.

Ordered,—That Michael Fitzpatrick, Esquire, M.P., be requested to give further evidence next meeting.

Re-assembling of Committee to be arranged by the Chairman.

[Adjourned.]

THURSDAY,

THURSDAY, 9 *OCTOBER*, 1873.

MEMBERS PRESENT:—

Mr. Cunneen in the Chair.

Mr. Stewart, | Mr. Tunks.

Michael Fitzpatrick, Esq., M.P., called in and further examined.
Witness withdrew.
W. A. Broadribb, Esq., called in and examined.
Witness *handed in* a letter, addressed to the Minister for Lands, from a number of gentlemen representing themselves to be Crown tenants in the Lachlan and Murrumbidgee Districts, which was ordered to be appended. (*See Appendix* A.)
Witness withdrew.
Committee deliberated.
Re-assembling of Committee to be arranged by the Chairman.

[Adjourned.]

TUESDAY, 14 *OCTOBER*, 1873.

MEMBERS PRESENT:—

Mr. Cunneen, | Mr. Rodd.

In the absence of a Quorum, the meeting called for this day lapsed.

THURSDAY, 16 *OCTOBER*, 1873.

MEMBERS PRESENT:—

Mr. Cunneen in the Chair.

Mr. Stewart, | Mr. Rodd.

The Honorable John O'Shanassy called in and examined.
Witness *handed in* Form of Application under Victorian Land Act, which was ordered to be appended. (*See Appendix* B.)
Witness withdrew.
Committee deliberated.
Re-assembling of Committee to be arranged by the Chairman.

[Adjourned.]

THURSDAY, 20 *NOVEMBER*, 1873.

MEMBERS PRESENT:—

Mr. Cunneen in the Chair.

Mr. Stewart, | Mr. Lucas,
Mr. Farnell.

A Jameson, Esq. (*a Delegate from the Murray River Selectors Association*), called in and examined.
Witness *handed in* three tracings, which were ordered to be appended. (*See Appendices* C 1, 2, & 3.)
Witness withdrew.
Committee deliberated, and decided to adjourn to *Three* o'clock this day; then to further examine Mr. Jameson.

[Adjourned.]

Committee re-assembled pursuant to adjournment.
A. Jameson, Esq., further examined.
Witness withdrew.
Committee deliberated.
Ordered,—That A. Jameson, Esq., and J. F. Mayger, Esq., be summoned to give further evidence next meeting.

[Adjourned to To-morrow, at *Eleven* o'clock.]

FRIDAY, 21 *NOVEMBER*, 1873.

MEMBERS PRESENT:—

Mr. Cunneen in the Chair.

Mr. Stewart, | Mr. Lucas,
Mr. Tunks, | Mr. Rodd.

A Jameson, Esq., called in and further examined.
Witness withdrew.
Committee deliberated and decided to adjourn to *Three* o'clock this day; then to examine Mr. Mayger.

[Adjourned.]

Committee re-assembled pursuant to adjournment.
J. F. Mayger, Esq. (*a Delegate from the Murray River Selectors Association*), called in and examined.
Witness *handed in* a letter from Lands Department in reference to the Occupation of Crown Lands by minors.
Witness withdrew.
Committee deliberated.
Re-assembling of the Committee to be arranged by the Chairman.

[Adjourned.]

MONDAY,

MONDAY, 24 *NOVEMBER*, 1873.

MEMBERS PRESENT:—

Mr. Cunneen in the Chair.

Mr. Stewart, | Mr. Lucas.

Entry from Votes and Proceedings, granting leave to the Committee to sit during any adjournment of the House, *read* by the Clerk.

J. F. Mayger, Esq., called in and further examined.

Witness *handed in* several plans and drawings which were ordered to be appended. (*See Appendices* D 1, 2, *and* 3.)

Witness withdrew.

Committee deliberated,

Ordered,—That J. F. Mayger, Esq., be summoned to give further evidence next meeting.

[Adjourned to To-morrow, at *Eleven* o'clock.]

TUESDAY, 25 *NOVEMBER*, 1873.

MEMBERS PRESENT:—

Mr. Cunneen in the Chair.

Mr. Stewart, | Mr. John Robertson,
Mr. Macleay, | Mr. Lucas.

Committee deliberated and decided to adjourn to *half-past Two* o'clock this day; then to further examine Mr. Mayger.

[Adjourned.]

Committee re-assembled pursuant to adjournment.

J. F. Mayger, Esq., called in and further examined.

Witness *handed in* three plans, which were ordered to be appended. (*See Appendices* D 4, 5, and 6.)

Witness withdrew.

Committee deliberated.

Re-assembling of the Committee to be arranged by the Chairman.

[Adjourned.]

WEDNESDAY, 26 *NOVEMBER*, 1873.

MEMBERS PRESENT:—

Mr. Gunneen in the Chair.

Mr. Stewart, | Mr. Rodd.

The witness summoned for to-day not being in attendance, Committee deliberated.

Ordered,—That J. F. Mayger, Esq., be summoned to give further evidence next meeting.

[Adjourned to To-morrow, at *half-past Two* o'clock.]

THURSDAY, 27 *NOVEMBER*, 1873.

MEMBERS PRESENT:—

Mr. Cunneen in the Chair.

Mr. Stewart, | Mr. Rodd,
Mr. Tunks.

J. F. Mayger, Esq., called in and further examined.

Witness withdrew.

Committee deliberated.

Re-assembling of the Committee to be arranged by the Chairman.

[Adjourned.]

MONDAY, 1 *DECEMBER*, 1873.

MEMBERS PRESENT:—

Mr. Cunneen, | Mr. Stewart.

In the absence of a Quorum, the meeting called for this day lapsed.

TUESDAY, 2 *DECEMBER*, 1873.

MEMBERS PRESENT:—

Mr. Cunneen, | Mr. Stewart.

In the absence of a Quorum, the meeting called for this day lapsed.

WEDNESDAY,

WEDNESDAY, 3 *DECEMBER*, 1873.

MEMBERS PRESENT:—

Mr. Cunneen in the Chair.

Mr. Lucas, | Mr. Stewart,
Mr. Rodd, | Mr. Farnell.

Mr. John Black called in and examined.
Witness withdrew.
Mr. F. W. Rutter called in and examined.
Witness *handed in* tracing of land bought by J. K. Clark on Melville Run, which was ordered to be appended. (*See Appendix* E.)
Committee deliberated.
Ordered,—That P. A. Jennings, Esq., be summoned to give evidence next meeting.

[Adjourned to To-morrow, at *half-past Two* o'clock.]

THURSDAY, 4 *DECEMBER*, 1873.

MEMBERS PRESENT:—

Mr. Cunneen in the Chair.

Mr. Rodd, | Mr. Tunks,
Mr. Stewart.

P. A. Jennings, Esq., called in and examined.
Witness withdrew.
Committee deliberated.
Resolved,—"That Mr. Jennings be furnished with a copy of the evidence given before this Committee by Mr. Mayger."
Ordered,—That P. A. Jennings, Esq., be summoned to give further evidence next meeting.

[Adjourned to Monday next, at *half-past Two* o'clock.]

MONDAY, 8 *DECEMBER*, 1873.

MEMBERS PRESENT:—

Mr. Cunneen in the Chair.

Mr. Rodd, | Mr. Stewart.

P. A. Jennings, Esq., called in and further examined.
Witness withdrew.
Committee deliberated.
Re-assembling of the Committee to be arranged by the Chairman.

[Adjourned.]

WEDNESDAY, 10 *DECEMBER*, 1873.

MEMBERS PRESENT:—

Mr. Cunneen in the Chair.

Mr. Creed, | Mr. Stewart.

Mr. Daniel M'Keown called in and examined.
Witness withdrew.
Mr. Charles M'Keown called in and examined.
Witness withdrew.
Mr. F. W. Rutter, called in and further examined.
Witness *produced* map of Moama, County of Cadell.
Witness withdrew.
Committee deliberated.

[Adjourned to To-morrow, at *half-past Two* o'clock.]

THURSDAY, 11 *DECEMBER*, 1873.

MEMBERS PRESENT:—

Mr. Cunneen, | Mr. Stewart.

In the absence of a Quorum, the meeting called for this day lapsed.

THURSDAY, 18 *DECEMBER*, 1873.

MEMBER PRESENT:—

Mr. Cunneen.

In the absence of a Quorum, the meeting called for this day lapsed.

MONDAY,

MONDAY, 22 *DECEMBER*, 1873.

MEMBERS PRESENT:—

Mr. Cunneen in the Chair.

Mr. John Robertson,	Mr. Rodd,
Mr. Stewart,	Mr. Macleay.

D. G. Jones, Esq., called in and examined.

Witness withdrew.

Mr. J. W. Ellis called in and examined.

Witness *produced* map of County of Townsend; also, several charts showing reserves on main road between Deniliquin and Wanganilla.

Committee deliberated.

Re-assembling of Committee to be arranged by the Chairman.

[Adjourned.]

WEDNESDAY, 14 *JANUARY*, 1874.

MEMBERS PRESENT:—

Mr. Cunneen in the Chair.

Mr. Lucas,	Mr. Garrett,
Mr. Farnell,	Mr. Rodd.

Chairman informed the Committee that he had received a telegram from Mr. Broughton, Land Agent at Deniliquin, requesting that he might be examined before the Committee.

Committee deliberated, and instructed the Clerk to telegraph to Mr. Broughton, and request him to attend immediately before the Committee as it was their desire to close the inquiry without unnecessary delay.

Committee deliberated.

Ordered,—That P. F. Adams, Esq., be summoned to give evidence next meeting.

[Adjourned to Friday next, at *Eleven* o'clock.]

FRIDAY, 16 *JANUARY*, 1874.

MEMBERS PRESENT:—

Mr. Cunneen in the Chair.

Mr. Lucas,	Mr. Stewart.

P. F. Adams, Esq. (*Surveyor General*), called in and examined.

Witness withdrew.

Clerk submitted telegram from Mr. Broughton, Land Agent, Deniliquin, requesting to be informed how soon he would have to be in Sydney.

Committee deliberated, and instructed the Clerk to inform him that the Committee would examine him on any day on which he could attend not later than next Tuesday week.

Re-assembling of the Committee to be arranged by the Chairman.

[Adjourned.]

FRIDAY, 30 *JANUARY*, 1874.

MEMBER PRESENT:—

Mr. Cunneen.

In the absence of a Quorum, the meeting called for this day lapsed.

TUESDAY, 3 *FEBRUARY*, 1874.

MEMBERS PRESENT:—

Mr. Cunneen,	Mr. Stewart,
	Mr. John Robertson.

The Chairman informed the Committee that Mr. Broughton had requested to be supplied with a copy of the evidence of Messrs. Jameson and Mayger.

Committee deliberated.

Resolved,—That the Clerk be instructed to furnish Mr. Broughton with a copy of the evidence of Messrs. Jameson and Mayger.

Mr. J. A. Broughton (*Land Agent, Deniliquin*) called in and examined.

Witness withdrew.

Committee deliberated.

Re-assembling of the Committee to be arranged by the Chairman.

[Adjourned.]

WEDNESDAY,

WEDNESDAY, 4 *FEBRUARY*, 1874.

MEMBERS PRESENT:—

Mr. Cunneen in the Chair.

Mr. Stewart, | Mr. Garrett.

Mr. James Litchfield called in and examined.
Witness withdrew.
Committee deliberated.
Re-assembling of the Committee to be arranged by the Chairman.
[Adjourned.]

WEDNESDAY, 27 *MAY*, 1874.

In the absence of a Quorum, the meeting called for this day lapsed.

TUESDAY, 2 *JUNE*, 1874.

In the absence of a Quorum, the meeting called for this day lapsed.

THURSDAY, 4 *JUNE*, 1874.

MEMBERS PRESENT:—

Mr. Cunneen in the Chair.

Mr. Stewart, | Mr. Tunks.

William Blackman, Esq., called in and examined.
Witness withdrew.
Committee deliberated.
Re-assembling of Committee to be arranged by the Chairman.
[Adjourned.]

THURSDAY, 18 *JUNE*, 1874.

MEMBER PRESENT:—

Mr. Cunneen.

In the absence of a Quorum, the meeting called for this day lapsed.

TUESDAY, 23 *JUNE*, 1874.

In the absence of a Quorum, the meeting called for this day lapsed.

WEDNESDAY, 24 *JUNE*, 1874.

MEMBERS PRESENT:—

Mr. Cunneen in the Chair.

Mr. John Robertson, | Mr. Stewart.

Chairman submitted Third Progress Report. Same *read* and *agreed to*.
Chairman to report to the House.

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1873.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

ADMINISTRATION OF THE LAND LAW.

WEDNESDAY, 1 *OCTOBER*, 1873.

Present:—

MR. RODD, | MR. STEWART,
MR. CUNNEEN.

JAMES AUGUSTINE CUNNEEN, ESQ., IN THE CHAIR.

William Hay, Esq., M.P., examined:—

W. Hay, Esq., M.P. 1 Oct., 1873.

1. *Chairman.*] I understand you have been connected with the occupation of Crown lands for some time? Yes, in New South Wales for the last ten years.
2. In what district? Partly in the Deniliquin Police District, and partly in the Albury Police District; my run is divided by the boundary.
3. Have you paid any attention to the working of the present Land Act? Yes, I have paid considerable attention to the working of the Land Act in this Colony as compared with the Land Acts of other Colonies, for I was under the Victorian Land Act before I came into New South Wales.
4. You are aware that the principal feature of our present Land Act is that any person may select land of an area of from 40 to 320 acres in any place? Yes, except within proclaimed reserves, and within certain population boundaries.
5. Do you think 320 acres ought to be the maximum extent allowed to be selected—do you think it is sufficient? It is sufficient for some; but there are others who would like more.
6. But as a policy? As a policy, along with a grass right, I think it is ample; but I should think double the area, with no grass right, would be far better than the present system of 320 acres, with a grass right of three times the extent of the selection, for this reason: that the grass right is seldom available, even at the start off, and they generally compound with the squatter for a smaller portion of grass right, and he guarantees them immunity from molestation as far as he is concerned; they fence in half or two-thirds and derive more benefit from that than they would from the whole grass right being left open and liable to invasion by the squatter's stock; so that I consider double the present area would be far better for them, without the grass right, than the 320 acres and three times the area, with the precarious tenure they have of grass rights at the present time.
7. Do I understand you then, that in your opinion 640 acres would be of more advantage to a conditional purchaser without a pre-emptive lease, than 320 acres with it? Yes, that is my opinion; that is with regard to the existing rights of Crown tenants. Of course you must understand that I have an eye to them. If we were legislating on a clean sheet, as it were, for the taking up of country that had not been improved by the outlay of capital, I should say the Government might give them four times as much; but that cannot be done without ignoring existing rights; the Crown tenants would think it unfair to them to give a larger area than I have said.
8. You are aware that under the present Land Alienation Act any person purchasing must reside within a month, and make certain improvements within three years. What is your opinion as to requiring residence? I think residence ought not to be abolished, whatever we may do with regard to improvement. My part of the country may be said to be a suburb of Melbourne, and, if residence were abolished, the country would be taken up in the names of men, women, and children, not with a view to reside upon the land or bring it under cultivation, but to make a profit by selling to the pastoral tenant or anyone who would buy them out; so that the public would lose the land without having the advantage of population, while at the same

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same time the Crown tenant would have to pay much larger sums to selectors for the land than he would pay to the State, or they would pay to the State.

9. Supposing a certain amount of money must be laid out upon the land, do you not think effective improvement would be more beneficial than vague residence? No; because the end and aim of the Land Act has been to acquire population. If the lands are to be parted with, it must be to induce the settlement of population, which would be a permanent improvement, and a permanent source of revenue from the dutiable goods consumed, whereas these improvements made without residence would be merely temporary, and the effecting of them would not permanently add to the population of the country.

10. Supposing a person of capital could employ a builder, a fencer, and a ploughman by his capital, in your opinion would not that be more beneficial than himself residing there. Would you set up mere residence against all these improvements? I question if these improvements would be effected. In Victoria, which is much more densely inhabited, and with a climate far better for a dense population than many parts of this Colony, a penalty of five shillings an acre has been imposed instead of improvements. Having that example before my eyes, I think people would take the land, but I think they would manage to evade the improvements; even if they did improve, they would bring labour from Victoria, and as soon as the improvements were effected the labourers would return. I am speaking with regard to my own part of the country.

11. As a practical man, in view of the settlement of the country outside any particular interest, do you think bare residence or improvement would be the greater advantage to this Colony? Residence is intended to imply that the parties residing should form part of the settled population of the country, and I think therefore that residence would be much more beneficial to the country than any temporary outlay. More than that, I ought to make you aware that my part of the country is purely pastoral, and that it is quite impossible to lay out any money on it in cultivation. It is neither adapted for the growth of cereals nor of artificial grasses; no kind of artificial grass is so good as the native grasses and herbs, for they (the artificial grasses) soon die out, and when the ground is ploughed the natural grasses are destroyed; so that I do not see how any money could be laid out, except at an absolute loss. With regard to buildings, I do not think it would be profitable, either for the man who builds a house, or for the country, that he should do so, unless he were going to reside in it.

12. Suppose a person of capital buys, under the present Land law, from 40 to 320 acres, he would fulfil the conditions if he resided upon his purchase—but supposing a person residing in a town were to select land and employ a builder, a fencer, and a ploughman, to improve the property for him, would it not be equally beneficial to the country? Decidedly, where he could do it profitably, and not for speculation; but the danger is that these things will run into speculation. For instance, I might say to some of the inhabitants of Deniliquin that I am acquainted with: "You come up on my run and select land; you do not want it yourselves, but you have the right to select; I will do the improvements for you, and afterwards I will give you five or ten shillings an acre profit on your bargain." That has been the case in Victoria.

13. Are you acquainted much with the business people in the rural towns of the Colony, such as Deniliquin and Moama. There are a number of people there making money out of keeping stores or hotels, and, having a profit to dispose of, they might wish to buy a certain extent of land;—can they do so under the present Land Act? No, no town resident can select, unless he ceases to live in the town, without he does it by vicarious selection, as I have known them to do.

14. That would be in contravention of the Land Act? Yes, it would be considered as evading the Act. It would be done in this way: A man residing in a town has a servant or a child, and he takes up a selection in his name and improves it according to the Land Act. That is done. Even inhabitants of Echuca—tradesmen residing on the Victorian side of the river—have selected land and fulfilled the conditions vicariously on our side.

15. Do you not think it desirable to allow every man who has capital, and who wishes to improve the land, to do so, to clear and cultivate it? Certainly, if it was not done for speculative purposes. The great difficulty is to prevent what is intended to be a boon to certain parties being converted by others into purposes of speculation.

16. On the whole, would you, as a practical resident of the Colony, advise that, if any new Land Act should be introduced, pre-leases should be abolished and the purchased area extended? Decidedly; I would advise the abolition of the grass right, because it is found to be very difficult to obtain, and it is becoming a source of contention and angry feeling between selectors now. Those selectors who came over in the first years of the Land Act had the first choice, and got a grass right over good country; but in course of time all the good land has been taken up on squatters' runs, and fresh selectors have to fall back on the grass rights of the earlier selectors; and this is giving rise to a great deal of angry feeling. Another consideration is, that grass rights, if made permanent, have a tendency to lock up, perhaps, the best parts of the country for settlement; for instance, one-fourth selected locks-up the remaining three-fourths as grass right.

17. As to sales by auction;—you are aware that a great number of applications are made to buy land by auction? Yes, within the last twelve months they have increased very much.

18. You are aware that applicants cannot apply for more than 320 acres in one lot? Yes.

19. And you are aware that when they buy this lot they have a right to a pre-emptive lease of three times the same quantity? Yes, a freeholder has.

20. Do you think that is likely to injure the value of the rest of the public estate—can it be worked so as to injure the value of the rest of the public estate, either for freehold or occupation? I think it is very injurious to settlement, and likewise to the value of the public estate, granting these large areas of pre-leases. If I were certain these pre-leases were to be permanent, I should buy one-fourth of my runs, and secure the remaining three-fourths of it by getting pre-leases.

21. Although persons may select within a pre-lease they cannot get a pre-lease within a pre-lease? No. The only inducement to select in my part of the country is getting the pre-lease. In pastoral country that is the great inducement.

22. Are you aware whether intended sales by auction of large areas of public lands are advertised in the public press, especially in the local papers? I do not think they are advertised by the Government in the local papers, but the local papers generally call attention to them.

23. I speak of paid advertisements? No, certainly not.

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24. Are plans of the land for sale accessible to intending purchasers? I hear complaints that the plans of the land for sale do not arrive till very shortly before the sales take place, and sometimes they are not comeatable by those that wish to purchase or select these lands.
25. Do you think it is desirable that the greatest possible publicity should be given, by advertisement and lithographs, to every sale of the public estate? Yes, decidedly, in the interest of the public.
26. Are you aware that great numbers of water, timber, and other reserves, have been declared upon the banks of the Murray and Murrumbidgee Rivers? Yes, I am aware that water reserves have been made, that is, reserves to enable stock from the back country to reach the waters of the river. Reserves of 1 mile in 4 were surveyed in 1863 along the Murray in the interests of the public; but where the lands between the reserves have been selected, that is, where the remaining 3 miles have been selected, these reserves have been cancelled and only a three-chain road left.
27. Are you aware that great numbers of reserves of many sorts—all the reserves permitted under the Crown Lands Acts—have been proclaimed on the Murray and Murrumbidgee water frontages? Yes. As far as water goes the reserve is generally 1 mile in 4. The first timber reserve was proclaimed on Messrs. M'Laurin's run in consequence of the land being selected by certain parties, and the timber exported from this country to India. It was thought necessary to save this valuable timber for national purposes. Representations were made to the Government here with regard to it, and the reserve was proclaimed for that ostensible object.
28. Are you aware who applied for its proclamation? I think the owners of the runs asked Mr. Jennings to get this portion of the Murray frontage proclaimed as a timber reserve.
29. Are you aware that in the first instance it was proclaimed for 2 miles back from the water frontage? I was not aware that it was proclaimed for 2 miles back, but I am aware that it was extended along the Murray frontage a certain length after the first proclamation.
30. Suppose it was extended back 4 miles instead of 2, do you think that was necessary for the preservation of the timber? I do not know the nature of the country 4 miles back from the river, whether it is red-gum timber or box; if it is red-gum it was legitimately proclaimed, but if there is no red-gum the reserve would not be necessary.
31. What is the effect of these reserves. Is it that while they are reserved from conditional purchase, and from the use and occupation of every other class, they are still at the disposal of the Crown tenant for grazing purposes? The timber is not, but the grass right is.
32. It means that they shall be shut out from conditional purchase? Yes.
33. Therefore the Crown tenants have an interest in applying for timber reserves? Yes; it was thought a good thing to do. I was going to apply myself for a timber reserve, but I found that the timber on my run was not of so valuable a nature that I could conscientiously ask to have it reserved.
34. A timber reserve is shut out from conditional purchase? Yes, and likewise from taking timber.
35. Do you think the Crown tenants have any influence in causing these reserves to be made? I think, whatever may have been the public interest in the matter, the suggestion for making these reserves was made entirely from another motive, because a great portion of this timber reserve had been surveyed to be put up to auction on the application of the Crown tenant, but the selectors came on it for timber purposes, and the consequence was that the only way of saving the Crown tenant from the objectionable presence of these people was to get it proclaimed as a timber reserve.
36. What do you mean by objectionable presence? These people did not wish to settle permanently upon the land; their only object was to cut down the timber and export it. Where this particular timber grows, the land is generally flooded in winter, and utterly unfit, on that account, for cultivation. It was merely taken possession of for the temporary purpose of taking the timber off.
37. *Mr. Stewart.*] Where was it exported to? To India *viâ* Victoria.
38. *Chairman.*] At whose instance were these timber reserves proclaimed. Was it because the surveyor, the Crown Lands Commissioner, or anybody else who represented the public, applied for them, or was it on account of the interest of the Crown tenant, who wanted to protect himself from conditional and other purchasers? I think the Crown tenant, not being able to secure himself by purchase, fell back upon this means of securing himself by getting the land proclaimed as a timber reserve.
39. I presume you have had some business at the local land offices;—do you know the state of the charts at these offices? I have been lately at the Albury land office, where the charts are very perfect and complete. The land sold up to a recent period is plotted on the maps. I am not aware how the Deniliquin land office is situated as to that, but about a month ago I was at the Albury land office, and to my surprise I found the maps almost plotted up to date—up to within six months at any rate.
40. What do they show? Conditional purchases, reserves, and boundaries of runs, with the names of the original selectors.
41. Are you aware that, under the "Crown Lands Alienation Act of 1861," certain lands are proclaimed as population areas? Yes, according to the population of the towns.
42. Are you aware that the population of Deniliquin, according to the last known census, was over 1,000? Yes, 1,100.
43. Are you aware that a population area, extending to 3 miles outside the town, was proclaimed as reserved for public purposes? Yes.
44. You are aware that within this population area nobody can conditionally purchase? Yes.
45. Are you aware that, nevertheless, the Crown tenant applied to have the land sold by auction? Yes, within 2 miles.
46. Are you aware that it was offered for auction? I am not aware whether the first application was within the population area, but the present application by Mr. Landale is within the population area.
47. He had it put up by auction? He applied for the survey of 2,800 acres.
48. Was it sold by auction? It has not been surveyed.
49. Has any land been purchased within the population area to your knowledge? Not to my knowledge.
50. Have you any opinion about it, as to whether any of this population area that was not open to conditional purchase was sold to a Crown tenant? I am not certain on the point, but I rather think there was a purchase made, at auction, of land that was not open to conditional purchase, some years ago.
51. Does the population of Deniliquin approve of that sort of thing? They do not approve of the present application, neither did they approve of the past. The Mayor has written to me on the subject.
52. Have they any good reason for not approving of it? They view it as an attempt to prevent the settlement of a suburban population near the town.

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53. If it can be ascertained as a fact that the Messrs. Landale have applied to the Government for a revocation of this population reserve, and have purchased it at auction while conditional purchasers could not purchase it, do you think that would carry out the spirit of the Land Act? No, I think not, and it would be very objectionable as a matter of public policy.

54. Are you aware whether, in any district you are locally acquainted with, not only population areas but temporary Common reserves have been sold, to the prejudice of travelling stock? Yes, the lands along the road from Deniliquin to Moama have been both sold at auction and selected to a very large extent.

55. Are you aware whether any persons in the Murray and Murrumbidgee Districts have purchased Volunteer land orders? I am aware of it by seeing the Press note when land is taken up by these land orders for 50 acres; every week there are three or four selections by Volunteer land orders.

56. What is your opinion as to the effect of these purchases;—do they in any way obstruct settlement? They are generally used by squatters for securing important points on their runs. It would not pay to buy land orders for £120 each and not take up first-class positions.

57. What is the area allowed to be selected under each Volunteer land order? 50 acres; but there seems to be an impression that they can add 270 to that and make it up to 320 acres, with a right to three times that quantity as a pre-lease.

58. That would make up 1,280 acres altogether? Yes.

59. If, as has been stated, there are about 2,400 of these Volunteer land orders to fall in within the next few years, that would represent the shutting out from conditional purchase about 3,000,000 of acres? Yes, between the freehold and the pre-lease.

60. Are you aware that what is called "dummyism" prevails to a great extent? It has always been complained of in my part of the country.

61. What is it generally understood to be in your part of the country? "Dummyism" is a wrong term altogether. The word first originated in Victoria under Duffy's Land Act, and it was generally supposed it applied where one person's name was used to acquire land for another; the person applying for the land was called the "dummy" of the other. I think the term "vicarious selection" would be a better one for it. If they were to use a fictitious name, then I could see the reason why it should be called "dummyism," but as the names are all real, I do not see that dummyism is an applicable term. There are various kinds of dummyism. The dummyism that I have seen most advantageously used is that dummyism where an owner of a run takes up land in the names of his overseers or servants; and where they are not particular with regard to residence or conditions, they generally acquire considerable areas by these persons making declarations without having complied with the conditions. My opinion is that if the conditions were complied with, selecting land in this way would be very unprofitable work. Many sensible people say it is the most expensive and uncertain way of acquiring land.

62. Do you think that is confined to pastoral leaseholders or conditional purchasers? It is not confined to pastoral leaseholders by any means. I have been the victim of dummyism myself in many ways. In one case a Victorian farmer came over and selected land on my run for himself and two brothers, and they fenced it in, but never lived there; if they had made the declaration they would have acquired the land, but they were unfortunately drowned in the "London." In another case, an old lady selected in the name of her youngest daughter. If she had selected in the name of her husband he might have died without a will, and the property would have gone from her; so she did it in the name of her youngest daughter. The daughter never resided, but I never interfered with them, because it was a case of *bonâ fide* occupation on the part of the father and mother.

63. Do you think dummyism is to any great extent interfering with the legitimate operation of the present Land laws? Yes, I think it is.

64. Could you point out to the Committee any means by which it could be avoided? If the dummy was made to fulfil the conditions of residence and improvement I think that would be the best way of stopping it, because then it would be found to be very unprofitable.

65. Could you offer any suggestions as to improvement on the present system as regards the sale and occupation of land? With regard to sale of land by auction, I think it would be a great improvement and a great saving of cost if it were surveyed in square miles instead of in blocks of 320 acres; and I think the area allowed to be selected should be raised to 640 acres also. Instead of leaving the amount of improvement, whatever it might be fixed at, to the conscience of a selector, I would have the improvements appraised. I would not require improvements to the extent of £1 an acre, because that may bind a man to lay out more money than is absolutely necessary; but I would make him fence it in. As the country is a pastoral country, I think it would take a great deal of the sting out of the Act if the selector were bound to put up a substantial fence, instead of laying out £1 an acre—a cattle proof fence on a cattle run, and a sheep-proof fence on a sheep run. He might be allowed, in some parts of the country, to select more than 640 acres; in purely pastoral country it might be extended to 1,000 acres. For instance, in the salt-bush country, which is purely pastoral, I would not allow minors to select under any future land legislation. I think selection in the names of minors is fraught with a great deal of perjury. In fact the whole Act is so. I know of most glaring cases of perjury. They get off with impunity in this world, and that remote punishment which is expected to follow in the next world has very little influence. I would abolish pre-emptive leases altogether. They are, in fact, abolishing themselves, for there are means of preventing pre-emptive leases, for instance—sale by auction. The granting of these pre-emptive leases has a dispersive tendency on the population; and I think anything that tends to unnecessarily disperse the population is a great evil. It puts people beyond the reach of schooling for their children, and many other civilizing influences which men ought to have.

66. As to sales by auction? I think the sales by auction are satisfactory enough under the present Act. I would survey the land in larger areas—in square miles instead of in portions of 320 acres. That would enable the surveyors to consult the frontage system better. Now, it is difficult to apportion a proper proportion of back country to the frontage of each block. They look too much to the interest of the individual that is likely to become possessed of each separate block of the land. By surveying in blocks of 640 acres they could economize the frontage. If it was private property that I was cutting up, I would certainly make purchasers take more back country; I would make them take 2 miles back for a quarter of a mile of frontage.

67. With regard to the Murray or Murrumbidgee Districts, are you aware that certain proprietors there are very nearly securing their whole runs by purchasing particular blocks and thus getting the key to a great number of other acres, whereby the possession of 320 acres is likely to destroy the value to anybody else of a great amount of country? They think they are doing so, but as far as I am concerned I think

think it is short-sighted policy. The more far-seeing men now generally go in for a compact block, which will be of some use to them if the other is invaded. I think that if a storm of selection were to come upon the parties who have selected what they consider the cardinal points, they would be utterly worthless to them if they were to lose the rest, and they would be very glad to part with them. That has been the case in Victoria. W. Hay, Esq., M.P. 1 Oct., 1873.

68. As to pre-leases;—have you had any opportunity of ascertaining the opinion of conditional purchasers as to whether they wish to have pre-leases or not? I have; and it is allowed on all hands, and by those in the Albury district even, that they are a delusion. That is their opinion. I know very few conditional purchasers that ever got a pre-lease to the extent they were entitled to. There is always some severance by a road or by adjoining land, or some compact with the squatter.

69. As to a Fencing Act, you are aware that a Bill was introduced here by a former Government, proposing that these pre-leases, if fenced, should give a right of purchase;—what is your opinion upon that policy? I think they could not stand the expense of it; it would be too large an outlay. I would only bind them to fence in their selections, and take it instead of the £1 an acre for improvements; but I am perfectly satisfied they could not fence in three times the area. They generally empty every shilling out of their pockets, to take up their conditional purchase, and frequently borrow as well.

70. As to the Occupation Act, do you think the present rental, as a revenue matter, is sufficient? No, I do not think so. I think it is a very weak point in the position of the Crown tenants that the rent is so light. I think it has a tendency to weaken their political position.

71. You are aware it is arrived at by some appraisement? Yes.

72. Could you suggest anything better than appraisement? Yes; the Government are in possession of the natural grazing capacity of every run in the country, and I would assess the rental on that natural capacity, so as not to incur the unfairness of assessing it on what the occupants have made their runs to carry. The rent should be fixed according to the natural capacity of the run, at so much per head; say 6d. per head for sheep. As a case within my own knowledge, I can show you how it would affect myself. I occupy a run of 100,000 acres in round numbers. It has only naturally water on the frontage; there is no other natural water on it for nine months in the year. It extends 12 miles back. This run in its natural state was assessed by the Crown Lands Commissioner to carry 16,000 sheep shepherded, and I can conscientiously say that that was as many as could be carried on it—probably more than could be carried on it. But by the outlay of capital I have made that run to carry 60,000 sheep, first, by fencing and subdivision; secondly, by excavating waterholes—large, and a great number of them—and then by ringing 40,000 acres of Crown Lands, destroying the trees allowed by the regulations of the department to be destroyed. But it would be unfair to assess me at 60,000. It would be better to put a good round assessment on the natural capabilities—say 16,000 sheep, at 6d., which would amount to £400, and leave an increase, that I can make, in the carrying capacity of the run, as my profit on my outlay of capital. At present I pay £244 a year. I have a right to look for some margin of profit on my outlay, for a bush-fire may come and sweep away all my fences, and all my waterholes will have to be cleaned out in about seven years, which will cost nearly as much as originally digging them, and the ringed country will deteriorate from the falling of dead timber.

73. You would be in favor of an assessment on grazing capabilities instead of rent? Yes, because it would not put the country to the expense of going round every five years and assessing the runs. Besides, it would not leave the matter to individuals to make it higher or lower. It would be a fixed thing.

74. Has your attention been called to the fact that under the present Crown Lands Occupation Act the first assessment was far higher than the second? I am quite aware of that, and I blame the framers of the Act for it. The square mile was valued at £2 a year by the law itself, and the appraisers could never depart from that basis altogether. They said the Legislature has fixed the value of these pre-leases at £2 the square mile, and we cannot say the squatter shall pay £5, as these pre-leases embrace the best portions of the country. I believe that is the cause of the low rent the squatters pay—the impossibility of getting out of the calculation the value fixed by the law itself. If it had been £4 instead of £2, there would have been a far different return from the Crown lands.

FRIDAY, 3 *OCTOBER*, 1873.

Present:—

MR. RODD, | MR. TUNKS,

MR. STEWART.

JAMES AUGUSTINE CUNNEEN, ESQ., IN THE CHAIR.

Michael Fitzpatrick, Esq., M.P., examined:—

75. *Chairman.*] You were for many years employed in the Lands Office, and for a considerable time were Under Secretary for the department? I was. Michael Fitzpatrick, Esq., M.P. 3 Oct., 1873.

76. You have also had experience in transacting business with the department for the public outside? Yes, for nearly four years past.

77. Did it ever strike you that the department was slow in the despatch of business? Yes, very slow; arising, as I think, from two courses: first, the department is too large and unwieldly; and secondly, the land business, as a rule, requires reference to surveyors in the country, who, not being always at head quarters, necessarily delay their reports very much. Beyond the unwieldiness of the department, I do not accuse it of any inherent dilatoriness.

78. You think it is inherent in the organization of the department? Chiefly that it is too large and unwieldy; business passes through too many hands.

79. Has it ever struck you that in making inquiry after the stage in which any particular business may be, there is no officer who could off-hand say what has been done or what is about being done? There is no general referee in the Lands Department, if that is what is meant, except now that a chief clerk is appointed. In other departments—the Post Office, for example—a want of that kind was met by an officer appointed for the express purpose of answering the inquiries of persons seeking information; and I think that appointment was a wise one.

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80. Do you think, from your experience, that such an officer would be of great assistance to the outer public in doing business connected with the Lands Office? I think it would, but in a less degree. The business of the Lands Department is so various and so complicated that nobody short of a very experienced officer could advise applicants at once into the proper channel in which to seek information.
81. Are you aware that there is a feeling that the outer public who have business at the office are almost helpless, even when they come to make inquiry about their business in the office? It is so.
82. They may spend a day there and go away not knowing more than when they went in? It is so. Nobody not intimate with the organization of the department can have any hope of a satisfactory answer within a reasonable time.
83. Have you any idea of any means by which this state of things might be improved and business might be expedited there? I believe the most immediate means would be the subdivision of the duties. Four years ago I thought there ought to have been a Mining Minister, and I think so still. If that had been the case, the rush of business which has occurred within the last eighteen months would not have had the injurious effect it has had upon the Lands Department. I believe the Lands Department is thoroughly disorganized by what took place with reference to mineral selections last year. Instead of the Government providing, as I think they should have done, extra clerical assistance to meet the rush, they made a vain attempt to meet it by subtracting officers from other sub branches, and the result was to throw the whole department into arrear.
84. Do you think the department has at all kept up with the great increase of business that has taken place during the last ten years? I think it has not.
85. As to the maps and charts in the office—do you think they are in that state in which it is desirable the charts should be in a colony like this where there is so much land belonging to the public? I think the state of our maps, or rather the absence of maps, is exceedingly discreditable to this country. That arises out of a reason which has been officially explained by the Surveyor General. We have no system of triangulation in this country, and the consequence is that a professional man in the position of a Surveyor General is unwilling to commit himself to any map, because he is conscious that it is not reliable. Our system of survey is a sort of rule of thumb business, which the Colony has tolerated, but it does not admit of accuracy in the maps, and I believe that is the chief reason that the maps are not more numerous. In fact there is an unwillingness on the part of the Surveyor General to commit himself to that which he cannot declare to be reliable.
86. It has been given in evidence by the Surveyor General, that in his opinion our system of survey, maps, and charts is behind that of every British Colony of even one-fourth of our population;—do you coincide in that opinion? I do. I believe it as a matter of fact, not of opinion.
87. You believe that, taking the department as a whole, it has become too unwieldy, and the business too extensive to be well managed by one Minister? I think so.
88. And you think the administration of the mining laws would be advantageously dealt with under a separate Minister? Yes.
89. And thus you would relieve the Lands Department proper of its unwillingness to a certain extent? Yes. I should say, in justice to those who entertain a different view, that the same end is conceived—likely to be achieved—if there were sub-branches under permanent heads, such as the Chief Commissioner of Crown Lands. There are those of large experience who argue that if all mineral matters were placed under a permanent head—such an officer as the Chief Commissioner of Crown Lands—who would then look to the Minister as his ministerial head, the same advantage would be achieved. Of course if that were done, considerable improvement would be effected, but I think not all the improvement the public has a right to demand. My reason for so thinking is this: So long as there is a right of appeal to the Minister—and there must always be that right—the subject out of doors will not remain satisfied with an adverse decision of a permanent officer, but he will carry his case to the Minister; and if the Minister's decision is to be anything more than a farce—if he is to see with his own eyes instead of with the eyes of a subordinate—he requires time and labour and application to master all these cases, and they have become, to my thinking, too numerous for any one man.
90. It would be utterly impossible, I suppose, in such an unwieldy department, for any Minister to give each case his own individual consideration? I think so. I do not presume, nor is it the fact, that the Minister is required to give each individual case his attention. There are exceptional cases only submitted to him, but these exceptional cases in so large a department form a bulk of business too much for one man.
91. *Mr. Tunks.*] Would it not lead to confusion to have different heads to what appears to be one department. For instance, there is squatting business over the same country as the mining business. Would it not necessarily lead to confusion? I do not think so. That reason was urged some time ago as a valid one for not transferring to the Works Department the bulk of the minor roads, and I confess my own view was somewhat against it for that reason; but the result has shown that the objection was not nearly so valid as it seemed. We do not find any great inconvenience from the Commissioner for Roads dealing with the roads in question.
92. That seems to be where the expenditure of public money is concerned, but in the other case conflicting interests of a minute character would arise? Beyond the money, the two departments in effect travel over the same ground, in the alignment and formation of the roads; and it was that that was conceived to be the objection to one department giving consideration to a matter which seemed to be exclusively the property of the other.
93. The difficulties you have alluded to have grown up with the Colony? Yes, and they have grown up mainly out of the free-selection business.
94. To commence a trigonometrical system of survey would necessarily imply the expenditure of a very large sum of money? Yes.
95. And would take years? It would take years to overtake the work. An attempt was made some three years ago, I think, to lay down a base line; and I believe a very favourable position was selected for it at Lake George, but the waters of the lake have rubbed out the base line, as I understand.
96. Is it ascertained as a fact that compass-surveying cannot be relied upon? It is beyond doubt that what is called the geodetic system in this Colony is unreliable. It cannot be otherwise, that is to say, within certain degrees. I cannot vouch for the fact, but I heard it stated by a professional man that in the large map of the Colony, published by the late Surveyor General Maclean—a very excellent map apparently—there was one part of the work which did not close by about 6 or 8 miles.

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97. That necessarily leads to litigation and expense to owners of land? It exposes the colonists to that where they do not agree in a rough way to accept measurements and occupation. Of course, if we had a well established system of trigonometrical survey, the survey business would be infinitely cheaper; but to overtake the surveys now would cause a heavy expenditure. They have a trigonometrical survey in Victoria.

98. Would you recommend that a trigonometrical survey should be commenced? I would. I believe it is never too late to mend. Although large sums would be required, they would not be required at once.

99. Is it impossible, under all the circumstances, having regard to your long years of experience, to place the administration of these lands in some way under the control of more persons than one, in order to avoid the temptation to an individual to deviate from the proper course in these matters? No; I believe that responsibility should be undivided. I do not believe in entrusting executive functions to more than one man. When you want legislative action—when you want collective wisdom and experience together—you employ several; but when you are going to carry out laws or regulations, I like to see the executive power entrusted to one. I know no better system than the system of Ministerial responsibility.

100. Would not that be an argument against dividing the department? No, you would only divide the labour. Each Minister's responsibility would be as definite as before. They have in Melbourne what is called a Board of Land and Works, in which land questions are dealt with. I believe such an arrangement to be utterly delusive—that so far as any greater scarcity is offered to the public it is a sham—and that all the effect is to split up the responsibility of any given act amongst four or five people.

101. Having regard to the present number of the Assembly, do you not think it would give the Ministers too much power if another were appointed? I do not think so. My own view is, that as a rule our Governments are not strong enough, and I would not regret to see more Ministers in the House. At the same time, if there were a necessity for increasing the number of representatives in the Assembly, I would have no objection to that; but it is clear that our public business has increased so largely as to demand more responsible hands for carrying it out. That is my opinion. I may mention incidentally, that when I first addressed a constituency, now nearly four years ago, I then publicly declared my belief that we ought to have a Mining Minister. I think that was in 1869; and I believe that if we had had a Mining Minister during the rush of 1872 it would have been of incalculable advantage to this country.

102. You remember the process of alienating waterside properties;—has it ever occurred to you in your experience that a tenant having (say) a long lease of waterside property has become the purchaser of the quantity of land usually reclaimable, or, if he has not, how is that matter dealt with? I never knew of such a case occurring. I heard it alluded to in the Chamber the other night; but the law is specific, that the reclaimed land, or the right to reclaim land, can only go to the holder of the land in fee simple, between which and the water the reclaimed land intervenes. If the Government have ever sold reclaimed land to any one in the position of a lessee, it is in utter ignorance of the fact that he was so.

103. Do you not think it is necessary in some way to secure to the proprietor the privilege of the water frontage? You cannot deprive him of the privilege.

104. According to the present land law the proprietor may purchase a reclamation in front of the tenant, and the tenant is deprived of his right to water? That is a matter for which he has a civil remedy. The Government have nothing to do with that. I know the Government have always been studious to observe the law in that matter.

105. Do you perceive that a difficulty of the same kind might arise in respect to the power to purchase unnecessary roads. Supposing the owner in fee simple has the right to purchase an unnecessary road in front of his property, and the person might hold a mortgage over the land, and being absent in the interior or elsewhere, he may find that his mortgage is useless, because of the original landlord having purchased the frontage and rendered the remainder useless? I think it extremely probable the mortgage would carry the right to the land acquired; if not, I think it very probable that if the mortgagee interposed the Government would not sell the right.

106. I am speaking of a mortgagee being absent? The right to purchase an unnecessary road grows out of the ownership in fee simple of the lands which it separates. If the mortgagor is still the owner of the land in fee simple, notwithstanding his mortgage, he has the right to buy; if not, not. I do not see how the law does wrong either to one or the other.

107. *Chairman.*] You have, I imagine, paid considerable attention to the present land policy of the Colony? Yes.

108. Have you formed any opinion as to the effect of the present Land law in the settlement of the Colony—the promotion or injury it has caused to its various interests, social and material—as to conditional purchase or free selection, looking at it in that way first? That is a very large question. My belief was and is that the same advantage which has undoubtedly grown out of free selection might have been achieved without much of the mischief which is now inseparable from free selection. I think selection before survey was altogether abnormal in its character, and different from all our previous conceptions of English law. It was apparently justified by the extraordinary inefficiency of the Executive of the day in meeting the reasonable demands of persons desiring to settle on the lands; but I believe that the remedy was to be sought rather in increased facilities of survey than by the extraordinary step which was then taken. As it is, it is not the alteration in the character of the law which has conquered the grievance, but there has been also an extraordinary effort made by the Executive within the last ten or twelve years, since about the time of the passing of the present Land Acts, to meet the requirements of the people by multiplying five, six, seven, perhaps ten-fold, the number of surveyors employed. I believe that if that effort had been made before the present land laws were passed, we should never have heard of free selection before survey. As it is, free selection before survey is an institution of the country, which, I suppose, few of us would be hardy enough now to seek to set aside. But I believe it might be greatly modified to the advantage of the whole community.

109. With regard to the extent of land allowed to be conditionally selected—the maximum—do you think it is sufficient in quantity to allow all persons who would improve the country to avail themselves of the possession of lands to the largest extent? I believe the maximum area permitted to a free selector to hold in fee is quite beneath the requirements of a family to support itself. Of course the selector has what is technically called a grass right, which in nine cases out of ten proves to be a delusion, and is frequently the cause of litigation and bad blood with his neighbours. I believe one of the greatest blots on our land system is the uncertainty of this tenure, called a grass right. I believe what we want most in

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in this country, which is only partially agricultural and chiefly pastoral, is a law which will enable a man to take up an area of land that will support himself and family in comfort, partly by agriculture and partly by pastoral pursuits; and for such a purpose two or three or four sections would be nearer his wants than 320 acres.

110. Your experience would lead you to imagine then that the area open to any individual to select should be considerably extended? Decidedly; that is to say, the area which he can acquire in fee simple.

111. As to the pre-lease, you are aware that there is great difficulty in a conditional purchaser getting a lease that will enable him to exercise his right over the land and prevent others from using it? Yes, because the Government necessarily decline to give him a grass right until they are certified that he is living on his selection, that is to say, until a surveyor has gone to it and examined and reported upon it. They grant him his claim so soon as a surveyor reports that he is residing on his selection, and not before.

112. Before he gets his lease the question will arise whether there are Crown Lands which are available? Yes, and other questions that are extremely complicated, as to the claims of neighbours. It is the most unsatisfactory feature in our land system. It causes more ill-blood than any other thing, though comparatively so insignificant.

113. Have you ever thought over the matter with a view of avoiding this disagreement on account of grass-rights—either by abolishing the grass-right, or putting it on a footing more satisfactory to all parties? I think the remedy is to be sought in this direction: I would abolish grass-rights for the future—the past you cannot very well touch—and greatly enlarge the areas which men might select. They would then have the advantage of knowing exactly what they could retain. It is possible that you might introduce a system of this kind, that whilst paying rent or instalment of purchase money on a large area which was in occupation they might be allowed to complete their title to a smaller area, part of the same section. That system would have this advantage, that there would be no conflicting claims to the land, and they would know exactly what they held, whether under lease or by purchase.

114. At present, I believe, a pre-lease is not allowed within a pre-lease? It is not. That was the result of a dictum of one of the Judges.

115. Formerly it was allowed? It was, and exceeding complication ensued.

116. Do you think giving the conditional purchaser a right to purchase his pre-lease at a certain price would be any improvement upon the present law? He has that right now, if he improves.

117. I mean in an ordinary way—if he has a pre-lease that should give the right to purchase within a certain term? Yes; that he could hold something definitely, which nobody else could claim, with the right ultimately to convert it into fee simple.

118. You think a great deal of bad blood has arisen from this question of pre-leases? I am sure of it. Once in this country it has led to the shedding of blood, and frequently to all sorts of unneighbourly acts.

119. *Mr. Tunks.*] Will you state the objection to any person being allowed to purchase any amount of land at a certain price, improved or unimproved? If submitted to auction I see no objection; but I would object to any man purchasing unlimited areas without competition, except as the reward of improvement.

120. At the upset price? The upset price is so sufficient that the Colony could not suffer if every acre was sold at the upset price. Competition would bring out its value in all cases. The upset price is a very sufficient one in this country. The great bulk of the lands for any practical purpose are not worth £1 an acre. But I would be no party now to reducing the upset price.

121. If an upset price was fixed, what objection could there be to any person being allowed to purchase any quantity of land with ready money? The objection is, that capitalists would monopolize large tracts of country. But when I say that, I may add that I have no objection to capital finding its proper level; and if men want to buy large areas of land I see no reason on earth why they should not. I believe the best thing that could happen to this country would be that every acre of it should be held in fee simple by persons who could pay £1 an acre or upwards. I think on high principles of statesmanship it is not desirable that the Crown should be the landlord of the whole community—that subjects out of doors should be tenants of the Crown.

122. *Mr. Rodd.*] Has it never come to your knowledge that in many parts of the country the land all round the townships is held by private individuals under original grants, retarding the prosperity of these country districts? I believe there are some cases of that kind.

123. For instance, round the town of Carcoar and round the town of Braidwood, if your suggestions were to be carried out, that land should be sold in large portions to capitalists, do you not think it would prevent the legitimate settlement of the lands? I do not make any suggestion about large areas; I only meant large quantities of land. The areas in which it should be disposed of must be judged by the Government for the time being. I am not well informed about Carcoar, but I think Braidwood came into existence after the land was alienated. That is not a sort of thing that can be charged upon the Government. The Government is making an effort by its officers to provide against a recurrence of such cases, by making reserves for townships, and having done so, as a rule they decline to sell large areas in the neighbourhood of such reserves. In that way the future settlement of the townships is not hindered, but rather promoted by the previous settlement of people in the districts. I believe that where there is need for a township it will progress even where it is on private land.

124. I am not making a charge against any Government. Taking Carcoar for instance, one gentleman holds very large tracts of country round that township, and the land is lying idle; he neither lets nor sells it, consequently population is very limited. Braidwood is in the same position. It was not until the Church and School lands in the neighbourhood were recently sold that an increase in the population took place? In the case of Carcoar, I believe Mr. Icely's holdings have been nearly all purchases from the Crown at auction; and, if my memory serves me, these purchases were made chiefly before Carcoar was laid out as a township. In the case of Braidwood, I believe the grants to the late Dr. Wilson were made before the township was in existence. After all, these early settlers were the men who made these lands valuable by their presence and labour, although they may have eccentric views about the use of their property. I conceive that although cases like that occur, it is better to sell the lands than to keep them in the hands of the Government.

125. I understood you to say you would abolish pre-leases by giving a larger extent for the selection? Yes, let a man occupy a larger area definitely.

126. Where a pre-lease consists of back country, would you still retain the price of £1 an acre for the back land? I would. I would allow him to convert into fee simple such limited area as he chose.

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127. At £1 an acre? That admits of qualification. If I were going to try to modify the principle of free selection I should like to do this. I believe that if I had now to fix the upset price of land for the first time, I would not make it so much as £1 an acre; but seeing that that price has existed now for some thirty-four years, I am not prepared to concur in the proposal to reduce it for unimproved lands or lands to be offered at auction. But I should like to see free selection put on this basis: An increased area of a definite character, and the payments to be made by the selector to be payments in reduction of the price, not interest. The reasons for this would fill a volume; but I have a fixed opinion that the payments should be instalments of the price of the land, and not interest. Then I believe the demand for improvements to the extent of £1 an acre is too high. In this country, where the soil is largely used for pastoral purposes, you cannot fairly expect a man to lay out £1 an acre on such land. But I would do this: I would offer an inducement to the selector to improve up to a lower amount, say 10s. an acre; and I would let him pay instalments extending over three or four years up to 10s. an acre, and then I would give him the fee simple. If he failed to improve I would not forfeit his selection, as under the present system, which is very harsh; but where the selector failed to improve up to the stated value, say 10s. an acre, I would insist on his paying instalments until he had paid the State £1 an acre, or until his improvements and the price together came up to £1 an acre. I would have these improvements appraised by sworn appraisers, and not by the man himself. The tendency of the present Land law is immoral. It puts a man in a false position; it tempts him to swear falsely; and to prevent that I would have the appraisements made by sworn appraisers. To make the thing plain, the price and the improvements together should equal £1 an acre. Under such a system there would be no uncertainty as to grass rights or preleases. A man could take up a given area, and could retain it or abandon it as he pleased, converting what he chose to retain into fee simple.

128. *Chairman.*] You are aware that under the present law a conditional purchaser is bound to reside upon his purchase within a month after he has selected; can you form any opinion as to whether that is a wise provision or otherwise? I have formed a very strong opinion on that point. I believe what is called the residence clause in our Land law is an utter snare and delusion. I believe it is a mistaken idea altogether, and that it has led to a terrible crop of perjury in this country. There is no doubt, I take it, that the object the public had in view in offering peculiar facilities to the selector was to settle the country, to make the country fit for the habitation of man, to improve it, in fact; but, provided the land taken up by the selector is improved and made fit for the habitation of man, I think all the public have a right to demand or can reasonably demand is accomplished. For instance: Bill Smith comes and selects 40 acres of land; he is bound to improve it in three years to the extent of £1 an acre; if he does not do so—does not make it fit for the habitation of man—if he does not bring it under culture, he has done no good. The fact of Bill Smith residing there is of no interest to the country; it is no matter where he resides, provided the land he has selected is improved, as required by law. The residence clause was introduced to prevent monopoly. There is a good deal of deception in that. Who is to be the monopolist? So long as the *bonâ fide* selector has the whole country to choose from, as he has under our law, who is to be the monopolist? Here is a man working on wages. He has a wife and children; he wants to get a home for himself and them. There is a piece of land he has set his heart upon; he selects it; he goes to it and works on holidays and moonlight nights; he gets it into a tolerable state of culture. At the end of the year some one writes to the Government to say he is not residing on his land, and they declare it forfeited. What is the consequence? The land is improved, and in due course would be inhabited by the man and his family; but he has not complied with the law; he has not resided; and to escape that terrible misfortune—the loss of his land and capital—you send him a form, and tempt him to commit perjury.

129. You are of opinion that it would be more conducive to the settlement of the country that a man should be allowed to reside wherever he thought fit, so long as his money or labour was there to improve the soil of his homestead? Yes.

130. Under the present law a man in business in a town must give over his business before he can settle down upon the land, but if residence were not made imperative he might employ good ploughmen, good fencers, good builders, with his capital, and improve the country to a greater extent than he could do by merely residing there himself;—do I understand that to be your view? Yes, that is my opinion.

131. Do you not think there are great numbers of people in every town in the Colony who would buy homesteads and improve them, but who cannot at all avail themselves of the law now? Certainly; hundreds of them.

132. Do you not think that class of men form some of the best men in the country? Yes, certainly. I would not debar any man from becoming a freeholder because his means were limited; but the community has no interest in tempting men to become freeholders who have no means.

133. It has been alleged, of late years especially, that the Land law has been evaded in some manner by "dummyism";—have you any idea what this "dummyism" really is that is objected to—a noise is made about it, in fact? The word has passed through two or three stages. When first used it meant a selection made by a squatter in a wholly fictitious name. I am informed by high authorities out of doors that "dummyism" in the present day means such selection as came before the public in the *Barton v. Muir* case; that is, selection by an agent, who is expected at a certain period to make over the land to his principal. I am aware that this system of "dummyism" is carried to a great extent, much to the loss, as it would seem now, of those who adopt it. That has arisen from the changeful way in which our Land law has been administered in regard to forfeited selections. When "dummyism" was first started in this country, the squatters who resorted to it believed they were securing the land from selection by paying 5s. an acre for it, or at all events that they would have the right to bid for it at auction. As it now turns out, they have no such right, because unless the selection is improved to the value of £1 an acre—in which case, by authority of a resolution of the Assembly, it is not selectable at all, except by the improver—as soon as the selection is declared forfeited it can be again selected by the same or by another party.

134. Do you not think that the residence clause is to some extent blamable for this system of "dummyism"? No doubt of it; it is the cause of it, I think. The residence clause, which appears to have been introduced to prevent anybody but what is called the *bonâ fide* selector from taking up land, compels men to resort to its infraction. If, for instance, a squatter wanting to buy a section or half-section of land, or whatever area he may be limited to, could do so by merely going and paying his money and improving the land, you would have hundreds of thousands of acres so selected and so improved.

135. There is an idea prevalent that not only the squatter but the conditional purchaser also, when he gets the means, resorts to dummyism when he wants to acquire additional land, using the names of his children? Undoubtedly.

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Undoubtedly. In the Joachim case the man selected on Mr. O'Shanassy's run eight half-sections, or 2,560 acres, in the names of eight of his children, all being minors. He would found on that a claim to three times as much more in virtue of grass right; so that under the guise of free selection this man would be claiming 10,000 acres, nearly up to the minimum size of a squatting run. That I take to be an extreme case; but there are other cases of extraordinary and unjustifiable proceedings adopted in order to secure land. All this grows out of the residence clause, in which after all the community is not interested.

136. With regard to pastoral leases in the Colony under the Crown Lands Occupation Act—the tenure granted under them,—do you think it is sufficient for the purposes of the Crown tenant—do you think it gives him all the guarantee necessary to enable him to work his station to the greatest profit, and to increase its grazing capabilities? Certainly not. The grazing capabilities of the lands of this country have been greatly enhanced lately by fencing, ring-barking, and the gathering of water by artificial means. All that is done from the necessities of the case and in the teeth of the difficulties the pastoral tenant labours under from free-selectors. I would not seek to give a squatter any longer tenure than he has now—five years lease. The time is long enough, and the right of indefinite renewal is admitted. There is nothing more to be desired in that direction. But the action of free selection is something which retards to the last degree the process of improvement of runs. It is known throughout the Country that there must be £40 worth of improvements to bring land under the improvement clause of the Act, and the pastoral tenant who commences improvements is watched by dishonest people, and his improvements snapped up. Wherever he puts a fence it is selected; wherever he forms a waterhole it is selected. I have heard of such a case as this: A squatter had employed men under contract to dig a well, and when he had paid them some £30 in terms of the contract to complete these improvements, they went and free-selected it with their labour paid for by the squatter on it. To show how monstrous is the action of the principle of free selection in some cases, I will mention a case that has been stated to me. I give no names: A man was holder of a squatting run in the Clarence district; a free selector went in and selected his cattle-camp, and the next day impounded all his cattle; so that the pastoral tenant who to-day was in legal occupation of every inch of that run, and was paying the Crown every penny that the Crown by its own laws declared he should pay—nay, had paid in advance every penny—was by the action of free selection converted, in one day, from the legal occupant of the land into a trespasser, and had to pay money to get his cattle out of the pound. That is how free selection can act when it is dishonestly conducted.

137. Have you formed any opinion as to the means by which, while the settlement of the country would be in no way interfered with, greater security could be given to the pastoral tenants? The best security would have been, if the Crown had kept pace with the demands of the country, to have surveyed the lands before selection; and I think now—however old-fashioned the idea may seem—that it would be better to lay out large areas for selection in preference to letting people roam over the whole country. They have met the difficulty in Queensland by making half a man's run secure to him and the other half exposed to selection. But that is but a clumsy and inartistic method of providing for the case. I believe that settlement ought to be led, not followed. That involves other large questions. Our population, under free selection, is too scattered, and this dispersion puts them beyond the reach of education or religious training; whereas if they were located alongside each other, as took place in the Albury district, the population would be, so to speak, self-protecting, because numerous enough to protect itself against lawlessness, and numerous enough to maintain schools and so on. In the Albury district, where the rich soil is chiefly settled by German colonists from South Australia, who cultivate the vine principally, such a thing as grass right is scarcely known. Every selector takes his selection close by his neighbour.

THURSDAY, 9 OCTOBER, 1873.

Present:—

MR. STEWART, | MR. TUNKS.

JAMES AUGUSTINE CUNNEEN, ESQ., IN THE CHAIR.

Michael Fitzpatrick, Esq., M.P., further examined:—

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138. *Chairman.*] You are aware that at present the amount of rent paid for runs is arrived at by appraisement; after the lease has expired the runs have to be reappraised? Yes.

139. Has it ever struck you that these appraisements have varied very much as to amount of appraisements of the same run made at different periods; and also that runs of the same description of country have been at the same time appraised differently, one much higher than the other? I am aware that the appraisements have varied very much for the same runs in the hands of different appraisers, but I cannot say that appraisements of runs of the same character have varied very much. That is a matter which would involve personal information, of which I am not in possession. But it is the nature of an appraisement to be somewhat arbitrary. One man will form a certain estimate of the value of a run and its grazing capabilities; another man, with equal claims to be considered a judge, will form a different estimate; and they shall be both conscientious. Then again, the appraisements which have been complained of as varying excessively, have been made under varying circumstances, particularly with reference to seasons. There was one set of appraisements over the whole Colony—I think about the first made under Mr. Robertson's Act—which, if I remember rightly, range very high indeed. Five years afterwards the same runs were appraised at rates which some people think absurd by reason of the great divergence; but I do not admit, and I do not believe, that there has been any want of conscientiousness in the appraisement.

140. Have you ever thought whether the system of appraisement—the manner in which appraisements are made—might be improved upon? I have often thought of it, and I can propose no better system. As the world goes, the system of appraisement is as complete as you can expect anything to be. I do not know any other system I could substitute for appraisement. It is in the nature of an arbitration, on which each side expresses its views, and remits the decision, to a well informed conscientious third party.

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141. You are aware that in South Australia, the Government, instead of delegating the business to various persons, appointed one official appraiser, Mr. Goyder, the Surveyor General? I am aware that the Government of South Australia appointed their own paid officer to fix the rents. I cannot admit that that is a proper or right course—that I, being the landlord, shall have the right of fixing the rents which I arbitrarily determine the tenants shall pay. The result in South Australia caused, of course, extreme dissatisfaction in the public mind.
142. *Mr. Tunks.*] That method seems to secure a degree of uniformity? No doubt. Any arbitrary method may secure uniformity; but it does not follow that it is the best, or that it is honest. If you bring one mind to bear on all the runs of the Colony, no doubt there will be extreme uniformity in the appraisement of their value, but it does not follow a whit the more that the appraisement is correct. I know enough of this territory to know that runs almost in juxta-position are exceedingly different in their value and grazing capability.
143. Does it not occur in some cases, where one person has decided a question of this kind on one side of a boundary, say a river, another appraiser on the other side, where there is no appreciable difference, will estimate the value of a run at a very different amount? I cannot admit that, because I do not know what is the difference between the two runs.
144. It has been complained of? It has often been represented that these inequalities are not explicable, but I believe they are or may be. I only know that I know of no system so fair in its theory as appraisement. If it is not fair in its results, that can only be attributed to the inevitable differences in the views taken by different men.
145. Is it not the case that a large number of persons in the community think they are right to fleece the Government? I have known that; and I have also known individual appraisers, who have become sole appraisers, who have thought it their duty to fleece the subject. There have been cases in the Colony of appraisers whose appraisement, by almost universal consent, were excessive; so much so, that succeeding Governments were not indisposed to have the runs re-appraised.
146. How are appraisers paid? Generally, at per case. So far there was no motive for the appraiser to enhance the rent, further than that it might be a motive for his re-employment in other cases.
147. Would selections diminish the value of the run? Of course, that has all to be judged of by a conscientious appraiser. The liability to selection has to be judged of. When a man is appraising a run for five years he ought in justice to take into account the likelihood of free selection being exercised upon it. The character of the herbage, soil, propinquity to market, these all enter into the value of a run.
148. *Chairman.*] With regard to an appraiser taking into account expected selections, do you not think the law without his interference provides for that, and puts a remedy in the hands of the runholder? No, not in the hands of the runholder; it leaves it in the hands of the Government, who may or may not consent to the reappraisement.
149. If they do not reappraise, he may throw up his lease? He can always throw up his lease; but that is hardly a remedy for the pastoral tenant.
150. You are aware that the law has made this provision, that if at any time the Crown tenant considers that so much of his run has been taken up as to reduce its value, he can apply to the Government for a reappraisement? Yes, and they can grant it or not as they chose.
151. Do you not think the Government would generally consent to a re-appraisement, on the score of what is right and just? I believe they do generally what is right and just.
152. Have you ever known them to refuse a reappraisement? Yes; I have known them refuse it on the ground that a sufficient *primâ facie* case had not been made out.
153. There have not been many such cases? No.
154. The Committee may understand that you do not think it advisable to alter the present system of appointing appraisers by substituting one public officer for the purpose? I do not. To begin with, it is physically impossible that any one man could appraise all the runs in this Colony within two or three years. Our territory is so extensive and so various in its character that it is impossible, physically, that any one man could do it.
155. Do you think the public lands of the Colony, those that are leased, are yielding to the State all the revenue which they ought to yield, considering their great value to those who occupy them? I believe they are yielding all they could yield under the present law. So long as the tenure is so uncertain as it is under the present law, I believe the pastoral tenant is paying a reasonable rent for his use of the grass.
156. *Mr. Tunks.*] How many persons have been employed to perform this duty? I cannot say very definitely. It is four years since I was in office. There may have been perhaps twenty appraisers at one time in all the districts of the Colony. I am speaking only from memory.
157. How long would it take to make a valuation? That would depend very much upon the size of the run and the nature of the country. I think, on an average, a man could not see enough of a large run to judge of its grazing capabilities under something like three or four days.
158. My question rather refers to the time it would take to have a return made to the Government from all quarters, as to the amount of rent to be paid—Is it done within a year? That will depend entirely on the number of persons you employ. If you had two appraisers for each district there would be no difficulty in getting it done under a year. It might be done in three or four months, I think. Our districts are enormously extensive—more so than people in Sydney are in the habit of realizing.
159. *Mr. Stewart.*] The chief difficulty in valuing these runs arises from the ignorance of the Government as to their value? Yes, in some sort; but the persons they appoint as their valuers are supposed to know them.
160. Would it be possible or easy for the Government to ascertain the time a run has been occupied? Always; they know exactly how long it has been occupied.
161. Do they know the area? In most cases they have a rough guess at the area.
162. Could they get any knowledge of the carrying capacity of the run? No rule or formula will settle that. I believe it to be undoubted that two runs, with perhaps a trifling range between them, are of wholly different values.
163. I do not mean to judge the carrying capacity by the area, but by practical experience to know what stock is on it? The Government at various times have had information as to the stock alleged to be on a run; but it does not follow that that is its grazing capability.
164. Would it be impossible to discover the carrying capacity of a run that has been many years occupied? I scarcely know how they would do it. They might by information picked up privately.

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165. Could they not make the occupier render a sworn return? Yes, they could of course, if the law were so; but that would hardly be a protection to the public, because then it would be to the interest of the pastoral tenant to keep his run understocked. It is the interest of the public to induce a man to make the best possible use of a run; and I believe the best way to do that is to offer him some inducement to improvement. The grazing capabilities of runs have been greatly enhanced during the last few years by fencing, ring-barking, and gathering water.

166. The Government would have no difficulty in ascertaining the distance from the market to which the produce was usually carried? They might do that; but the market varies. A man may sometimes send his stock to Deniliquin, another time to Melbourne or to Adelaide. That class of information is an uncertain sort of guide.

167. You think it quite easy for the Government to ascertain the area of every run, the time it has been occupied, its distance from the usual market, and possibly the carrying capacity of the run? As to the time it has been occupied, the Government know that already; its area they know in nine cases out of ten; and in the tenth case they can form a very near estimate of it. The usual market is hardly definable, because, as I have said, a man may send his stock sometimes to one market, sometimes to another; the grazing capability is in fact the whole issue to be ascertained by appraisement. I know of no rule or formula by which you can determine that. The only way to arrive at it, and to satisfy the law, is to appoint somebody who is supposed to be capable of judging of the value of the run, and who, on oath, determines its value. I know of no better plan.

168. *Mr. Tunks.*] The Lands Department have latterly made an effort to compile plans or charts of runs, showing their approximate qualities and particulars about them? There have been most extraordinary efforts made by Mr. Du Faur to chart the runs of this Colony. The labour is almost incredible to those who do not understand them. But that has nothing to do with the carrying capacity; it is merely to try and get into shape the boundaries of the runs; but no attempt has ever been made to record the character of a run.

169. Having ascertained the boundaries and some particulars, the other information could be obtained in course of time if it was attended to? The Government might by circular ask the Commissioners of Crown Lands to give their opinions about the grazing capabilities of every run; but nobody in business in Sydney would give a button for any such opinion. We know as a matter of fact that there are runs sought with avidity, and adjoining them there will be runs of fifty or sixty thousand acres offered for a £10 note, and nobody will take them. What then is the good of classification of runs? One perhaps is well watered, or offers facilities for procuring water by artificial means; the other does not; or there may be some other difference just as intelligible to those who know the country.

170. Could not the probable value be approximately ascertained in course of time? I do not know any better way than that adopted. The proof of the enormous variation in the character of different runs is, I think, conclusively to be found in the fact that up to a late part of last year there were scores of runs in the Albert and Lower Lachlan Districts procurable at £10 per annum—runs going up to 60,000 acres—and still nobody would take them; while other runs are so valuable that purchasers will give perhaps 25s. a head for sheep, with the right of run.

171. *Chairman.*] You remember that formerly the Crown derived its revenues from the public lands by an assessment of the stock,—so much for 1,000 sheep and proportionately for horned cattle? Yes. The original charge upon the squatters was conceived in this way: It was merely to convert an unauthorized into an authorized holding, and the squatter was called upon to pay £10 a year. That payment of £10 a year franked him for the whole of one district, or an adjoining district if he held runs in two districts. Then succeeded what was called the Border Police Act, and then for the first time stock was assessed, not for the sake of revenue but to meet the charge of the Border Police, who were appointed to protect the lives and properties of the squatters whose stock was assessed. Of course the theory has altered several times since then. A run newly taken up under tender is assessed, but the system of appraisement introduced by Mr. Robertson's law suppressed the assessment as soon as the run was appraised. When appraised it is supposed to pay the full value it ought to pay, and no other charge is levied.

172. Have you ever had your attention drawn to the fact that if the 16,000,000 of sheep and three or four millions of cattle in the Colony were assessed, they would yield a far larger revenue than is obtained by appraisement? I have not computed it. It would depend upon the rate levied. But unless you are going to impose a property tax, I do not think the system of a tax on sheep is a justifiable one. You should get at the value of the lands and charge accordingly.

173. You are aware that some political economists, among them Dr. Lang and other prominent men, believe that the public lands ought to be used in some way to induce immigration to the Colony from the mother country; have you ever thought of inducing immigration by giving land orders equivalent to their passage money? I am aware the system has been tried in Queensland, and I believe it to be a failure. I think this Colony has got the advantage of much of the immigration which Queensland in that way paid for. It is a theory I do not myself support.

174. With regard to public reserves made under the present Land Act, complaints have been made. I refer now to water reserves, large numbers of which have been made and many revoked. Complaints have been made that when these are proclaimed in the *Gazette* they are not charted, and it is impossible therefore for a conditional purchaser or anybody else to know from the charts or records of the local officers whether he is selecting on a reserve or not? That complaint is well founded.

175. It has also been further complained of by some parties, that when reserves are revoked the revocation takes place before the charts at the local offices are so arranged as to distinguish between a revoked reserve and those which are not revoked? That is quite possible too. The fact is, the charting is nearly always in arrear.

William Adam Broadribb, Esq., J.P., called in and examined:—

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176. *Chairman.*] I believe you have been for a long time largely connected with the occupation and possession of the lands of the Colony—Crown Lands as well as freehold? Not largely connected with them; but I have been engaged in pastoral pursuits since 1835.

177. In what district? First in Maneroo in 1835, subsequently in the Lachlan District, then in the Murrumbidgee District, and now again in the Lachlan.

178. In the pursuit of your calling you have had many transactions with the lands offices of the Colony? Yes.

179.

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179. Have you found the administration of these offices such as was calculated to give a speedy and satisfactory dispatch to the business you have had with them? No, I have for many years found a good deal of difficulty in getting business through the Lands Office, particularly with reference to tenders for runs. I will give you one instance: Seven years ago, or thereabouts—I speak from memory—I put in a tender for two blocks of country 150 miles north of Wilcannia, near the Barrier Range, Mount Shannon No. 1 and Mount Shannon No. 2; and about three months ago I got an acknowledgment of these tenders, saying they had been accepted. Really they had gone out of my mind altogether; I had forgotten all about them. I referred back to my papers and found a memorandum of my own, showing that I had put in tenders for this country. I have been constantly tendering for country. I tendered for the country I occupy now, north of the Lachlan; I put in the tenders in 1858, and I did not get an answer for two or three years afterwards.*

180. This dilatoriness, I suppose, leads to very great inconvenience to those who wish to have country to graze their stock upon? It is not only inconvenient to individuals but a great loss to the country, because the parties wishing to occupy the country might have been paying rent for it all the time. Besides this delay there is always great difficulty in getting information. It has occurred to me, as a Magistrate of the territory, occasionally presiding at the Benches at Hay, Deniliquin, Booligal, and other places, that it would be desirable that the Clerks of Petty Sessions should have all the forms of tender, copies of the Land Regulations, and so on, for sale to the public, in order that persons wishing to get into possession of land might be able to procure the necessary information. I suggested this to a Clerk of Petty Sessions some years ago, and he said, "Oh you are not going to turn this office into a shop." Why should it not be so? I saw by accident some time ago in the *Gazette*, that 335 forfeited runs were open to tender. Why should not notice to that effect be stuck up on the wall of every police office or post office in the district? I found this out by mere accident, and I got seven of these runs myself, but the information would escape the greater number of persons interested in such matters, when only to be found in the columns of the *Gazette*.

181. Has anything of this kind come under your notice, that on account of the want of publicity of runs open for selection, forestallers, who are pretty crafty in these things, are able, by keeping themselves well informed, to take up desirable runs and to charge a large bonus to *bonâ fide* occupiers for transferring their leases? Yes, exactly so. Large numbers of these blocks are taken up on speculation. As for myself, I have not taken them up on speculation; I am working them now. It is a waterless country, and from my present occupied country, as a base of operations, I am preparing to increase my sheep for the occupation of these blocks by the time I have made them fit for it.

182. If I understand you rightly, at the local offices there are no printed forms on which people can apply for country? Nothing of the kind, I assure you.

183. Are you aware what state the charts are in? Perhaps I have been a little premature in what I have said. I believe greater facilities are given at the land offices now. I am speaking of some three years back.

184. Speaking generally you think they are not all they might be in facilitating business? No.

185. Are you of opinion that the charts also are in a state that does not enable the public to know the lands that have been alienated from those that are still open? You cannot get that either.

186. We have had the evidence of the Surveyor General that they cannot supply it? I have been down to the Lands Office to get it now with reference to the country I have been speaking of, at the Barrier Ranges, and I find that I cannot get it, although I know the country has been taken up there, and I saw a map of these very blocks in the possession of a gentleman; I could not get the same sort of map.

187. *Mr. Stewart.*] Do you know where he got it? No, I have no idea where he got it. That has been a continual cry—the want of knowledge of what is going on. Why should we not know? As you justly remarked, the absence of information generally available is all in favour of a few who, having agents here watching what is going on, can put in tenders whenever they see any desirable country available. It all leads to great difficulties in the way of persons who are really desirous to take up country for *bonâ fide* occupation. I myself have four nephews whom I wish to settle, and to whom I am prepared to advance money for the purpose, if I can get country for them; but the difficulty is to know what country they can get. I sent one of them out about two months ago beyond the Darling to look at the country and report to me, and I have received a letter from him within the last few days, which I have here. I should say, as to going to the Lands Offices, that I have always received the greatest courtesy from the officers of the department; there is no complaint as to that; but the difficulty is that we cannot get an answer to our tenders. Our tenders are opened when taken out of the box, and they used to be—and I suppose are now—referred to the Commissioner to report upon. Now you cannot expect a Commissioner to go some hundreds of miles to report upon a single block, and the consequence is he puts them by till he gets a large number—it may be two or three years. I know at one time 3,000 tenders had gone in, and not one of them was reported upon.

188. *Mr. Tunks.*] What would you suggest to remedy this? I think people should be able to obtain all the necessary information at the police offices. Why should it not appear on the walls of the police offices or post offices?

189. That would be a mere notice to say that the runs may be taken up in Sydney? They could get them by writing for them then. A person could take his horse and go and see the country, and then send in his tender.

190.

NOTE (*on revision*):—On the 24th of last April I applied to rent a portion of the reserve on the north bank of the Lachlan River, 3 miles above the township of Booligal, on that river. Three years ago I formed on that river a wool-scouring establishment, which has cost me about £2,000. I am desirous of renting a portion of a reserve on the opposite side of the river, to enable those persons residing on the north side to send their greasy wool direct to the scouring establishment, and not go down the river to the punt to cross the river, and then go 3 miles up the river to the scouring establishment, thus causing great delay and expense; this could be obviated by renting to me—or rather my son, to whom I have handed over this wool-scouring establishment—a portion of the reserve. Up to this day I have not received an answer to my application. I called at the Land Office and asked the reason why my application had not been attended to. The answer was it had been referred to the Commissioner of the district to report upon. The Commissioner, Mr. Futter, resides about 300 miles from Booligal. It would be scarcely reasonable to suppose this gentleman would undertake a journey of 600 miles to report upon this application. The Commissioner of the Lachlan District ought to reside in the centre of his district and not at the east end of it. For all practicable purposes he is useless in his present locality.

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190. Are the police offices so numerous in the interior? Yes, they are sufficiently numerous for the purpose. It has often occurred to me that it would be very desirable that there should be some person, at Wagga Wagga or Hay for instance, with enlarged authority, to whom parties could apply instead of coming to Sydney.
191. Does not the information you require appear in the *Gazette?* Very few persons see the *Gazette.*
192. The *Gazette* is kept at all the police offices, is it not? Yes, no doubt; but it is not always available in such a way as to bring the information prominently before the public. Then they do not know anything about the regulations; I never saw people so ignorant of anything.
193. *Mr. Stewart.*] If the Clerks of Petty Sessions were instructed to take some means of calling attention to the advertisements in the *Government Gazette*, would not that answer the purpose? Yes, I dare say it would. They should be supplied with copies of the little blue book, containing the Acts and Regulations, which people would pay for readily.
194. They are continually advertised for sale in the *Gazette?* I dare say they are; but that is of no use if people cannot get them except in Sydney.
195. You, as a Magistrate, see the *Gazette* regularly? Of course, I make a point of seeing it, but other persons cannot do so.
196. *Chairman.*] If I understand you rightly, you think the Clerks of Petty Sessions should be instructed to sell the Acts and Regulations? Yes; people should be able to get them at the police offices in the Country, the same as they can at the Printing Office here.
197. You had experience of the operation of the former Land laws of the Colony as well as of the Land laws of 1861? Yes.
198. What is your opinion of the effects of the Land laws of 1861 upon the material, social, and commercial interests of the Country as a whole? My opinion is that the Act of 1861 is a very good one if carried out in its integrity; but it is evaded in every possible way. It has a demoralizing tendency. The Act induces people to do what they have no desire to do, but which they must do to save themselves from ruin. Fortunately for myself I am clean-handed, for I never had a selection, and I made up my mind I never would. If carried out in its integrity I think the Act would be perfectly right, with a few little exceptions. For instance, a man selects 320 acres, and he is allowed three times that area as a grazing right. That is of no use to him because I, or any one else, can go and select one of these pieces. My idea is that it would be better to do away with the improvement clause altogether, and to let him have 320 acres and three times the area to graze upon, but require him to fence it.
199. *Mr. Stewart.*] Is your run fenced in? It is, every bit of it, and divided into paddocks; and a reference to the effect of free selection in my case will show you its operation in the country generally. I have my run fenced in, and I leave it to yourself to say, if a man comes into one of my paddocks to select without fencing, whether or not he is a great annoyance to my stock; but if he fenced in his selection he would not be so; he would be an eligible colonist, because I could employ him and his men to shear my sheep, and his teams to take my wool to market, and to bring my supplies to the station. As it is now, without fencing, it is setting class against class. The selector's dogs are knocking my sheep about, and my sheep can with difficulty be kept from trespassing on his unfenced selection. Years ago, when I was on Maneroo, where I was for twelve years, there were a number of agriculturists about Goulburn who used to occupy their spare time in taking wool to Sydney and bringing back supplies, returning in time to get in their harvest. These men were desirable colonists, and the free selectors under the present Land law might be made so also under a better system, which would prevent annoyance from their taking up land and suffering it to remain unfenced.
200. Supposing a hundred of these people came upon your run? Then I must recede, as I have receded already. I was at one time within 30 miles of Deniliquin. I have taken the liberty to jot down a few memoranda on paper which, with your permission, I will read, not with respect to altering the law, but to improving the Regulations. First. Declarations not to be accepted in the case of conditional purchasers, when made by minors or by persons professing to act as their agents. Second. Local tribunals—(and I think this is a most important point for your consideration) local tribunals should be constituted to hear complaints and take evidence as to conditional purchases, the Minister finally deciding on such evidence. For instance, a man came to me about three years ago, from Hay, wanting me, as a Magistrate, to take his declaration. I asked him who sent him to me. He said, "The Land Agent at Hay." I said, "Are you going to make this declaration? Do you know if you make a false declaration you are liable to be punished"? I said, "I know personally it is false; I know that you have not made the improvements; I know that you have not been on the place for six or eight months; you have some other person there. If you make this declaration, I will bring it under the notice of the Minister for Lands." He did make the declaration; and I sat down, and wrote an official letter to the land agent, asking him to bring the matter under the notice of the head of the department; but I have never heard any more of it from that day to this.
201. *Chairman.*] How would you constitute these local Courts? I believe the Police Magistrates could do it. In nearly all districts there are Police Magistrates now, either resident or visiting. I think they might take the evidence. Notice might be given to prevent perjury, for it is downright perjury. Third. Forfeited lands to be put up to auction, and conditional purchases not to be selected thereon till after submission to auction. Fourth. Continuous *bonâ fide* residence to be defined by regulations. I think that is a most important thing, as the conditional purchaser gives thereby evidence that he holds his purchase not as a dummy for others, but as having true dominion over his selection, in accordance with the law and policy of the Land Act of 1861.
202. As to the quantity of land allowed to be conditionally purchased, you are aware that it is limited to 320 acres;—do you think that is sufficient, or would you advise an extension of the area? If you are going in for agricultural purposes, I think it is quite sufficient. There is a large quantity of land yet to be taken up for pastoral purposes, and I think it desirable to get more of this land occupied before increasing the areas. I have no doubt as free selectors come on the pastoral tenants will gradually recede. I have done so myself, and others will have to do as I have done.
203. There are a large number of free selectors, are there not, who are combining agriculture with grazing to some extent? It is a fallacy in that part of the country. I have to bring every pound of flour to my station from Wagga Wagga, Hay, Adelaide, or Melbourne; I have to buy my vegetables also. I have grown cabbages by artificial means, but it cannot be done as a rule. The men who are now going across the Border, making a raid on the various runs in the neighbourhood of Deniliquin, will all come to grief

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the first dry season that comes. In 1865 I lost 12,000 sheep and all the lambs from 16,000 ewes, through drought. The land these men are taking up will ultimately fall into the hands of capitalists, as it has done or is doing in Victoria. At the present the land there is falling back to the original occupants. But first it will cause a great deal of distress and ruin up there, and a great deal of bickering. I am as certain as that I sit on this chair that they cannot carry on pastoral pursuits unless they have a large area. I think a family could do well on 40 or 50 square miles, but not on less; and they will require capital—£3,000 or £4,000—to develop even that.

204. What I mean is, would you extend the 320 acres that may be taken up by selection to a section or two sections? My opinion is, that in a purely pastoral country, like the one I speak of, they could do no good with it if you did extend the area. My own run is 200 square miles in different blocks. I went out there in 1864. I could not put a sheep on it for twelve months, for want of water. At the head station I sank a well 140 feet deep, and by that means I got permanent water there; I then sank three other wells in different parts of the run, which cost me about £600 each. I have now eleven paddocks, all fenced with five-wire fence. At first I put posts 50 feet apart, because I could not afford to put them 10 feet apart, putting in stakes at short intervals to carry the wire. This year I have put in posts 10 feet apart, and now I have posts all round 10 feet apart. I have also made several dams. If it were not for artificial means of procuring water, not a living soul could stay there. The sheep might stay for twenty-four hours, because they can do without water when the grass is green. These improvements have cost me £12,000, which is about 2s. per acre. We proposed to bring down water from the Lachlan, but we thought that if we did so we should be only making a rod to whip ourselves, for if we had the water there we should have the free selectors at once.*

205. *Mr. Tunks.*] Could you not buy the sites of the dams? Yes, we could do that, but we could not buy the whole course of the stream if we brought the water down from the Lachlan, as was proposed. I have been speaking to the Minister for Lands, Mr. Farnell, on the subject, and he says that if we buy 320 acres at each dam he will make reserves to protect the remainder. But Mr. Farnell may not be always in office to carry this out.

206. Have you purchased any Volunteer land orders? No, I would not have any of those; I go in for legitimate squatting.

207. *Chairman.*] With regard to improvement and conditions of residence, do you think it desirable to insist upon those clauses of the present Act which require persons to permanently reside upon their selections, and also to improve them to the value of £1 an acre? No, as I said before, I would ask for nothing more than to fence it in. I would allow a man to do what he liked with his land if he would only fence it in.

208. Would you insist upon residence? Yes, I would. If you do away with the residence clause I could get five hundred people to free select and secure my run. I think it will be a great mistake if you do that—a great mistake, you may depend upon it. Let them be *bonâ fide* selectors, as shown by their residence on their selections, and let them fence in their land, and that is all you should require.

209. Could you give the Committee any information as to the extent of "dummyism." A great deal has been said about it of late. Is it the Crown tenant or the conditional purchaser who resorts to it, or both? When I came to Sydney—I have not been here for ten years—I was under the impression that the free selectors were in the majority—that they were selecting by their children; but since I came to Sydney I have found out that in all the pastoral districts near Sydney, such as Maneroo, Wellington, and Bathurst, the squatters are, in the majority of cases, the free selectors; they have free selected to save themselves from utter ruin. I hold in my hand a document (*see Appendix A*), addressed to the Minister for Lands, by eighteen or nineteen gentlemen, who asked me to be kind enough to present it, and I did so. These gentlemen say that if there is not some alteration in the law they will have to resort to dummyism to save themselves. (*Letter from a number of gentlemen representing themselves to be Crown tenants in the Lachlan and Murrumbidgee Districts, dated — September, 1873, and addressed to the Minister for Lands, read.* [*Vide Appendix A.*]

210. *Mr. Stewart.*] I should like to know what it would pay you to give per acre for land for pastoral purposes in your locality? They are prepared to give £1 an acre for it for pastoral purposes. I never saw a period when the Government could so readily realize £1 an acre for their land as they can now, and it may never happen again. I do not say I am prepared to give £1 an acre; but there are those who are prepared to do so. I am speaking of the Murrumbidgee District—mine is the Lachlan.

211. Would it pay to give £1 an acre? Having made all their improvements on these properties they would rather give that price for the land than be in the position they are in now.

212. *Chairman.*] You are in favour of that part of the present Land law which allows the land to go to auction? Yes.

213. You think the upset price not too high? No. I will give you another instance of the way the present system works. Before I left Melbourne I heard that a party was going to Riverina to attend the auction sales for the purpose of compelling the occupants of the land to be sold to pay them not to bid for it. They went up with eight or ten thousand pounds to Deniliquin—this is a fact—there is no mistake about it;—they went to Deniliquin on to Messrs. Landale's run and found that the land for sale had all been free selected, and therefore they could not get it. They went on to Hay, but the parties on whose runs the land was to be sold held a meeting and determined to give these men no countenance, and that if they bid higher than they did themselves they might have the land. Well, the first six sections were put up and passed without a bid; two other sections were run up to 24s. and bought for Mr. Learmonth; two others were bought at 23s., and then some more were passed without a bid. After the auction was over, the man who had bought the two sections proposed to the owner of the run that he should take it over at the price paid for it, but he would have nothing to do with it.† 214.

* Note (*on revision*):—Having, by my industry and capital, to the extent of £12,000, made a useless piece of country valuable to the State, to the extent of from 10s. to 15s. per acre, and according to the spirit and principle of the Land Act of 1861, I am fully entitled to select one acre of land at £1 per acre for every £1 expended in improvements, without competition.

† Note (*on revision*):—I append a note from a friend, stating what actually took place at Hay:—

"Hay, 10 September, 1873.

"Dear ——

"I dare say you will have seen —— since his return to Melbourne, but in case you have not seen him, I will give a *resumé* of the battle with the would-be land sharks. You have no doubt heard in town that the land surveyed on —— run, for sale on the 8th instant, was selected on the previous Thursday, (4th). Both the sharks came up to Hay. I heard all about them up here, as well as from your timely note, as they took care to advertise themselves in every way. However, ——, ——, and myself met and decided on fighting them, as being the cheapest in the end. We therefore drew up a bond, which we signed at the time. When we went into Hay the sharks began to show their teeth, and made a proposal for an arrangement, which

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214. These were Melbourne speculators, who had brought up capital to buy the land and afterwards sell to the Crown tenants? Yes. These were the men who had done the same thing in the Western District of Victoria, where it was carried to such an extent that Mr. Learmonth and others dared not bid at these auctions. One man said to Mr. Learmonth that he would not bid against him if he would give him a thousand pounds, which he did, but the next day to his astonishment he was there bidding against him again. He spoke to him about it, and he said, "Oh, that was only for yesterday." Now, is it not very hard that people should be victimised in that way?

THURSDAY, 16 OCTOBER, 1873.

Present:—

MR. RODD, | MR. STEWART.

JAMES AUGUSTINE CUNNEEN, ESQ., IN THE CHAIR.

The Honorable John O'Shanassy was called in and examined:—

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215. *Chairman.*] I believe you have been for a considerable time connected with the administration of the Government in the sister Colony of Victoria as a Minister of the Crown? Yes, I have, as well as being a Member of the Legislature of that Colony since the introduction of any form of Government there, with the exception of a short retirement of about fifteen months. I have always been a Member of the Parliament of Victoria since the year 1851.

216. I presume you have paid considerable attention to the Land laws of the sister Colonies, and also to those of New South Wales? I have read the Land Act of Queensland, because I have a son who has recently purchased a station in that Colony and is settled there. I myself am the holder of two stations in New South Wales, which are administered by my sons. I am not the holder of any squatting property in Victoria, for I have always considered that as I was intimately concerned with the Government and Legislature of that Colony, I could only pursue a proper course by having no personal interest which might be supposed to clash with my duty to the public in the capacities I have indicated, that is, as a Member of Parliament or of the Government. I did not desire to expose myself to the suspicion that I had any personal interest in the making of the laws, and consequently, the only landed property I own in Victoria is in the City of Melbourne, and the freehold upon which I reside.

217. Have you had much business to transact in New South Wales? Yes, as long as the present law exists we must necessarily come to the administration in Sydney for many points in connection with the law. There is no way of making the law self-acting, so to speak, which is what I myself would personally prefer.

218. Have you met with any unnecessary delay in carrying out your business with the Land Office of New South Wales? Not more than the system in force occasions. As far as the officers themselves are concerned, whenever I come to Sydney on business I am always treated with the utmost civility, the greatest attention, and every facility is given for the transaction of any business I may have in hand.

219. Do you find the organization for carrying on the business all that you could desire? I think the organization is being rendered better every year. The chief difficulty which I notice arises from the distribution of the business under several roofs, and in various parts of the City. If there were one good building, where the whole of the business of the Lands Department could be conveniently carried on under one roof—where the different branches of the department were easily accessible and conspicuously named—I think it would be a great improvement. If every person having business with the office could readily find any branch that he required, he would be saved a great deal of trouble and much inquiry, and the work of the Government would be done more rapidly and much more conveniently. But no doubt the present buildings were put up at a time when it was not expected that the business of the Lands Department would become so great as it now is.

220. With regard to the maps and charts, have you experienced any shortcomings in that direction;—have you found that they do not show all the lands that have been alienated, or are occupied, and do not indicate those lands which are still open for lease or sale? I never inquire into the affairs of any person's property but my own; and I have of course as much as I can do to look after the interests of that. Situated at so remote a distance from Sydney, I have been obliged to employ licensed surveyors to make charts for my own information. I may say that personally I have suffered no inconvenience, for I have kept myself acquainted with what was going on at my own expense.

221. If the department were in a position to discharge your business expeditiously you would not have been compelled to employ your own surveyor? Considering the loss of time which would take place on a reference to Sydney, and the great distance I am away—at Deniliquin—it would cost me less in reality to do my own business than it would if I were to apply to the department to do it. If I were in Sydney of course it would be a different matter; but, seeing that I am 600 miles away, I am obliged to avail myself of the facilities at hand. But I concern myself wholly with my own property, and never intend to inquire into the charts of another man's land.

222.

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was indignantly refused. They did not bid for any land until ten lots had been sold at the upset price; they then ran up some lots to 23s. per acre, which were bought by ——— at 24s. With the exception of one lot, which he dropped to the sharks at 23s., the next lot was passed without a bid, and the next six sold to ——— at the upset price. The next twelve lots were run up to 24s. and 25s. per acre, and bought by ——— at an advance of 1s. Next five lots they did not bid for, and the balance of twenty-five lots they (the sharks) ran up to 24s. and then stopped, ——— (the owner of the run) being the purchaser at an advance of 1s. After the sale, they sent to the Land Agent to say that ——— could have the lot at what it cost them, viz., 23s., but he refused to accommodate them. A lawyer's letter giving them notice to fence their land within a given time. If all the squatters will be true to each other, and show fight, the sharks will be beaten in the struggle, as no one will relieve them of any land they may be dropped in for, and they can hardly afford to bear their own expense—to put money into the Treasury in the shape of increased prices for land.

"Yours, &c.,

"———."

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222. I intended that my question should refer to the public estate—as to how far the charts represent to the public the quantities of this estate that have been alienated, and the quantities that remain open to the public to take up? I have not looked into that matter; but when my son, who is at Bourke, required information of that character, Mr. Du Faur, a very active and intelligent officer of the Lands Department, made a very accurate chart of the Warrego and Bourke country. I paid for the survey of the lines, and the Government laid them out. We had the lines surveyed so as to prevent disputes between neighbours thereafter, and to enable us to fence. The Occupation Branch has afforded me every facility that I could reasonably desire. I complied with the regulations of the department with regard to paying for the survey of the lines.
223. Have you paid much attention to the working of the Land law in New South Wales? I have paid some attention to it.
224. Have you formed any opinion with regard to the effects of that law upon the pastoral and agricultural interests of this Colony? I have always regarded the Act from its very inception as wrong in principle.
225. In what respect? In giving the opportunity to a limited population, which I believe does not even yet much exceed 500,000 souls, to proceed to all parts of this vast Colony and settle upon the public lands—in giving to so small a population the power to disperse themselves to such an unnatural extent as to cause great inconvenience to themselves, and great harm to the persons on whose runs they settle. And, as things are at present, the effect cannot appear to me in any other light than as injurious to those who so isolate themselves from the rest of the community, and also to the Government. In the great majority of cases they so settle upon the land as to make it impossible that they can have schools or churches, and where there are no means of transporting their goods or produce, if they have any, to a market. They place themselves almost beyond the reach of police protection and supervision, and in the event of a trial of civil causes they are put to so much expense, by reason of having to travel enormous distances, that they are almost compelled to forego the rights of citizens altogether. Such a system of settlement as that, in so wide a territory as that of New South Wales, I consider wrong, and I do not think that it will help agricultural settlement in the slightest degree. It would be better for those who wish to follow the pursuits of agriculture to settle down in communities where they can have roads by which to send their produce to market, where they can have churches and schools within a convenient distance, and where the administration of justice can be made cheap, and be, as it were, brought to their own doors. I have seen the practical disadvantage of the present state of things myself. Thus, for instance, my son, who lives at Fort Bourke, was compelled to prosecute a man for forging a cheque for £2, but he was called away on business to Queensland, and by the time the trial could take place, owing to the long distances which had to be travelled, more than 1,800 miles, and the delay consequent on that state of things, it was six months before the trial could take place, and then the jury refused to convict, thinking that the accused had been incarcerated a sufficiently long time already. This is an illustration of some of the evils inseparable from the undue dispersion of so small a population over so wide a territory. I consider the undue dispersion of the people a greater evil than can be counterbalanced by any benefit that can result to the community arising from the settlement of the country in that way. That is the opinion which I originally formed, and as the result of my observation of the working of the law since, I see no reason to alter it.
226. Do I understand you then to be rather in favour of limiting settlement to agricultural areas than of allowing selection to take place over the whole territory? Yes; I would be in favour of any system which would obtain the settlement of population within a certain radius. I do not care whether you call the areas agricultural or otherwise, so long as the people were not unduly dispersed—so long as the plan of settlement would bring them more into contact than they are at present. You might confine settlement to agricultural areas, to counties, or whatever you liked.
227. Would you throw the responsibility of declaring these areas, of defining these limits, upon the Government? I think classification of the lands, as has been done in Queensland, would answer very well. In that Colony they have classified the land into agricultural districts, first class pastoral districts, second class pastoral districts, towns, villages, and mineral lands. The knowledge we have of this country and the climate in particular districts would render such a classification easy. It would not be difficult to indicate suitable localities for settlement. It is easy to talk of agricultural settlement 500 miles away from Sydney; but, in fact, the thing is absurd, for there can be no agricultural settlement worthy of the name in a district where there is no rainfall sometimes for three years together. I think that the Queensland people have profited by the land legislation of the two Colonies, or perhaps the three—South Australia, Victoria, and New South Wales—by the law they have introduced there, but there is no law that may not be still further improved, and I dare say there are complaints in Queensland as well as everywhere else.
228. In those districts where you think that population might advantageously settle down, how would you deal with the Crown tenant;—would you compensate him if his run were taken? There would be some difficulty attending that.
229. Undue preferences might be suspected if they did not exist? Yes; in Queensland they endeavour to meet that case by dividing the run into two portions, the lessee to be left in undisturbed enjoyment of one-half of it for a certain number of years. By giving some security of tenure, the squatter is placed in a position of advantage; he knows what to do—where to fence and store water. Land surveyed there cannot be open to selection until it has been first offered at auction, and that gives the pastoral occupant a fair chance of protecting himself. If a man has pointed out the country—has paid the fees for having it surveyed—he ought to have the first opportunity of saying whether he will buy and protect himself or not. If a man goes to the expense of a survey in New South Wales the effect is to indicate the country to some land speculators who do not really want the land for any legitimate purpose, and whose only object is to disturb others who are already in beneficial occupation. The speculator comes in, perhaps the very day before the auction takes place, and free selects the land on the mere chance of making money out of the man who really wants the land for purposes of *bonâ fide* settlement. The free selector gets the land for 5s. an acre in cash balance as by the Act; whereas the other man would have been willing to pay £1 an acre; and it is questionable whether the State really receives as much as 5s. an acre when the survey and costs incidental to free selection are taken into account.
230. The maximum number of acres allowed to be taken up under conditional purchase is 320 acres? Yes.
231. Do you think that that is a sufficient area? I consider that in pastoral country the sub-division of land into so small an area puts the Government to vast expense in surveys, laying out roads, and the loss of land left between the blocks. Where the country is purely pastoral, and thinly grassed, it is desirable that it should be held in much larger quantity than 320 acres. It appears to me to be a waste of the

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public resources to survey the land in such small lots. Where, however, the land is agricultural it is fair enough that the requirements of the public should be met by the sub-division of the land into lots of any area for which there may be a demand; but it is not desirable that in such localities the land should be wasted by its being thrown into large blocks.

232. *Mr. Stewart.*] If it is fair to supply the agriculturist with blocks of such size as he may require, it is also fair that the pastoralists should have the same privilege? Yes, but of course there must be a limit. It would not be advisable that they should be allowed to take up a practically unlimited area. At all events, 320 acres seems to me to be an unreasonably small area into which to divide land in such a class of country as I have mentioned.

233. Too small to afford anything like a profit on the stock that could be kept? It would be impossible to put anything on it with the idea of making it pay. It may be useful to some small extent, if water was obtainable; but even then a man may spend £500 in sinking a well, and after all get nothing but salt water, as is often the case.

234. *Chairman.*] Have you formed any opinion as to what would be a desirable extent to be allowed for persons to buy at auction? It would depend very much upon circumstances—upon the character of the district and its remoteness. If a man takes up country in a very warm dry district, 500 or 600 miles from Sydney, Melbourne, or Adelaide, he must have a large capital before he can settle there, and he must be able to lie out of his money for some years, more particularly in dry unfavourable seasons; and it is not to be expected that a man will lay out his money in improvements unless he has some security of tenure, some prospect of advantage, some assurance that if he does a certain thing he will reap a corresponding benefit from doing it; and that if the Government neglects to act in a certain way, there will be the loss arising from uncertainty of tenure. If a man lays out money in localities such as I have indicated, he is acting beneficially, not only for himself but for the State, by increasing the value of the Crown property, and by creating an article of export,—wool, tallow, hides, preserved meat, or whatever it may be. Persons in every pursuit of life look to the Government for the proper means to enable them to pursue their business, and the squatters, in their relation to the Government as pastoral tenants, have a right to know in what position they stand with regard to their holdings, and there ought to be no uncertainty about the matter.

235. *Mr. Stewart.*] Have you formed any opinion of what the value of the land is to the grazier per acre, in such a district (say) as Riverina? Riverina is a large expression. The district extends from the Murray River to Bourke, on the Darling, and even much further. The value of land varies almost as much as in the City of Sydney and the county of Cumberland. The district, from the Murrumbidgee to the Murray, is very favourably situated for the Melbourne market. It has the advantage of the rivers, and in the event of rain or floods they can send steamers up with supplies and take back their produce to market. Pastoral property in such a position as that necessarily becomes more valuable. On the Darling we have had the seasons dry for five years in succession, and drays have been eight months on the road to Sydney. Property there can be of comparatively little value as regards that much more favourably situated as to market. The value of land is enhanced or depressed by the value of the produce from it. Some years land in a district would not fetch a shilling an acre. The low price of wool, the cost of shepherding sheep by labour, and the expense of cartage of supplies and produce, would leave a very small margin for profit. Where the rainfall is regular, as it has been for the last few seasons, where the price of produce is high, as it is at present, special encouragements are offered for the investment of capital in this direction. But these are speculative ideas, and it is not possible to fix anything like a standard value. At the present time there is a good deal of speculation in land for the purposes of security, and squatters are really obliged to buy for the purpose of protecting themselves in the interests which they have created. People take up land at the time the sheep are lambing, and when they cannot be removed. It is often done simply to injure the squatter, who, it may be, can neither buy out the selector nor get rid of him in any other way. It is to protect themselves against injury of that kind that squatters are now anxious to buy, although ultimately the purchases they are now making may turn out to be a great loss to them.

236. Is there any part of Riverina in which it would be worth the while of a squatter to give £50,000 for 50,000 acres of land for grazing purposes? The land is not intrinsically worth that. No squatter would buy at that price, unless there were some special advantages incidental to the purchase.

237. Land is not worth £1 an acre there? I do not think it is; but the buyer may have already laid out a great deal of money on the run, and he may be so circumstanced as to be compelled to purchase in order to secure to himself advantages which he has already acquired, and perhaps created. Apart from considerations of that kind, I cannot see how the land would be worth £1 an acre intrinsically. By a forced system under the law, you may compel a man to buy land at £1 an acre, and to buy it at a great loss to himself, as far as the actual value of the land purchased at that price is concerned.

238. Have you any idea of the highest price a grazier would be justified in giving for a station in any part of Riverina? In any part?

239. Yes? I do not think that, generally speaking, graziers would buy the freehold of their runs at all.

240. What would they be able to afford to give? It would depend very much upon the amount of capital the person possessed, and the use to which he could turn the land. It is quite possible that, after a man has spent money in improvements, and acquired large interest in stock, to be caught in such a position that he cannot help himself, he might be forced to buy land to protect himself.

241. You are of opinion that scarcely any run-holders in Riverina would be justified in purchasing the freehold of their runs—not at any price? Some might give 4s. or 5s. an acre.

242. You think they might at 4s. or 5s. an acre? It would amount to a very large sum of money. While the laws under which he holds are uncertain, a man may be willing to secure the interest he has acquired at that price, but if he were left to buy voluntarily, if no pressure were put upon him by means of the action of free selectors, he would prefer to pay rent to the Crown, believing that from the nature of the climate and the soil, his holding would be tolerably secure from encroachment in any other way. He would prefer to lease rather than purchase in fee; but he is now compelled to purchase in fee, as a means of saving himself, seeing that the State will not protect him in the enjoyment of the property and the rights which he has acquired. If the price of wool should fall, or if the seasons should become unfavourable, men may be ruined by the purchases they are now making.

243. Taking one year with another, could they afford to pay any more rent? From the year 1862, and during the drought, they had as much as they could do to pay their way. When the seasons are favourable,

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able, there is a real prosperity for a time, but that may be fallacious, and urge men into a course which they would have occasion afterwards to regret. Lessees would prefer to pay rent. They are not buying voluntarily, and they are not giving what the land is really worth, but what they are forced to give under the law.

244. Is that the opinion of leaseholders themselves? That is the opinion of many of them. They have got out of debt recently by the high price of wool, and have been thus enabled to do what they are now doing.

245. *Chairman.*] The upset price of land is £1 per acre? Yes, whether the land is good, bad, or indifferent.

246. If a person who buys at £1 per acre could get money at 5 per cent. the interest would be equivalent to the payment of rent at the rate of 1s. an acre? Yes, but he would probably compensate himself by buying only such portions as would give him the key to other portions of country, the value of which would be much less than £1 per acre. A man would not buy his run up all over, unless he were a very wealthy man, and were placed in very exceptional circumstances which forced him to buy. In the district to which you have referred there are 11,000,000 acres of land. If put into the market at £1 an acrethe money for the purchase could not be got. The Banks could not supply it, and English capitalists would not lend their money on such security.

247. When the present landholders have exercised their right to purchase to an extent which they deem wise the rents will necessarily come down? They will all apply for a reappraisement of course. If you get capital in one direction by sales of land you cannot expect to have it in rents another; you cannot have rent and capital together; you cannot have your loaf and eat it.

248. That may be reasonably looked for? Yes; but there will be no purchase of land to any extent beyond the Murrumbidgee. All that tract of country, from the head of the Darling, round by the Paroo and down to Wentworth, will remain in the possession of the Crown, excepting only such portions as may be bought up to protect improvements.

249. Do you think that the price arbitrarily fixed at £1 an acre is reasonable? I do not think it is. It may be a matter of State policy to keep up the price, to show the value which the State puts upon its property in perpetuity.

250. Can you see any reason why the value of land should not be fixed in the same way as that of other commodities? I see no reason why it should not. The price is really kept up by people coming to the Colony; or people enhance the value of the land by the improvements they make upon it.

251. When the present demand for good land, for which people are willing to pay £1 an acre, ceases—when all the good land has been taken up—do you think that a demand for back lands and inferior lands may set in at lower prices? It would entirely depend upon the state of things at the time. If capital were abundant and there were no outlet for the employment of it, there might be a desire to purchase in the way you have mentioned; but if capital were scarce—if money were worth 10 or 12 per cent.—the outlay you speak of would be unproductive, and no one could be reasonably expected to do it.

252. The effect of persons buying all the choice lands, as they are doing at present, may be, that when there is no more of such land to be had, men may buy back lands at a price? They may, but in the nature of things when men die there will be a redistribution of the present holdings, and property may be sold for one-half the price which the Government have received for it. That state of things has occurred over and over again in New South Wales.

253. Could you recommend to the Committee any mode of altering the upset price of land in a way that would be wise and equitable? It should be done with great discrimination, for it will be necessary to protect as much as possible the interests of those who have already invested their money in land. It is natural enough that men who have bought land at one price should desire to see the price kept up, or that, if the price were reduced, a certain quantity of land should be allowed to them as compensation for the reduction in the price. In districts very remote from Sydney, no injury could result from the reduction in the price. As one holder, I would be quite content with a leasehold tenure.

254. You are aware that under the present Act it is imperative upon those who take up land under conditional purchase to reside upon the land? Yes.

255. Do you think that a desirable provision? I think that when you are making terms for one person to get land at a cheaper rate than another, who pays cash for what he buys at auction, it is reasonable, on the part of the State, to require some proof of the *bonâ fides* of the person who has legislation made exceptionally in his favour. The difficulties which arise are, the result of a departure from one uniform system which would put every man on the same footing—which would let the best horse win. Here, if a man has no capital, I think you have a right to take some guarantees that he will perform the conditions upon which he gets land at a cheaper rate, and which he undertakes to perform.

256. Are the conditions of residence and improvement generally carried out? No.

257. Do you think that they are evaded to any great extent? I do.

258. Do you think that the system which prevails has a bad effect? It has a demoralising effect.

259. In that it holds out premiums for a violation of the law? Certainly; and the principle of dispersion does not enable a Government, however willing they may be, to follow the matter up, to do their duty in such cases—to see that the law is carried out. I hold in my hand a form of application under the "Victorian Land Act of 1869," which seems to embody all recent conditions and attempts to stringently enforce them. The applicant is required to make this declaration:—"I ———— of ——— do hereby solemnly and sincerely declare, upon oath, that on the —— day of —— at — o'clock, I placed conspicuous posts, or cairns of stones with notices thereon, at the corners of the allotment for which I hereby make application under Part II of the Land Act 1869, as more particularly described hereunder—that I have not taken up a pre-emptive right—that I have not selected under any previous Land Act or Acts the maximum number of acres allowed by this Act—that no selection made by me under any previous Land Act or Acts has been forfeited or cancelled for the evasion of the provisions of any such Land Act or Acts—and that the area I now desire to obtain would not, if added to the area already selected by me under any previous Land Act or Acts, exceed 320 acres—that I am not under eighteen years of age." This last-named provision is intended to cover what appears to be a defect in your Act. No person can select under eighteen years of age, and by the time that a person who selects at the age of eighteen has fulfilled all the conditions he will be twenty-one years old; so that this law does not conflict with the laws of the empire so much as your law with regard to title. This form of declaration goes on

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on to say:—"And I further declare as aforesaid that, with respect to this application, I am not an agent, or a servant of, or a trustee for any other person; that I have not entered into any agreement to permit any other person to acquire, by purchase or otherwise, the allotment in respect of which this application is made, or any part thereof, or my interest therein, or the usufruct thereof; that it is my intention to reside thereon if the allotment be granted to me. And I make this solemn declaration on oath, conscientiously believing the same to be true, by virtue of the provisions of the Land Act 1869, and of the provisions of an Act of Parliament of Victoria, rendering persons making a false declaration punishable for wilful and corrupt perjury." Then that declaration is signed and declared upon oath before a Justice of the Peace.

260. Perhaps you will allow the schedule to be appended to your evidence? Yes. (*Vide Appendix* B.)

261. *Mr. Stewart.*] How long has that form been in force in the Colony of Victoria? I believe not very long. This seems to be the accumulation of all other attempts at putting in conditions. The conditions here are more stringent than those which you have in your Act; but at the same time it practically amounts to this: Will there be supervision enough to insist upon the carrying out of these conditions? All these conditions may be evaded, unless the law is strongly carried out.

262. *Chairman.*] The evasion of these conditions leads to dummyism? Yes; and to the levying of black mail upon persons who are carrying on a lawful occupation. Selections are taken up in lambing time, when the sheep cannot be removed, for no other purpose than to levy black mail upon the squatter, or otherwise to injure him.

263. Would it be desirable to insist very rigidly on the improvements being made—upon a greater rate of improvement than £1 an acre—and not insist on residence? The mode of solution of the difficulties now existing in the pastoral districts, which appears to me to be most effective, is the introduction of a Bill to prevent minors from exercising the right to impound cattle or sheep. I can see no reason why a person under the age of twenty-one years should be allowed to impound off unenclosed land; and I think that a Bill containing one short clause might readily be passed during the present session, forbidding minors to impound. That would entail no hardship upon anyone, and it would prevent much of the mischief which now arises. It is absurd that stock should be impounded by or in the name of a child one year old. At present there is nothing to hinder a man from hiring out all the inmates of the Benevolent Asylum, and taking up land and exercising all sorts of rights in their names. So also with regard to children. It seems to me that there is no reason why a child six months old should be allowed to exercise all the rights of ownership in regard to land. I make the suggestion of an amendment in the Impounding Act to prevent minors from impounding in all good faith, and without wishing in any way to interfere with *bonâ fide* selection under the law. I have never suffered any practical loss or inconvenience from *bonâ fide* selectors, from men who came and showed their good intention by settling down upon the land and improving it. Such men in the pastoral districts commonly find employment from the squatters, as carriers, when they do not need to be at work upon their selections. If such men come we give them work and if their stock wanders we drive them home rather than impound them. My servants, I believe, never impounded a beast belonging to a *bonâ fide* selector. The new system of allowing minors to select land, to exercise the rights of ownership, to impound stock, is an abuse which has grown up under the law, but which could never have been contemplated by the Legislature.

264. It has been represented through the public press that two classes of dummies have sprung up—one class consisting of what may be called *bonâ fide* conditional purchasers, who take up land in the names of their children, and the other which springs from the action of Crown tenants, in taking up land in the names of their shepherds, storekeepers, &c.—the object of both being to get possession of more land than the law entitles them to take up? I believe that is the case to some extent; but only very recently, as far as I am informed, so far as the squatters are concerned, and it is caused by the insecurity of their tenure.

265. But there is a feeling of that kind? Yes.

266. The conditional purchaser is a dummy by persons connected with his family? He may take up any number of selections in that way.

267. And the Crown tenant dummies by his servants? Under such a system as that which now prevails he must abandon his occupation, in which he has laid out thousands of pounds, or he must spend his money to protect himself, and if he spends his money in that way he is forced into doing it by the weakness of the law. He gets the land by a round-about process as compared with purchase at auction; but the fact of his purchasing the land at all arises in most cases from the necessity of his position; he purchases from compulsion and not from choice. In regard to one class the land is taken up of choice, from motives of injury in many cases; in regard to the other, it is taken up as a matter of necessity, for the protection of an interest created at a great outlay. No man would like to take up land in this way if he could get the use of it by lease, or if he could purchase it at auction.

268. *Mr. Rodd.*] Did I understand you to say that you were in favour of the residence clause being carried out in regard to persons taking up land under conditional purchase? Yes.

269. Do you not think that there are many men who have saved a little money who would take up land and improve it, who would fulfil all the conditions of the Act, excepting the residence condition, by means of hired labour? I do not believe that there is any such class in Australia. I spent some years in the bush in my early days, but I never knew a gentleman farmer, or heard of one, who could make the cultivation of the land pay by hired labour. I never heard of a case where a man could fence his land and produce crops by means of hired labour at a rate that would pay. To do away with the residence condition would be to open the door to all sorts of abuses under the pretence of improving the land by hired labour, and it would be done for an object which we see from practical experience is never realized. It would be giving a wider scope for the evasion of the law. In Queensland they allow a man to reside as the bailiff for another, but that is where pastoral properties are concerned, and the bailiff is practically the stock overseer. But as to agricultural properties, I know of no instance where a gentleman farmer made land pay in growing crops by means of hired labour, and I have had thirty-five years experience in Australia. Under the old system, when assigned servants were to be obtained, there were some instances in which farming in that way was more successful, but no large amount of money was made. Where a family all live together and put their labour into one common purse there are some instances of success; but small selectors with us in a pastoral country do not follow agriculture. They make their selection their home, keep a few cows and bullocks, and much of their time is occupied in carrying, which brings them in money.

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270. Do you not think that as population increases in the country districts, men in business, who have time and capital to spare, would be desirous of going into farming pursuits, but would not be dependent entirely upon agriculture but would combine grazing with it; and would it not be advisable that such men should have the opportunity of acquiring land in the way I have suggested? Where are they to get an area large enough for grazing as well as farming, so as to enable them to make both ends meet? But we know, as a matter of history in this Colony, that unless carried on very economically, even with large areas, squatting will not pay, and pastoral people are liable to great risks. Unless graziers are very careful they cannot make their business pay; but we know that where a man depends upon the plough, farming never pays. The fluctuations and risks of squatting are as great as in any other pursuit. In 1862 I went up to Queensland with the intention of investing in squatting property there; but when I ascertained the price of carriage and the rates of labour, I concluded that it would be unsafe to invest there. In a few years afterwards people who did invest there were ruined, and had to give up their properties to the Banks. Better seasons have come round, meat preserving has kept up the price of stock, and things are coming round again; but I know of no class of intermediate persons, men in business, who have to carry on farming by means of hired labour, making it pay. Supposing a man had 2,000 head of stock, consider what radius it would require for him to keep them. The outlay would be certain, but the return would be small and precarious. Where a man lives on the land himself, and employs the labour of his family, he may make a comfortable living.

271. *Chairman.*] Has it come under your notice that there is any foundation for the complaints which have lately been made with regard to the part that the Volunteer land orders have been made to play? We never heard of them in Melbourne at all, excepting only in regard to one firm, which is said to have secured a great many of them early, at the low price of £50. I never heard of them until I came to Sydney.

272. With regard to the pre-lease system under the present Land Act, have you formed any opinion as to whether it is not desirable to give pre-leases; and, if so, whether a better tenure could not by some means be given than that which exists at present? The pre-leases to the pastoral tenant will be taken in virtue of his purchased land, and as a means of protecting himself in the enjoyment of what he formerly held under lease, and without the pre-lease. If he is willing to pay the price for the sake of security he is better pleased with it than to hold no security from the Crown in districts where he is likely to be disturbed. In districts where he is not likely to be disturbed he does not want the pre-leases at all. As to the conditional purchaser, I do not see the necessity for the pre-lease, for if the land be good it will be sure to be sold, and he must either buy it or lose it. He cannot have any security in the enjoyment of it, as the law stands at present. His interest will be confined to the quantity of land he can take up himself, and usefully occupy. I should think a person would be much better pleased to know exactly what he could call his own than to have something indefinite, and of which he may any day be deprived. In the remote pastoral districts of New South Wales such a question cannot become of any great consequence.

273. With regard to the conditional purchaser's pre-lease;—would you give him the power of purchasing it on condition that he fenced? I do not know how it would apply in the more settled portions of New South Wales. I am not personally acquainted with the lie of the country and the condition of the selectors. In the distant pastoral country it would be useless to him. With reference to the administration of the law,—I have been living under it since 1861 or 1862, when it came into force, and my observation has shown me that it can be very variously administered. I have nothing to say to the prejudice of the different Ministers who have been concerned in the administration of the Act, for I have no doubt they have acted to the best of their judgment, according to the lights which they possessed; but the Act is capable of being differently administered and differently interpreted; so much is that the case that we cannot tell what the law really is, and we do not really know how to act.

274. *Mr. Stewart.*] Is not that the case with all law? It is not so much the case with regard to a law which is governed by fixed rules of interpretation. It is administered, not by Judges, but by political Ministers, who have entertained different views, and, as a consequence, the administration has given rise to a feeling of the greatest uncertainty.

275. *Chairman.*] The regulations of one Minister differ from those of another? Yes; and their interpretation of the same regulation may be entirely different.

276. *Mr. Stewart.*] Can you give the Committee an illustration of the difference? I could hardly do so without looking up my papers.

277. I think that some of them have held that forfeited free selections are open to be re-selected, and others have held the reverse? Yes.

278. That is one instance? Yes; and great difference has existed with regard to interpreting what are improvements—whether they may be combined, or whether they are to be taken separately. Had I have known that I was to have been examined before this Committee, I could have produced innumerable instances of various interpretations, but my papers are all in Melbourne.

279. Do you think that the present tenure of pastoral leases—five years tenure, with right of renewal—is satisfactory? Nothing can be satisfactory where the leases are liable to the uncertainty which I have described to you—where persons are forced into investments without knowing the consequences which may be involved.

280. Have you paid any attention to the question of appraisement—do you think it could be amended? I think it could.

281. Could you suggest any method by which you think it might be improved? Assuming that it is a fair thing to have arbitration, nothing can be more equitable than that one man should be appointed by the party on each side. The umpire should be chosen fairly by the arbitrators; but I do not think that the Minister, who has the appointment of one arbitrator on the part of the Crown, should also have the appointment of the umpire, in the event of a disagreement in regard to his appointment by the arbitrators. At present the Minister has the appointment of two persons out of the three who are concerned in the decision, and that, I think, is clearly unfair. That is one evil connected with the present system of appraisement; and another evil is to insist on appraising runs when it would cost more to appraise them than the land is worth. You cannot make arrangements for the appraisement fee to an arbitrator under £10; but in dry country, when the seasons are unfavourable, the land is not worth £10. The run is so absolutely worthless that it is often forfeited. In dry country my son has forfeited his runs because they were not worth as much as the cost of the appraisement. The present system is beneficial neither to the State nor to the tenant.

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282. We find by returns laid before Parliament that the values of the same runs have varied considerably at different times;—they have varied very considerably—as much as 50 per cent.—when there has been no corresponding variations in the price of stock? That must be owing to the uncertainty of the present mode of arbitration.

283. Certain arbitrations, which took place in this Colony about the year 1865, when stock were low in price, and when all the produce of pastoral property was low, were such as to fix the rents at a much higher rate than they have ever been since, when the value of stock and station produce has been 50 per cent. higher—the rents have been reduced, although the values have been raised? That would turn upon the class of men appointed to make the valuations. Appraisers have had no uniform training for the duties they are called upon to perform, and may not be acquainted with the value of station property.

284. How would you deal with the subject? Without the lists of appraisers were prepared before hand, and an impartial umpire selected to decide between the two in case of any dispute, you cannot expect anything like uniformity or fairness. I would suggest that a list of respectable and competent persons should be made out, something similar to a jury list, from which each side might draw a man, and if they could not agree in regard to their selection, they must agree when they come to the last man on the list, *i.e.*, for getting an umpire.

285. *Mr. Rodd.*] Would you agree with the principle of valuing a run according to the number of stock it would carry;—I do not mean the number the lessee has made it carry by his improvements, but the number it would carry in its natural state? Certainly; nothing could be fairer. If the squatter lays out money to increase the value of the grazing capabilities of his run he ought to get the benefit of the capital which he expends in that way, and the State is benefited by the outlay in the permanent improvement of the Crown property. It gets the benefit of his outlay at the close of his tenure. The squatter gives a value to the country by demonstrating its capability for pastoral purposes, and the droppings of his sheep add to the fertility of the land. I think it is a fair principle not to charge the squatter rent based on the value of the improvements he makes. If a man puts up fencing, constructs dams, and increases the grazing capabilities of his run, so that it will carry 3,000 head of stock, where, prior to his outlay, it would only carry 1,000, would you make him pay on the 2,000?

286. *Mr. Stewart.*] How would you find out the natural value? It is easy in a new country. Suppose a man tries sheep, and they fail for want of water. He then tries cattle, which can travel a much longer distance to water, and is successful. His self-interest will make him carry as many as possible. If he fences his run and makes it succeed in carrying a larger number, it would be easy to ascertain the value or the capability of the country in its natural state. The country is valueless until it is stocked; and if a man, whose cattle have to travel 15 miles for water, constructs dams so as to add to the grazing capabilities of the land, he ought surely to have some consideration shown for his improvements.

287. Would not his lease be a sufficient compensation? Certainly not. I have known a lease granted on the Darling, and during the whole five years of its currency there was nothing but dead outlay all the time, and the man must have gone considerably into debt to the Banks in order to keep himself afloat.

288. Say ten years? If there was a protracted drought, ten years would not be enough. It all depends upon circumstances; and the appraisers are the men to take the matter into consideration—to ascertain what period of drought there had been during the currency of the lease—how long a time had elapsed without the squatter being able to send a single hoof to market. I have known squatters on the Darling who have been for three years without sending a single beast to market.

289. But that is not a common case? No, it is not; but still we ought not to overlook the circumstances in which a man may be placed by climate. If the country were very productive, and the rainfall regular, the question could not arise; but that is not the case over large portions of the territory.

290. *Chairman.*] Some political economists, and also some Members of our own Legislature (Dr. Lang among others) have had an idea that we ought to use the public land for the purpose of introducing immigration from Europe to these Colonies, and it has been urged that we ought to issue land orders that would cover the expense of their passage out;—have you paid any attention to that question? I have.

291. Do you think the system could be worked advantageously in any way for the purpose of bringing out a desirable class of immigrants? I do not approve of the system; at all events, not as a means of bringing out immigrants. Persons who are disposed to immigrate are persons who, from the severity of competition, or from one cause or other, are not doing well in the Mother country. The information that they are to get land which they can use the moment they arrive is a fallacy. Any poor man who has no capital must hire himself out until he can get capital to go upon the land, and acquire experience which will enable him to turn his capital to the best account. The orders, where land orders are given, are generally turned over to some other person who desires to get land. Where the State grants assistance to immigrants it is easier to give the money and better than giving land. Having had much to do with this question of immigration for many years, I am of opinion that the better and simpler plan is to leave the immigrant perfectly free upon arrival to employ his labour in the best way he can. Where land orders are granted, the person who obtains them is sure to get the better of the State. If a man has no capital it is better that he should hire himself out, and if he have capital there is nothing to prevent him from obtaining land according to the system in force in the country.

292. *Mr. Stewart.*] The system of giving land orders is only a round-about way of giving cash? Simply that. I do not think that any of our land systems in Australia have been the means of inducing people to come out here from Home. The distance is so great that a person must have a considerable sum of money to come out at all; and when a man has that money he will either go to America, because the distance is less and the expense not so much, or he will stop at Home and employ the money he has. I do not think that anyone has been brought out by means of popular land systems. The cheapness and facility for getting land may have an influence in that direction in America. If there is to be any assisted immigration at all, I would prefer that money should be given in payment or part payment of passage.

293. *Chairman.*] That would be a more business-like way than the system of issuing land orders? Decidedly. To give land orders is only to multiply difficulties, and give advantages to the sharpest persons, at great loss to the State.

THURSDAY,

THURSDAY, 20 NOVEMBER, 1873.

Present:—

MR. FARNELL, | MR. LUCAS,
MR. STEWART.

JAMES AUGUSTINE CUNNEEN, ESQ., IN THE CHAIR.

A. Jameson, Esq., was called in and examined:—

294. *Chairman.*] I think you are a resident at Deniliquin? I am a resident at Deniliquin, and also a selector. A. Jameson, Esq.

295. You have come from that district to give evidence before this Committee, I understand? I have.

296. Do you come in a representative capacity;—are you a delegate from any public meeting there? I represent the Murray District Selectors' Association. I am one of two delegates. 20 Nov., 1873.

297. How were you appointed? At a public meeting held in Deniliquin.

298. You are one of two who were by resolution delegated to come to Sydney to give evidence before this Select Committee? I am.

299. Are you prepared to give evidence respecting the working and administration of the Land laws in that district? I am.

300. Could you furnish the Committee with any information in regard to the administration of the Land laws at your local office, and the working of the laws in your district. I mean information derived from your own knowledge and experience? As regards the land office, a new selector who arrives in Deniliquin finds very great difficulty in ascertaining what lands are open for conditional purchase, and he can obtain no information whatever from the land office. The land officer there is totally ignorant of any lands that are for sale, and also, I may say, ignorant of any lands which have been sold. A man, therefore, very often finds himself in the awkward predicament of having selected a piece of ground which has been previously selected. It is exceedingly difficult for him to find out which ground has been previously selected. Then again, in making applications at the land office for certain lands, the *bonâ fide* selector is often frustrated in his endeavours to put in his application by certain squatters, who stand by and oversee all the proceedings that may be going on in the land office.

301. *Mr. Lucas.*] They stand by? They stand by.

302. *Mr. Stewart.*] At the office? In the office. It is a regular thing for them to be there on every land office day, and they hold in their possession several applications which go for any amount of country. They give no sufficient description, but they say east, west, north, or south, from certain pegs in the ground. They give no definite description as to where the land applied for is, or within 10 miles of it.

303. Do you refer to applications made by some Crown tenants? Yes; applications made by Crown tenants.

304. *Chairman.*] What is the object of these tenants of the Crown being present on these land office days? To hinder the selectors from their runs.

305. How do they hinder them from going on their runs? By putting in applications which clash with the applications put in by the free selectors, by applying for the very same land.

306. Thus making confusion? Yes; making confusion. I may mention that on the 18th of September last three parties were at the land office at Deniliquin to write out certain applications for land situated on the Warbreccan Run. The time at which they got to the office was, I think, a quarter to 2 o'clock. The land agent was not present then, he being at dinner at the time.

307. *Mr. Lucas.*] It was on a land office day? On the land office day.

308. And the land agent was not present? The land agent was not present; and I must observe that he took some considerable time at his dinner—something like two hours.

309. Who is the land agent there? Mr. J. A. Broughton. Upon the arrival of the land agent these three selectors who had come from Victoria to settle in New South Wales went inside the office and got their several applications from Mr. Broughton. They had to apply to him for the forms before they could fill them up. The lessee of the run—the Warbreccan Run—from information given to him by persons purposely placed at the office to give information, got wind of what was going on, and before these men had time to write out and put in their applications, the lessee of the run, Mr. P. A. Jennings, put in his applications, which he had already written out.

310. How many? He put in nine. The lots were taken up in the name of Murray and his family. I know this man Murray. He is quite a new resident in New South Wales or in Australia, he, I believe, having only recently come from Home. He applied to Mr. Jennings for a situation, and Mr. Jennings took him on. I do not think that he had been on the run more than three weeks when these blocks were taken up in the names of himself and his family.

311. Nine? Yes, nine; and he took up two more subsequently. I have a plan here which explains the matter.

312. If you do not require that plan, perhaps you will put it in? I can give you a *fac simile* of it.

313. *Chairman.*] Your evidence will be sent to you for correction, and you might then append a copy of the plan? Yes, I will do so. (*Vide Appendix* C1.) It is a plan of land situated in the parishes of Warbreccan and Citgathen. These blocks had been previously surveyed, and hence the anxiety on the part of the lessee of the run that they should not be taken up by others. I know the exact spot well, having been there several times.

314. *Mr. Lucas.*] If you think proper to make any remarks with respect to this plan you can attach them to the tracing, and they will go in as an appendix to your evidence? Very well. This land was visited on last Sunday week by Mr. Mayger, and up to that date no improvements of any description have been made upon the ground.

315. *Chairman.*] Are you aware whether or not there were persons residing on it? There is not the slightest sign of anyone residing there, though I could not state positively. But I have other evidence of a similar nature to which I could swear.

316. *Mr. Lucas.*] Referring to the plan—these blocks with the circle described in the centre of them—are the blocks taken up by the Murray family? They are.

317. Who are Mr. Jenning's servants? Mr. Jenning's servants; and you will observe that they are taken up in such a manner as to block out the other selections.

318.

A. Jamieson, Esq.

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318. Taken up in a sort of zig-zag fashion? Yes. Two of these parties returned to Victoria.
319. *Chairman.*] This Murray? No, two of the free selectors. They at once said to Mr. Jennings that they were bested; but I believe they wrote to the Sydney Government on the matter. These parties were both men who were well to do, and of good standing in the social scale. They had homesteads in Victoria which they did not care to leave when they found that there was so much difficulty in taking up land here. The third party,—a man of the name of Hession, a settler from Victoria,—made another application for land in Upper Deniliquin Run; and it appears that on the morning of the day on which he applied, the very same land was applied for by the agency of the overseer of the run. The overseer, I believe, gave his description in the number of the lots, and Hession gave his description in alphabetical letters, or perhaps it was the reverse way. This was made known to the Lands Department, and on the arrival of Mr. Moriarty he decided that the two parties should ballot for the land; and on the day appointed for the ballot the *bonâ fide* selector alone was present, and so he got the land.
320. *Mr. Lucas.*] What had Mr. Moriarty to do with it? I understand that Mr. Moriarty and Mr. Adams were there on inspection—that they were sent down by the Minister for Lands to examine into certain proceedings which had taken place at Deniliquin.
321. *Chairman.*] Was it with regard to this contest for land between these two classes? Yes.
322. *Mr. Lucas.*] I see on the edge of this plan several blocks on which the name of P. A. Jennings occurs? Yes.
323. Is that freehold land indicated there? Yes; it was purchased some time since.
324. Taken up by free selection, or purchased at auction? Purchased by auction, I believe. A portion of it formed part originally of Deniliquin Common.
325. *Mr. Stewart.*] That freehold of Mr. Jennings seems to bound the whole of that side of the reserve? Yes.
326. Do you know the area of that reserve? It is about a mile wide, as far as I can judge from the plan. I have no idea otherwise.
327. *Mr. Lucas.*] Was not that reserve cut up for sale not long ago? No.
328. Is there not a reserve near Deniliquin that was ordered to be cut up for sale and then withdrawn? Not that I am aware of. There is only one at Moama. There is a temporary town common that was applied for by Messrs. Landale, Brothers, of 2,800 acres, ordered to be cut up and sold by public auction. The survey was proceeding when Mr. Adams stopped it.
329. *Chairman.*] Will you proceed with your statement? This land which had been taken up through the agency of Mr. Jennings in the name of the Murray family was to be sold on the Saturday following, if I mistake not.
330. The Saturday following the day on which it was taken up? On Saturday, nine days after it had been conditionally purchased, and all that land was rebought by Mr. Jennings.
331. How rebought? I mean to say that he bought all this land up. Instead of the land agent striking out these lots which had been selected, they were all put up to auction and bought by Mr. Jennings.
332. *Mr. Lucas.*] After they had been selected by Murray? After they had been selected by Murray.
333. *Chairman.*] The land agent allowed them to be put up to auction? The land agent allowed them to be put up to auction.
334. After receiving Murray's money on account of them? After receiving Murray's money.
335. *Mr. Lucas.*] Will you be good enough to mention the numbers of the allotments? I cannot give you the numbers now, but I can do so if it is desirable.
336. It is very desirable indeed that we should get the numbers of these lots. You say that they were first selected by Mr. Jennings' servant, Murray, or rather that they were selected for him and his family? Yes.
337. How long after that was it that they were put up for sale? About a week.
338. About a week after they were selected they were submitted to auction? They were.
339. And Mr. Jennings bought them at the upset price? Mr. Jennings bought them at the upset price.
340. Now will you give the Committee the numbers of these blocks and the date of the sale? The numbers were H 12, C 7, G 11, B 6, E 9, K 15, L 16, M 17, and O 13.
341. The date on which the land was selected was on the 18th of September of the present year? It was.
342. There is no doubt about the date, is there? There is no doubt about the date.
343. And it is on what run? On Warbreccan Run.
344. Have you any idea how much land was surveyed upon that run? The quantity that was advertised for sale was about 4,500 acres.
345. Out of which Mr. Murray had selected nine blocks? Yes.
346. Of 320 acres each? Of 320 acres.
347. And after they were selected by Murray they were submitted to public auction? Yes.
348. And Mr. Jennings, Murray's master, became the purchaser? Yes.
349. *Mr. Stewart.*] Do you know whether Murray paid any deposit when he made this selection? Yes; he must have paid a deposit of 25 per cent. of the purchase money.
350. *Mr. Lucas.*] You say he must have made a deposit. Do you know he made it? The land agent would not receive the application if he did not.
351. How do you know that there was any money paid at all. No matter what the land agent could do. Do you know that this money, 5s. per acre for these nine blocks, was paid to the land agent on the day that they were taken up in Murray's name? I did not see the money, but I have not the slightest reason to doubt that it was paid.
352. But you have no other reason than that it was legal or necessary under the provisions of the law that the money should be paid? Quite so.
353. Have you any other reason than that the 13th clause of the Land Act requires that it should be paid? Just so; and the registry of the land taken up was in the land book, and it was published in the local papers as having been selected upon.
354. It was in the registry book? Yes.
355. *Mr. Stewart.*] Of course Murray would get his money back again? ——
356. *Chairman.*] Are you aware whether Murray ever received the 5s. per acre which he paid on the land? I am not aware of it; but I have heard indirectly that the purchase money at auction was returned to Mr. P. A. Jennings.

357. *Mr. Lucas.*] Returned by whom? By the Crown. I do not speak of it as a thing that I am certain about. I have only heard it mentioned indirectly. This is not the only case. It could be proved that there are other similar cases.
358. *Chairman.*] Many? A great many.
359. *Mr. Lucas.*] Do you know how many there were in the Murray family? About twelve.
360. What would be their ages? They are all minors. I have seen the eldest son, and he is, as far as I can judge, a lad of 16 years of age.
361. The eldest is 16? Yes, about that.
362. Then there must have been eight of these selections which were taken up in the names of eight of these children;—is that so? Yes; and one in the name of P. J. Murray;—P. J., I think, are his initials.
363. The younger children, in whose names the land was taken up, could not have been more than four or five years old? I could not say as to that for I never saw them.
364. *Chairman.*] Will you proceed with your statement? On the 18th of September last there was selected on Lower Deniliquin Run four blocks of land, of 320 acres each, through the agency of Mr. Aitkin, the overseer for Messrs. Landale.
365. When you say agency, in what sense do you apply the term? He paid the money; he was the agent for these parties.
366. *Mr. Lucas.*] He was Mr. Landale's overseer? He was Mr. Landale's overseer. The names in which the selections were taken up were James Johnston, Robert Swan, James Watson, and David Aitken; and the land selected was in the parish of Wandook, county of Townsend. And there were also George Duncan, James Duncan, and George Ingram, in the parish of Woonox, county of Townsend,—320 acres each.
367. Who took these blocks up? Alexander Landale. He took the last three up on the 25th of September.
368. Through the agency of Aitken? No; they were taken up by Mr. Alexander Landale, one of the lessees of the run.
369. Do you know who these persons were? I am well acquainted with all the station hands around Deniliquin; and I can positively state that I have neither seen nor heard of any parties of these names, excepting only David Aitken, who took up one selection in his own name.
370. You believe then that they are really dummies? I believe that they are dummies, and I have no hesitation in saying so.
371. That there are no persons living in the district who represent these names? No one in the district of these names. These lands are situated in the immediate neighbourhood of where my selection is. I have paid particular attention to these lands. I have watched them; I was about to apply for one of these blocks myself before I took up that which I now have. This plan marked B shows seven blocks coloured red. These taken up are marked with the names of the parties. The blocks coloured blue are *bonâ fide* selections; and the red ones are the dummies that I refer to on Upper Deniliquin Run.
372. Have you any doubt as to their being dummies? The men are not on the station, and I am well acquainted with all the station hands around Deniliquin.
373. May there not be other persons than station hands in the district bearing these names? I am confident that these parties are not known. I do not know them myself; and I have made inquiries of persons who would be likely to know them if they were in the district, and I cannot learn anything about them.
374. *Chairman.*] Will you hand this plan in? Yes. (*Vide Appendix* C 2.)
375. This plan, marked B 2, represents twelve blocks of 320 acres each on the Lower Deniliquin Run? Yes.
376. And the three of these blocks, which are marked blue, represent land which you say has been taken up by *bonâ fide* selectors? Yes.
377. And the nine which are marked red are intended to represent dummy selectors? There are only seven of these nine taken up. The other two have no names upon them.
378. The seven marked red you know to be dummies? Yes.
379. *Mr. Lucas.*] The names are marked on them? Yes.
380. Do those two which remain unselected represent good land? Equally good. The dummy selections are so taken up as to block the other two. No man would ever think of taking up the other two, because there would be so much fencing required.
381. *Chairman.*] Will you proceed? I was present at the Deniliquin land office on the 25th of September last, and I think it is my duty to inform the Committee of the proceedings that took place on that particular day. It was surmised that there would be a great number of applications for land situated around Deniliquin. It may be imagined what an immense amount of country was taken up when I say that there were eighty-six applications received, comprising upwards of 23,000 acres. The land officer, on this particular day, having taken his seat at the table, read the clause from the Act relating to any two or more applications for the same land, and providing that they should be put up to ballot. He then ordered the applications to be laid on the table by all those parties who were then present in the land office. The second application that was read by the land officer was one of four belonging to a man of the name of Hezekia Simmons, a person recently from Victoria.
382. *Mr. Lucas.*] What do you mean by one of four? He wanted to take up a selection for himself and for three of his children. Immediately on this application being read, a squatter (Mr. A. Landale) stood up and said that he had an application to clash with that. The land applied for was in Lower Deniliquin Run. The two applications were read; and, as far as I could judge, the application of the *bonâ fide* selector said "west" of the reserve, and the selection applied for by the squatter was described as "east" of the reserve. I know the reserve myself. It is half a mile wide, and is No. 212. The applications were put to the ballot, and that of the lessee of the run was determined upon as successful. The name was George Ingram.
383. *Chairman.*] The conditional purchaser? Yes.
384. *Mr. Lucas.*] How was the ballot carried on? By writing the names of the applicants on two cards, which were put into a box, and then drawn out by the land agent, the first drawn being the successful applicant.
385. Who put the ballot-papers into the box? The land agent.
386. He put them in and drew them out himself? Yes.
387. He did not ask the applicants to draw them? No.

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388. And you say that both the lessees applications came out successful? The application of the lessee of the run was successful.
389. The other man got the other three lots for which he applied? Simmons withdrew at the time the other three lots for which he had applied. Only one at a time could be received. This successful application, as I said, was taken up in the name of George Ingram. I know the land very well, and from the day it was taken up until this I have neither seen nor heard of George Ingram. There are no improvements on the land.
390. Is there no person residing on it? No—not to my knowledge.
391. *Chairman.*] If the conditional purchaser described the land as west of the reserve, and if the squatter described the land for which he applied as east of the reserve, why should there be a ballot at all? The attention of the land officer was called to that fact, but he said that he would not undertake to decide. He said, "If any one undertakes to say that their application clashes with the one I read, I will put them to the ballot."
392. How could land lying east of a reserve clash with land lying west of it? It could not clash at all; but the fact is that his attention was called to it; and I must also observe, that the land agent also said that if anyone in the room said that they had an application which would clash with the one he read, he would put both applications to the ballot. He would not decide himself.
393. *Mr. Lucas.*] Were you present on this occasion? I was present at the time. Great publicity was given to the matter; in fact, it was spoken of in the Deniliquin Municipal Council. Another thing, particularly noticeable in the case, and which I saw with my own eyes, but of course I cannot say whether it was intentional or not—He (the land agent) held up an application before Mr. Landale, and said, "Have you got an application to clash with this?"
394. *Chairman.*] The land agent said this? Yes; he held up the application before Mr. Landale, and said, "Have you got an application to clash with this?"
395. Mr. Broughton said so? Yes.
396. *Mr. Stewart.*] Did it appear to you like inviting Mr. Landale to put in an application against that which he held in his hand? Yes; and among twenty applications that Mr. Landale had in his hand he would rummage them over to see if he could find an application to fit. The *bonâ fide* free selector withdrew his application then.
397. *Mr. Lucas.*] For the other lots? He said he would not apply for any. He said—"If I cannot select for myself and family without being competed against for each block I won't select at all." This poor unfortunate man was afterwards successful on that day in obtaining land; but between returning home and coming back to his selection four out of his seven children died.
398. From what cause? Either diphtheria or scarlatina.
399. *Chairman.*] Was he residing in New South Wales, or was he one of those who have come over from Victoria to settle in this Colony? He came over from Victoria. Nearly all of them are from Victoria. They are quite new residents, and a most respectable class of society they are.
400. What class of society did they belong to in Victoria;—I mean generally that class of men who have come to settle lately in Riverina? They are farmers; they have been engaged in land pursuits prior to coming into New South Wales. Not being able to get a sufficiently large area of land in Victoria they have sold out their small homesteads, and have come to New South Wales to settle.
401. *Mr. Lucas.*] And when they come into New South Wales they are frustrated in their endeavours to take up land by the action of this land agent and the squatters? Just so.
402. *Chairman.*] And we lose the population? We lose the population, most decidedly; and they are a most desirable class of settlers, because they are men of means—small means—who have had experience in farming pursuits, and who are men of respectable character in every instance. There is another case I wish to mention: A man of the name of Rose, from Victoria, made an application for certain blocks of land situated on the same run—the Lower Deniliquin Run; he applied for five blocks—one for himself and four for his children.
403. *Mr. Stewart.*] Blocks of what size? 320 acres each. The land agent accepted his money, and the man got his receipt, but two out of these five lots were subsequently put up for sale, and sold to Mr. Landale.
404. *Chairman.*] Could you fix about the date on which he selected? Yes; it was about the beginning of September last. I think it was not later than that, but before it if anything. This land was advertised in the *Government Gazette* and in the local papers for sale.
405. After the selection? Both before and after he took up his selections. It so happened that two of these blocks—I believe two of them—were surveyed on a reserve.
406. Surveyed on a reserve? Yes, surveyed on a reserve.
407. The surveyor did not know that he was on a reserve? I will not say that. The reserve was revoked only one day prior to the sale.
408. One day prior to the sale by auction? One day prior to the sale by auction; at least, notice of its revocation only reached Deniliquin one day prior to sale.
409. And how long before the sale was the land surveyed;—about how long? Between two and three months.
410. And it could not be selected all that time because the notice of the revocation did not appear in the *Gazette?* No.
411. And that protected this surveyed land from conditional purchase? This land, at the time it was taken up by Rose, was advertised for sale; he had no idea that it was a reserve, nor had anyone else, unless it was the station owners close by. What I wish to point out is, that this land was advertised for sale; a man takes it up as a conditional purchaser, and the revocation of the reserve takes place only one day before the sale by auction by the Government.
412. *Mr. Lucas.*] And then it was sold by auction? Then it was sold by auction.
413. Although a conditional purchaser had previously selected it, and paid his deposit on the land? Yes.
414. It was actually sold by auction? It was.
415. *Mr. Stewart.*] How did the conditional purchaser come to give it up? He has not given it up, unless it be lately.
416. *Chairman.*] I suppose it will involve a contention between the squatter who bought at auction and the conditional purchaser as to who is to have the land? I cannot say. The selector is rather an ignorant man,

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man, and I suppose that rather than involve himself in any law proceedings he will let the land pass by. However, the land was bought by the lessee of the run; and at the time it was bought it was just relieved from being a portion of a reserve.

417. *Mr. Stewart.*] That man that you have spoken of could not select lawfully while the land was a reserve? No.

418. In fact his selection was invalid? Invalid.

419. But by the reserve being cancelled the sale became valid the day afterwards? Just so. That is what I wish to point out. These reserves are only revoked a day or two before the sale. The revocation of these reserves only expires a day or so before the sale.

420. In time to let some particular parties obtain the land? Yes, that is my belief.

421. What do you mean when you say it was only revoked the day before the sale? The *Gazette* notice only expired then.

422. The *Gazette* revocation only expired the day before the land was sold in Deniliquin? I believe so.

423. *Mr. Lucas.*] Do you know the date? I cannot remember the date exactly.

424. The land was situated on the Upper Deniliquin Run? On the Lower Deniliquin Run. If I remember rightly, the number of the reserve is 768.

425. *Chairman.*] Did I understand you to say that on almost every land day the land office at Deniliquin is crowded with squatters and their spies, who attend for the express purpose of baulking the genuine, the *bonâ fide*, selectors in making their applications? Yes; the arrangements are greatly against men taking up land in New South Wales. I have gathered materials and made an estimate of the number of free selections and the quantity of land taken up during the last three months. I find that from October 7 to November 6 inclusive, there were 396 applications for land at Deniliquin under the 13th clause of the Land Act, and these 396 applications comprised nearly 100,000 acres; 216 applications were from the squatters, either by themselves or their agents, and the land taken up by them under free selection amounts to upwards of 52,626 acres. There were 180 *bonâ fide* free selectors who took up land to the extent of 46,890 acres. The revenue derived from that office during the last quarter was, I think, about £28,000.

426. And that amount was nearly all derived from land taken up under the Act. May there not have been a great many selections taken up by virtue of Volunteer land orders? I know of two gentlemen—Messrs. George and Frederick Peppin—each of whom has taken up six 50-acre blocks by means of these Volunteer certificates.

427. On what run was that? They are the lessees of three runs—Morago, Bonooke, and Wangonilla. To each of these 50-acre blocks they have added 270 acres.

428. What do you mean by added? They have taken up 270 acres more as an additional conditional purchase.

429. The foundation of that conditional purchase being a land order? Yes, and I may mention that this land was taken up on a day set apart for ordinary land purposes—Thursday—which I believe is contrary to the law. These gentlemen hold 4,200 acres through the means of Volunteer land certificates in their own names.

430. *Mr. Lucas.*] They have taken up 50-acre blocks in virtue of the Volunteer land orders, and have then added 270 acres afterwards? Yes.

431. Each Volunteer order being made the means of taking up 320 acres of land? Yes.

432. *Chairman.*] And of getting three times more than that—of getting 960 acres more? Yes. Of course it is understood that they do not reside on land so taken up. These selections by means of Volunteer certificates are all taken up in their own names—2,100 in the names of Frederick Peppin, and 2,100 in the name of George Peppin. On November 6 I have every reason to believe that there were no less than twenty-six selections taken up by the Messrs. Peppin Brothers.

433. *Mr. Lucas.*] By what means? Under the 13th clause of the Act.

434. *Chairman.*] By dummies or by land orders? Not by land orders. Under the 13th clause of the Act they name the parties.

435. *Mr. Lucas.*] Taken up by dummies do you mean? Yes, I think so.

436. What leads you to suppose that? I come to that conclusion from the fact that on Mr. Frederick Peppin's station I think there are not more than four regularly paid hands.

437. Did Mr. Peppin pay the money to the land officer? Yes.

438. Mr. Peppin paid the money for the holders of these selections? The selections were partly taken up by Mr. Thies, an agent in Deniliquin.

439. *Chairman.*] Did the persons in whose names these blocks were taken up appear in the matter? No; not at all.

440. Only the leaseholder of the run appeared? Only the leaseholder and his agent, Mr. Thies. Mr. George Peppin and Mr. Thies were the parties who took up these twenty-six selections. These gentlemen have taken up any number of selections prior to this date; but it was the immense number taken up on this particular date that made the matter so conspicuous, and drew attention to it. Their object in so doing, in taking up selections on surveyed land is, that the land may be declared forfeited, and the lessees will then buy up the land, although they are put to a total expense of 25s. per acre instead of 20s.

441. *Mr. Stewart.*] That being so, these selections are made for the purpose of preventing *bonâ fide* conditional purchasers from taking up the land? Yes.

442. And they hold them for three years? Not necessarily so. They hold them until such time as they are forfeited. I will also observe, and I think Mr. Mayger will be able to substantiate what I say more particularly in this matter, that there have been several blocks of surveyed land taken up as conditional purchases through the agency of the lessees of Upper and Lower Deniliquin Runs to prevent them from being taken up by the *bonâ fide* selector and then bought at public auction by the lessees. These selections have been advertised for sale in the local papers.

443. *Chairman.*] After they have been selected by the run-holders? Both before and after; and on the day appointed for the sale they were bought by the owners of the run.

444. *Mr. Stewart.*] Was there no higher bidder? No. And moreover on one particular day on which I was present myself there was a Mr. Robertson, who had conditionally purchased some land on Lower Deniliquin Run, but by some mistake or other he had under-estimated the quantity in the blocks. He took up two blocks for himself, and the area of land in the two blocks amounted to more than 320 acres—more than was allowable by the Act. But still I believe he was entitled to one of the blocks, although the other was forfeited. Both these blocks were bought by Messrs. Landale Brothers.

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445. *Mr. Lucas.*] Because they were forfeited? No; there was nothing said of that at the time.
446. Nothing at all? This complaint was brought in afterwards.
447. Did Messrs. Landale Brothers buy them by auction? Yes; after they had been conditionally purchased. Mr. Robertson was not aware that he had under-estimated the quantity at all until he received information from the land office that he had done so.
448. *Mr. Stewart.*] And having done so his application was rejected? Yes.
449. *Chairman.*] How is it that the land agent could not have informed this man that there were more than 320 acres in the two blocks? The land agent is totally ignorant in such matters.
450. You think that these things arise through ignorance, or from a want of a desire to assist the public? He is either ignorant or he will not assist the public. I think he does not take the trouble to inform himself; but at the time of sale his attention was called to the fact that these blocks had been selected upon by a party in the Court House, who was the selector himself; and this party was told to mind his own business, for he (the land agent) was doing right. The land officer could not but have known that these lands which he was then putting up for sale by auction had been previously selected.
451. *Mr. Lucas.*] With reference to these land orders of which you spoke;—the owner of every Volunteer land order can take up 50 acres, and by virtue of that can then take up other 270 acres. I believe this system of taking up land by means of these Volunteer certificates is very extensively used in your district? Yes; it is.
452. Do you consider that they are a very great inconvenience in the way of taking up land by conditional purchase? They hinder other selectors from coming in, because the description is so vague. For instance, a settler applies for a certain portion of land and his application is accepted, but immediately he settles down upon the land the squatter says, "I have already secured this land by virtue of a land order."
453. That is pretty general;—is it not? It is very general.
454. In reality, in consequence of these land orders, persons do not know what land is open to conditional purchase, and what has already been taken up? No; they are quite ignorant as to that.
455. The only way in which persons who want to select land can possibly know what land is open for free selection is when it is measured? Only when it is measured after survey, and after it is marked down on the chart.
456. That is the only way? Yes, that is the only way.
457. In point of fact these land-orders shut up the whole of the country down there? They are taken up so as to block any nice portion of the country.
458. Let me understand you. Are they taken up at all, or do the holders of them wait until a conditional purchaser selects a piece of land, and then when that is done do the holders of them put in a claim for the land so taken up by virtue of their land orders? The land is taken up under the Volunteer certificates prior to the *bonâ fide* selector taking it up.
459. But the boundaries are not marked? No, they are not.
460. Then how do you know that the land is taken up at all? Merely from the report from the advertisement in the local paper.
461. Have you no other information of it? This is the only guide we have—this piece of paper which I hold in my hand.
462. What does that purport to be? It is a list of land selections at Deniliquin, made on Thursday, 6 November, 1873, and in this list you will see these selections:—Frederick Peppin, Volunteer order, 50 acres and 50 acres. George Peppin, ditto, 50 acres. Mr. George Peppin took, as agent for Frederick Peppin, 270 acres contingent, on a Volunteer order.
463. I see that it says George Peppin, 50 acres and 50 acres? Yes.
464. It does not mention the locality where the land was taken? The land-officer makes an entry of this in a different book to the usual register of lands which have been selected, and there is very great difficulty in ascertaining where these lands are.
465. *Mr. Stewart.*] This is a list of land selections at Deniliquin on the 6th of November, 1873? ——
466. *Mr. Lucas.*] What paper was it published in? This is a slip from the *Deniliquin Chronicle.*
467. And that is the only information which you have to go by? The only information we outsiders receive.
468. Can you get information by applying to the land agent? You can get the name of the run upon which the land is selected, and the county.
469. Then, with the exception of the entry in the land agent's book, which states the run upon which the land has been selected, and the county, you have no other particular information, or is there anything else stated? It states the county and frequently the parish.
470. And the run? It does not state the run.
471. Only the county and the parish? Sometimes the parish is not named.
472. Then merely the county? Merely the county.
473. Is there anything in that to prevent the owner of the Volunteer land order from holding it over until some persons actually selects a piece of land;—is there anything to prevent the owner of the land order from then coming down upon the free selector and saying, "I have already selected that land under my land order"? I believe that it is understood that in the event of the owner of the land order applying for certain lands by virtue of these orders he has to be on the ground about the time that his application is put in to the land officer.
474. It is understood that he has to be on the ground? Yes.
475. But who knows whether he is on the ground or not? I could not say.
476. Suppose that I am the lessee of a run of 100,000 acres, and that I am also the holder of a Volunteer land order? I go to the land agent, and I say that I will take up the land to which I am entitled under my Volunteer certificate in a certain parish in which these 100,000 acres, or portion of them, are situated. I never mark my selection. Suppose you come and select land in that parish, what is there to prevent me from saying that I have already taken up that land by virtue of my certificate. There is nothing to prevent a transaction of that sort that I know of. That is one of the great evils of these land orders.
477. Persons merely register the land order and hold over the actual selection under it until some *bonâ fide* conditional purchaser makes a selection on their run, and then they lay claim to his land by virtue of their land order. They affirm that the piece of ground which he has taken up is covered by their order. Is that the fact? That is exactly the state of the case.
478. Would not this be obviated in a great measure if people who took up ground under any system were compelled, when taking up the ground, to pull down corner-posts; and when I say posts, I mean pieces of wood 12 in. by 8 in. square and 3 or 4 feet high. There would be nothing to prevent them from shifting the pegs.

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479. But they would not shift four posts 2 cwt. each. Suppose I take up land under a Volunteer order, and suppose I put my posts at the four corners of the piece I take up, and say, when I register my land order, that I have already marked my ground, covered by it with pegs or posts of a certain size and height, any person who desired to select in the neighbourhood would be able to see for himself the land which had already been taken up? If you were to make a declaration to that effect.
480. If a person were compelled to mark the ground which he took up in the way I have described, and if he were required to do so before he registered his Volunteer order at the land office, that would prevent him from covering several patches of ground with the same order? It would.
481. And persons desirous of taking up land under conditional purchase could then see what land had been selected, and what land was still open for free selection? They could.
482. You say that in consequence of the operation of these land orders people cannot tell what land has already been taken up from that which is still open to free selection? Not unless it is surveyed. Unless it is surveyed it is impossible for them to tell.
483. But if the land had to be marked as I have suggested they could tell? Yes.
484. Do you think that that would obviate a good deal of the inconvenience and difficulty which arises from these Volunteer land orders? I think it would, more particularly if in addition to that they were compelled to make a declaration to that effect.
485. What I am driving at does not require a declaration. If you went upon the ground and found that there were no pegs or posts to mark the boundaries you would be able to select,—the very absence of the corner-posts being a sufficient indication that the land was open to be taken by anyone? Certainly that would obviate much difficulty.
486. You think that it would be a great benefit to free selectors and the public if that were done? Yes.
487. Are there any other ways in which these large lessees of the public estate prevent the selection of land besides through the operation of the land order system? By taking up dummy selections.
488. Is there no other mode of obtaining land? Sales by public auction.
489. But the lands put up for sale at auction are all surveyed? Yes.
490. Are their boundaries clearly marked? Yes.
491. If these land orders were marked in the same way you would be able to tell land which had been taken up and land which was open to free selection? Certainly.
492. Now you do not know at all unless the land is surveyed? No.
493. You have no idea where the Volunteer certificate applies? No.
494. The whole of that county, excepting such portions of it as may be surveyed for auction sale, is closed through the operation of these Volunteer land orders? It is. On the Mathowra Run there has been some land surveyed there lately, and the pegs have been reversed.
495. Who has reversed them? It is unknown.
496. *Mr. Stewart.*] What do you mean by reversed? When a block of land is surveyed the posts are put in in a certain corner; on these posts, which are of substantial hardwood, the number of the lot is carved out, and you can see at once which selection it applies to.
497. *Chairman.*] Marked on each side of it? Yes. In the event of four or five blocks being together, and each block having a post, if you were to reverse the posts it would lead you to imagine that it was the opposite block which was alienated.
498. *Mr. Lucas.*] And persons are led astray by that dodge? Yes.
499. *Chairman.*] That has actually been done to your knowledge? It has been done to my knowledge on the Mathowra Run.
500. *Mr. Lucas.*] They do not simply take up 50 acres of land by means of these Volunteer certificates, but they take up 270 acres as an additional conditional purchase? They do.
501. They do not live upon the land taken up under the Volunteer certificates? There is no sign of anybody living where such lands are taken up. In fact I think it would be very difficult for a man taking up six or seven 50-acre blocks of land, situated on different parts of the run, to reside on each and every one.
502. Do you know whether this matter has been brought under the consideration of the Minister or of the Government? I understand that some notice has been given to the Minister for Lands to that effect, but I would not be certain. I know that the land orders are very scarce now, and that squatters are paying a very high premium for them, as high as £120.
503. Do you know whether any selections have been made in the names of the aboriginals of the district? I know of one.
504. One only? He is a minor, residing at Quiamong.*
505. What is the general opinion of the people of the district with reference to these land orders? They consider that it is a wrong system altogether. They denounce them as being purely intended to thwart the free selector who wants to get land for the *bonâ fide* purpose of settlement. According to the system which at present prevails in the district, and the manner in which the land business is performed by the land agent on land office days, a *bonâ fide* selector has the greatest difficulty in getting any land at all. If a man, who is a stranger, is seen on any run, looking about, he is at once dodged and followed by the station hands. And if he happens to put in a peg so as to enable him to give a description to the land officer of the land which he desires to take up under conditional purchase, as sure as fate the squatter is at the land office on the next land office day with an application for the very same ground.
506. *Chairman.*] So as to run him to a ballot? So as to run him to a ballot; but whoever is at the office first has the prior right to select.
507. *Mr. Lucas.*] But the squatter or his superintendent is sure to be there directly the land office opens? Yes.
508. And as a rule it is taken up as a dummy selection? Yes; the parties in whose names the land is taken up are not known.
509. *Chairman.*] Has any case of this sort come under your notice: A case where a person who wishes to purchase, and who puts in his application and description to enable him to do so, is met by the squatter, who does not simply put in one application but puts in the applications of other persons besides his own, in

* Note (*on revision*):—And I may add that it has come to my knowledge within the last few days, two selections have been taken up on Moira Run, through the agency of O'Shanassy, for aboriginals—Atkinson I believe to be the name; and I think they are both females.

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in order that when the whole of the applications go to the ballot he may have the advantage of two or three chances to one as against the *bonâ fide* conditional purchaser? I will not speak certainly as to that, but I know that on the 25th of September last I noticed, when I was present at the lands office, that not only Mr. Alexander Landale but his overseer also held applications, and I think that each application they held was for the same ground.

510. And they both had a ballot as against the conditional purchaser? Yes.

511. And the chances would be as two to one against the conditional purchaser? As two to one.

512. Perhaps you will proceed with your general statement if you please? I think I mentioned that it was a dodge of the squatter to take up land in fictitious names, or rather in the names of persons who do not exist in the district, or are unknown there; and his object in doing that is that the land may be forfeited, and then be bought up by him at public auction. I may mention that on my way from Deniliquin to Moama I was shown several huts situated on the Moira Run. These huts are denounced as dummy huts, and they consist of a few sheets of bark tied down upon a few uprights with a ridge-pole. Mr. Mayger will be able to give you a sketch of their appearance.

513. *Mr. Stewart.*] What is the object in putting up these huts? Four of these huts are situated around Joachim's selection for the express purpose of barring him in from his grass rights.

514. And seemingly to comply with the Act by making some improvements upon the ground? The huts were put up at the instance of the surveyor, who said he would not survey until they made some improvements. These were the improvements; and from the day of their survey to the present time I am informed by Mr. Joachim that there is only one of the lot that has been tenanted, and that has been tenanted by a boundary-rider.

515. *Chairman.*] Only one of them has been occupied? That is all.

516. And there are four? There are four.

517. And are these placed so as to block off the land? I have a tracing here which will show you. They are so taken up as to block Mr. Joachim in from getting his grass rights.

518. They have hemmed him in so that he cannot get his pre-emptive lease? That is the object.

519. *Mr. Stewart.*] And these sham huts are put up by way of calling them improvements? Yes.

520. *Mr. Lucas.*] Was that boundary-rider the selector of that piece of ground? Yes; he is in the employment of Mr. O'Shanassy; and he acknowledges that he is a dummy.

521. He is a boundary-rider for Mr. O'Shanassy? Yes; Palmer is his name.

522. *Chairman.*] Would you indicate on this plan the blocks which you say were selected by Joachim and family, by their number and area, as they appear before you? There are eight of them.

523. Would you give the numbers of Joachim's selections? No. 167, 168, 166, 165, 163, 164, 162, 161.

524. Those are Joachim's selections as shown on the plan? They are.

525. Would you now point out to the Committee the blocks which, as you state, have been dummied in order to shut him out from his pre-lease—indicate them by their numbers? There is one here (No. 169), an improvement purchase granted to Mr. O'Shanassy for a well sunk there—320 acres.

526. *Mr. Lucas.*] What sort of a well was that? Simply a common well for water.

527. What would it cost to sink it—be liberal in your estimate;—what do you suppose it would cost to sink it? I would sink it for 5s. a foot, and consider that very good payment.

528. And how deep is it? I do not know.

529. How deep do you suppose it is? It is not 100 feet deep, I am confident.

530. Then you think it is not worth more than £20? It is worth more than that, for there is the expense of bricking or slating it, and other necessary requirements. The value of the well would not exceed £100, and that is allowing a good margin.

531. Then he has got the right of purchasing 320 acres for sinking a well, the value of which does not exceed £100. Yes, if I mistake not.

532. *Chairman.*] Now indicate the others which you say are dummies? One is in the name of James Palmer.

533. What is the number of the lot? No. 159. This one is occupied. He is a boundary-rider, and he acknowledges that he is a dummy for Mr. O'Shanassy. Another is No. 160, and another No. 4, and the other No. 3. The names in which these selections are held are respectively those of J. Palmer, A. Atkinson, L. Atkinson, and P. Millage. There is another one here: No. 11, taken up in the name of Fitzgerald, who was overseer of the station; and I ascertained when I passed through that this overseer had left the station.

534. *Mr. Lucas.*] Taken up in his name before he left the station? Yes, previous to his leaving the station. These selections have been taken up something like six months, so that there has been plenty of time to make improvements, but there are no signs of any further improvements whatever. In fact, I believe that some of the huts have never been lived in; the grass is growing fresh all about them, and there are no signs that there has ever been a fire alongside any of them.

535. *Chairman.*] Will you furnish the Committee with a tracing of this plan, which shows the conditional purchases of Joachim, and the other lots you have indicated? I will do so. (*Vide Appendix* C 3.)

536. *Mr. Lucas.*] It is on Moira Run, you say? Yes. At a meeting that was held at Moama, prior to our leaving for Sydney, a Mr. Rogers, a selector there, stated that he had a selection on Perracouta Run, and that there was no purchased land within three miles of him. He applied for a grass right, but was informed that the lessees of the run had already secured this grass right, but for no good cause.

537. Who informed him? The land agent. We were also informed by a party of the name of W. Preston, who had taken up a selection of 40 acres on Perracouta Run, that he was induced by the Police Magistrate of Moama, who is also the land agent there, to transfer his right in his selection to Robertson and Wagner, who are the lessees of the run, before three months had expired.

538. Before three months from the time that the land was taken up originally? Yes, and that is contrary to the Act.

539. *Chairman.*] And he was allowed to do this by the land officer? He was requested to do it by the land officer there, and he got £25 for his bargain, and cleared out. He was offered a situation as coach-driver to Cobb & Co. Robertson and Wagner are the proprietors of that line. I requested him to send in an affidavit to that effect, and if he does so I will leave it with you. I have also brought an affidavit here—as one fact out of many—to show the delays which occur, and the non-arrival of maps and tracings.

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540. Maps and tracings of land which have been measured for auction sale? Yes. This affidavit goes on to state as follows:—"I, Henry Majors, of Moama, in the Colony of New South Wales, law clerk, make oath and say, that a sale of Crown Lands was advertised at Moama, the 17th day of February last. That the tracings of the land advertised for sale only arrived at Moama a few days previous to the day of sale. That on the arrival of the said tracings Mr. Maunsell, the Crown Lands agent at Moama, was absent through sickness, I believe, and upon my calling upon Mr. Vaughan, senior constable, who sometimes acts as deputy Clerk of Petty Sessions, to inspect the said tracings, he informed me that he had forwarded them to Mr. Maunsell pursuant to the latter gentleman's instructions; consequently they were not to be seen until his return just prior to the sale." That affidavit is signed by Mr. Majors and duly sworn on the 13th of November, at Echuca, before Mr. James Shackell, a Commissioner of the Supreme Court of the Colony of New South Wales, for taking affidavits. That is evidence to show how dark the people are kept as to the whereabouts of land even that is advertised for sale. They can get no charts, no information whatever. I would specially recommend that the Lands Department should inquire into the proceedings of the land officer at Moama. There are several complaints against him in his official capacity.

541. These charts are of course expected up a sufficiently long time before the day of sale to allow persons who may wish to buy an opportunity of inspecting them, and of ascertaining where the land is situated? Exactly.

542. And in the case you refer to they did not arrive until shortly before the day of sale? It says in that affidavit not until just prior to the sale. I would also say that at Moama they urged upon us the necessity of mentioning that a surveyor should be appointed for the district. There is no one there to give the people any information whatever.

543. *Mr. Lucas.*] Do you mean to say that there is no district surveyor, no licensed surveyor there? No; there is not.

544. Are there many selections there? People rather than take up land there go to Deniliquin where they can get more information. They can get no information whatever from the Government officials at Moama.

545. Do you think that if there was a licensed surveyor stationed at Moama there would be sufficient for him to do? I think that from the way that selectors are crowding in now I certainly think it would pay if there were one there.

546. Is the land good about Moama? Yes.

547. Good for cultivation? Yes; there is a great deal of cultivation about there. In fact the cultivation of the Murray district is down that way. There are a number of small selectors, and they go in for nothing else in that neighbourhood but cultivation. Until very lately there have been very few pastoral selectors. I must also mention that in the case of land taken up through the agency of squatters, payment is always tendered, as far as I have seen, by cheque, signed by the lessees of the run.

548. *Chairman.*] Do you refer to the cases in which land is taken up by squatters as dummy selections? Yes.

549. And you urge this as a collateral proof that they are dummies because the deposit is paid by the cheque of the lessee of the run? Yes.

550. Has that come to your knowledge in many cases? I have seen that with my own eyes in several cases.

551. Is it a matter of general notoriety? It is a general thing if a squatter goes into the land office as an agent for the purpose of taking up selections on his run, that the payment is tendered by the squatter with his own cheque. Of course the land agent generally knows the squatter's signature, and takes the cheque as good. Other settlers have to pay in cash.

552. *Mr. Farnell.*] Are you aware that the land agents are instructed not to receive cheques? I am. There are also great complaints as to the manner of measuring some lands in our neighbourhood, and I think it is through the instrumentality of the lessee of the run that it is so measured. For instance I know of five, if I mistake not, 164 acre blocks adjoining each other. The reason why this is done is that one man can only take up the 164 acres of surveyed land. He could not take up two, because they would make more than 320 acres, which is all that the Act allows. These five 164 acre blocks are all adjoining. I firmly believe that the surveyor is often biased by the squatter.

553. *Mr. Farnell.*] I do not think that I quite understand what you mean by these 164 acre blocks. What do you wish to convey? That they are so measured, as I believe, at the instance of the squatter, to prevent the selector from taking up more than one block. If they were 160 acres each, the free selector could take up two blocks; but as they are now measured he could not take up two 164-acre blocks without taking up more than the law entitles him to purchase. I also desire to recommend that it is advisable that an inspector should be appointed to inquire into these dummy selections down there; I mean that he should be stationed in the district, to see that the improvements required by the Act are carried out.

554. And that the condition of residence is complied with? Yes.

555. Would you have him continually travelling through the district? Most certainly I would; it is a very large district, and the number of selections which have been taken up lately are such as to warrant the appointment of some one whose duty it would be to see that the conditions are carried out.

556. To see that the provisions of the law are properly carried out? Yes.

557. Do you think that that would have the effect of checking the dummy system? I think that that would have the effect of checking dummyism. I may say that within the last few weeks the land office business at Deniliquin has been carried on in a more satisfactory manner than it was previously. A staff surveyor, Mr. Finlay, has been appointed, and I think he has given every satisfaction; but at Moama great ignorance prevails with regard to everything connected with the land.

558. *Mr. Stewart.*] A good many dummy selections have been taken up for the purpose of securing other parts of the run? There are; and they are taken up in such a manner as to block any one from coming in between.

559. Are they ever so shaped as to prevent the intrusion of rival selectors—are they not sometimes taken up in long narrow strips? No; that is contrary to the Act. The system of measurement is prescribed by the Act. I believe the most that can be done is to shape the lots as two to one—to make them say a mile long by half a mile wide.

560. That is where there is a frontage to a road or river I believe? Yes. It is generally desired among selectors

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selectors that there should be some concessions as regards improvements to the land. Suppose that a man with a family of five takes up a selection, they think that it is too much to expect him to carry out improvements to the amount of £1 per acre on each child's selection. They think that the value of the improvements required should be reduced by one half.

561. That condition of the Land law is practically evaded in a very large number of cases, is it not? Yes; there is no doubt of it.

562. That is actually the fact? That is actually the fact; but not in the case of the *bonâ fide* selector.

563. It does not matter by whom it is evaded—the fact is that it is evaded? By no *bonâ fide* selectors that I have seen. I can mention one in Lower Deniliquin Run, and it is in the name of Daniel Fox. The selection had been taken out previously by a man of the name of Galbraith, the overseer of the Lower Deniliquin station. After residing on the land for a year he transferred it to Daniel Fox, and Daniel Fox resided on the ground the remaining two years, making up the required term. In that case I am almost certain that the improvements are not to the value of £1 per acre. There is another selection taken up in his name, through the agency of the lessees of the run, Messrs. Landale Brothers. Fox took seriously ill not long since, and was in the Deniliquin Hospital; it was thought to be a serious matter, and the overseers had the selection made over to another man on the run. There was another selection taken up in the name of this man Galbraith, and he acknowledges that he never knew anything of it until he saw that the land had been taken up in the newspapers. Another great difficulty which new settlers experience in taking up land is how to properly define their boundaries. It is easy enough, looking at a map, to see the position of land, but when you are on the land itself it is almost impossible to tell where are the exact boundaries between the reserves.

564. *Mr. Lucas.*] If they were compelled to put posts in the ground, as I have suggested, would not that obviate the difficulty? I am speaking of reserves.

565. Reserves should be marked also? If so there would be no difficulty.

566. But there are no reserves marked? There is a roughly defined reserve running through Landale's run to Hay, about a mile wide.

567. *Mr. Stewart.*] In fact, there seems to be no means taken to let the public know what land is open for free selection and what is not, either by maps or by marks upon the land? No. The marks are plain enough on the map, but when you place yourself on the ground, where there is a large extent of country, there are no indications whatever to show the boundaries of the reserves.

568. *Mr. Lucas.*] If there were posts placed, as I have suggested, there would be no difficulty? No, there would not. These reserves are not surveyed, and it is in the option of the surveyor, in many instances, I think, to extend them. That has been done to my knowledge; but I do not know whether the surveyor received his instructions from head-quarters or not.

569. *Chairman.*] And is not the land officer in a position to inform the conditional purchaser whether the land he applies for is upon a reserve or not? He is not in a position to do so.

570. He does not pretend to do so? He does not pretend to do so, to my knowledge. In fact, as regards Deniliquin, he has so many other things to attend to that he does not, or will not, bother his head about the matter.

571. You think that the difficulty complained of might be obviated by the reserves being conspicuously marked on the ground before they are proclaimed? Yes. I would also observe, as it is next to impossible for any conditional purchaser to get his pre-emptive rights, from the fact that he is sure to be blocked out by other settlers coming into the district, that the acreage should be increased to more than 320 acres.

572. *Mr. Lucas.*] I understand you to recommend that the power to take up land should be extended from 320 acres to (say) 640 acres? Yes.

573. *Chairman.*] You would allow a man to select 40 acres? Decidedly. I mean that 640 acres should be the maximum, and that the conditional purchaser should be allowed to take up any less number of acres than 640.

574. *Mr. Stewart.*] Why should he not take up 6,000 acres, if he is able to pay for them? There are very few who are.

FRIDAY, 21 *NOVEMBER*, 1873.

Present:—

Mr. RODD,	Mr. LUCAS,
Mr. TUNKS,	Mr. STEWART.

JAMES AUGUSTINE CUNNEEN, Esq., in the Chair.

Mr. Alfred Jamison called in and re-examined:—

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575. *Chairman.*] Have you completed the statement you desired to make? I have.

576. And are you now willing to submit yourself to examination in respect to that statement? I am.

577. In your evidence you have referred to "dummyism";—is that confined exclusively to the Crown tenants, or are the conditional purchasers also concerned in it? There are very few cases that I know of in which "dummyism" has been used by the conditional purchaser.

578. It has been stated to this Committee by other witnesses, that whilst the squatters have been dummying by means of their stockmen, shepherds, boundary-riders, and other servants, the conditional purchasers have been doing the same thing through their children? There have been selections made by conditional purchasers for their children, who are minors.

579. Is there any difference between the two;—between the squatter who selects through his servants, and the conditional purchaser who selects through his children, who cannot occupy the ground—is not each an evasion of the law? I do not think so. There is a great difference between the two cases. If the conditional purchaser selects—call it a dummy selection if you like; he does it through his children and for the settlement of the country.

580. Is that for the settlement of the country when we know that the children cannot reside away from the parents? I believe that carries out the conditions of the Act, because the land belongs to the child, and you put a responsible tenant on it at some future day. The selector takes it up for *bonâ fide* settlement, whilst the squatter takes it solely to block the selector. He has no intention when he takes it up of improving the land, of erecting buildings, or of placing anyone upon it.

581. *Mr. Lucas.*] When you say he has no intention, how do you manage to get at what his intentions are? Solely in this way, that I know of no case in which the squatter has fulfilled the conditions of the Land Act. A. Jameson, Esq. 21 Nov., 1873.

582. *Chairman.*] With regard to the working of your local land office, has that been satisfactory? It has not been so hitherto.

583. Do I understand you to say that on one particular land office day the land agent held up the application of one particular conditional purchaser, and asked publicly if there was any application that would clash with it? What was done was this: The land agent held up the application of the person I referred to, and addressing himself to a gentleman present asked, "Have you any application that will clash with this?"

584. Was that done with the intention of defeating the application? I will not say what it was for; but there is the simple fact—he did it.

585. Now, as to the Volunteer land orders, you say that they are used for the purpose in a great degree of blocking the legitimate free selector;—is that the case? It is.

586. Not only in taking up the 50 acres for which they are available, but also in being made to represent very much larger areas? Yes.

587. Can you suggest any means by which this can be rectified? It is a very difficult question to decide upon. They are used expressly for the purpose of evading the law, and how a remedy is to be applied it is hard to say. If you provide that pegs shall be put in to mark the area, he might attend at the land office, and finding some land applied for that interested him he might shift the pegs.

588. Who might shift them? Anybody might. Anybody having the land order.

589. I suppose even the free selector might do it? Yes. He might do so; but I think, as a general rule, that it would be better for everyone to put pegs into the ground, marking out the block he requires, and then to give an accurate description of the land he requires to take up.

590. Do you think that as a matter of policy the issue of these Volunteer land orders is judicious? I do not. They have been made the means of preventing the *bonâ fide* settler from obtaining land in our district; they have frustrated the most material conditions of the Land Act; and they have prevented population from settling down upon the land, because any one man can hold any number of these land orders he can get, and with them may take up any extent of country.

591. With regard to the maximum quantity of land which may now be conditionally purchased, you are aware that under the present law the quantity is limited to 324 acres? I am.

592. Do you think that quantity ought to be increased? I do think that it ought to be. Take the case of a single man desirous of going into farming, and having a considerable amount of capital to enable him to carry on successfully. Having no family he cannot take up more than one selection of 320 acres, that being all the Act allows; whereas a man with children may take up any amount—320 acres for each child—and yet the man without children may have much more capital than the man with children, and may be much better in position to benefit and develop the country.

593. As a person acquainted with the views of the conditional purchasers in your district, what do you say is their opinion on the subject? They are all in favour of increasing the selection to 640 acres.

594. They are in favour of doubling the present area? Yes; so as to make the amount which may be selected 1 square mile.

595. And that is the general opinion of the conditional purchasers? Yes; that is the prevailing opinion.

596. You are aware that under the present Land Act the person selecting land is bound to go and reside on it within a month of his applying for it? I am.

597. Are you in favour of the residence condition? I am,—as a means of peopling the country and of enriching the district.

598. The condition is that not only shall he reside upon the land but that within three years he shall also improve it to the extent of £1 per acre? I am aware of it.

599. Are you in favour of the improvement clause? As far as my own opinion goes, and I believe the same idea is pretty general, I think that in the case of a man with a family who takes up a number of selections, and who naturally finds it difficult to improve each selection to the extent of £1 per acre, some remission might be made. He may spend a large amount of money in fencing, in building, in sinking wells, and in making dams; but all this may be upon one selection, and he may find a difficulty in spending the necessary amount of money over the whole selections, although there may be more spent on one than would cover the required amount on the whole. I think then that if this required improvement were reduced one half, and were made 10s. per acre instead of 20s., it would be more favourably received.

600. Would not that tend still further to increase dummyism—would it not encourage the squatters to still further take up land? I think you will find that in the case of the squatters, where any one of them takes up a selection, it is not with any intention of improving or residing upon the land at all.

601. And the less the land is improved the better he likes it? Yes, certainly.

602. In that view, seeing that your proposal would reduce the value of improvements from 20s. to 10s., would it not be better likely to please him? No squatter takes up land with the idea of improving it, even to the extent of 6d. per acre.

603. But if he selects land he is bound by law to improve it? That is the case; but when it comes to the point he will rather forfeit the land than improve it.

604. You will see that the person taking up land has three years during which he may make his improvements;—now would not a legitimate selector very readily expend £1 per acre on the land in that time? You must understand that in the cases I refer to, where the conditional purchaser has selected for his children, it will be found that on the purchaser's own particular selection there are improvements to a greater value than £1 per acre. Possibly there may be a good substantial house, commodious out-houses, yards, fences, and everything necessary for a well-conducted establishment; but in the case of the children's selections it could hardly be expected that he would erect anything like a substantial house, until the child came of an age to reside in it. And yet in these cases the improvements on the original selection are of sufficient value to cover what is required for the whole lot.

605. But viewed in this light, and taking your own explanation, do you not see that the conditional purchaser can use dummyism quite as much as the squatter? I do not see it.

606. However in the light of the explanations you have just offered you think it would be advisable to reduce the value of improvements to 10s. per acre? As far as my opinion goes, I certainly think it would

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be desirable to reduce it; or, what perhaps might be as well, I would, if any selection was improved to a greater extent than £1 per acre, allow the overplus to go over to an adjoining selection of the same owner, so as to make up what might possibly be deficient.

607. Has it ever come to your knowledge that a large number of persons living in towns, such as drapers, grocers, storekeepers, and hotel-keepers, would wish to take up conditional purchases, and would willingly improve them by spending on them all the profits of their business, were they not precluded from so doing by the residence clause of the Land Act? I am aware that there are many persons in towns who are desirous of taking up land by free selection, but who cannot do so without evading the law.

608. Would you be in favour of the removal of the restriction in these cases, seeing that one of the main conditions of the law, the improvement of the land, would be complied with? No. I think that every man should attend to his own business; and these persons in the towns should attend to theirs. If this kind of occupation were allowed it would be carried to such an extent that it would prevent men who really wished to settle on the ground from obtaining land.

609. Would not such men as these I have spoken of be likely to plant orchards and vineyards, and generally, from the means in their possession, to improve the land in a much superior way than would be done by the ordinary selector; of course, instead of working themselves, which they could not do, they would employ skilled men to work for them, thus benefiting the country in another way by providing employment for the labourer;—would you shut these men out from the advantages of free selection? I am not in favour of allowing business men to select land. Instead of that, I am in favour of the principle of putting up the land near towns to auction in smaller blocks, so that if they wished for land they may have an opportunity of buying it right out.

610. But the storekeeper or the publican who would not be able to reside himself upon the ground could yet be well able to afford to pay men, vinegrowers, gardeners, builders, and labourers, to plant him a vineyard or an orchard, or to put him up a house; and if the capital and the labour were there to a greater extent than in the case of the ordinary selector, would not the provisions of the Land Act be better carried out than they are by the men who merely puts a hut upon the ground and does nothing else? The latter case is decidedly a wrong thing, not contemplated by the Act; and as to the former, I think that if any plan of the kind were adopted it would only have the effect of offering a temptation to speculators in town to take up selections for the purpose of selling them afterwards to other persons, when they could do so at a profit. And moreover, I do not think that any man will ever be able to make land pay without being on it himself.

611. *Mr. Rodd.*] You think then that by allowing these persons, who would be able to bring skilled and paid labour to bear upon the property, you would be merely encouraging a traffic in land, and that they would take it up only for the purpose of selling it again? I do not think that such a plan would encourage the settlement of the country; but, on the contrary, I believe it would have the effect of debarring settlement. They would take up all the valuable land they could lay their hands upon in favourable localities, and they would thus hinder other people whose business it is to make their living from farming from coming forward to settle in the district.

612. But do you not think that it would tend to the improvement of the country if gentlemen in the interior who had saved money in their business, were enabled to invest their savings in land where they would bring in paid labour to improve it? As purchasers of the land right out they would be a benefit to the country, but not as selectors under the 13th clause of the Land Act. I do not think, for instance, that an hotel-keeper could take up land under that clause, because he could not reside on it and reside at his hotel to; and the law provides that he shall not live away from the house in which he has his business.

613. Apart from the hotel-keeper, there are men in business who have saved money, who have their savings lying idle, or at a very low rate of interest, and who, if the residence clause were abolished, would invest those savings in land, not to traffic in it, but as a legitimate investment for their family? As far as I can see, there is nothing to prevent a storekeeper from taking up a selection of land. He might very well go and live on it whilst his wife and family carry on the business. There is nothing to prevent him from so doing, or from taking the selection for one of his family, who could reside on it whilst he carried on his business.

614. Have you never heard of a case of this kind: Of a man in business, who had saved some considerable sum of money, and who is about to leave that business in the course of a few years. In such a case would you allow the man to select and take up land, so as to prepare it for the occupation of himself and family, on his quitting business, seeing that he is not able to do so now, because of the residence insisted upon by law? I have heard of one instance only, of a person desiring to select under those circumstances; but he could not fulfil the residence conditions, and considered it useless to take up the land.

615. *Chairman.*] You are aware that minors are allowed to select? I am.

616. Do you think that is a state of things which ought to be tolerated? I do. I think it has a tendency to increase the population and wealth of the district, whilst it has the advantage of tying people to the soil. It is this very thing which has, in a great measure, been the cause of so many people coming from Victoria to Deniliquin at the present time. Here they can take land for themselves and for their children also, whilst in Victoria a minor under 18 years of age is not allowed to select land. At the same time I may also state, that we hardly ask for this privilege for children of very tender years. It cannot be expected that they should be allowed to take up land, seeing that they are of too tender years to understand the nature of an oath, or the meaning of a declaration. For instance, a child of twelve months old has been alluded to. This is manifestly too young, because at the expiration of the three he could not make a declaration. There should be some certain age fixed, below which the right to select should not be allowed.

617. You are aware that during the last few years a great number of selections have been taken up in the names of infants;—I would like to know whether these names of infants are used by the Crown tenants or by the free selectors, or do they both make use of them? I know of no conditional purchase having been taken up for an infant.

618. You stated the case of the Murray family on a former occasion? Yes; but that is not what I mean when I say an infant. What I call an infant is a child (say) under twelve months old.

619. But in a legal sense the term infants includes all persons under twenty-one years of age;—are these infants used by the free selector or by the squatter? They are used by both.

620. Are you aware whether this is regarded as an evasion of the law? No, I do not think so; the impression is that children are entitled to select.

621.

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621. Have you any objection to their doing so? None whatever.
622. And the people generally;—do they object to it? Not that I am aware of.
623. I understand that lately there has been a very large demand for the purchase of land at auction;—what is your opinion with regard to the sale of land by auction? I think that no auction sale of land should take place where the land was within a radius of 25 miles of a township of a certain population.
624. Taking the population scale of the 13th clause of the Land Act, would you extend that to sales of land by auction? I would. And my reason for so doing is this, that the nearer a farmer lives to a town the greater facilities he must necessarily possess for getting rid of his produce; but if a man is compelled to take up his selection at a greater distance from a township he is of course put to greater expense in getting his produce to market. This applies equally to the agricultural as to the pastoral occupants, their cases being precisely similar.
625. Then you are in favour of extending the town areas in such a way as that whereas now no person can select land within 5 miles of a town of a certain population you would extend that to 25 miles in regard to auction sales? I would.
626. Is that the idea of the majority of persons who desire to settle upon the lands of the Colony? It is. They all desire to settle as near as possible to the towns, in order that they may more readily get rid of their produce and more easily supply themselves with provisions. This is the case with all our selectors in the neighbourhood of Deniliquin. Two-thirds of them at least have selected as near as they could get to the town.
627. Then it is the opinion of persons in your district that there should be no auction sales of land situated within a radius of 25 miles of a town of a certain population, and you also hold that opinion? I do; and that is the prevailing opinion in our district.
628. All beyond 25 miles might be sold by auction, but none within that limit? Exactly.
629. I presume you would have graduated areas in the same way as is now done in the 13th clause of the Land Act with regard to free selection, only you would extend them proportionately to the free selection areas, until you reached the maximum of 25 miles? That is my idea.
630. *Mr. Lucas.*] Are you aware of what was the object of the State in giving persons permission to select land? Yes. It was to settle the country.
631. Was it not rather that the land which was then lying idle should be rendered productive? As far as I have been able to learn the primary object was to settle the country.
632. Does it make much difference to the State, so long as the land is improved, whether the man settles on it or not? I see a very wide difference between the two. A man may take up a selection, improve a portion of it so as to satisfy the law, and may not reside on it; the country could certainly never be settled in that way; but the man who goes to reside not only settles down himself but also brings population with him, and induces it around him.
633. But if the man does not reside, so long as he improves the land he must have labour to work it, and would it not necessarily follow that the labourers would reside on the land, thus populating it? I do not see that it follows; and residence was attached as a condition in order that the country might be settled.
634. That is your personal view; but putting that aside for the present, was it not the opinion of the Colony generally that the great object of the Land law was to make the lands of the Colony productive? And to populate them. The population was the primary consideration.
635. In the case I have instanced the land must be populated if people are engaged upon it as labourers? It does not follow, or else you may say that the labourers of the squatter populate his run.
636. If a man takes up an acre of land which has hitherto produced nothing but grass, and he makes it return him 20 bushels of wheat, can it make any difference to the State, so long as it can gain this advantage, whether the man lives in the country on the land, or in the town away from it;—and in asking you this I am speaking only in so far as it affects the State, and as a matter of public policy? Whether as a matter of public policy or otherwise, I am in favour of the provision that each man should reside on his ground and work it.
637. I believe you object to monopoly—that is, to persons buying large quantities of land, and holding them? Yes; I do, most certainly.
638. What would you call it if a person has ten children, and takes up 320 acres for each of them, with a block of the same size for himself, and another for his wife, or twelve blocks of 320 acres, making 3,840 acres, with a grazing right of three times that area in addition; does that strike you as looking anything like monopoly? No, I do not think so. There are twelve souls, so that each block has its equivalent in accordance with law.
639. Take the case of the squatter then: Say he employs twenty-five men, each of them with a wife and family. Here would be a greater number of souls than were brought on the ground by the selector. Why should not the squatter be allowed to take up 10,000 acres, or whatever quantity it might come to, at 320 acres per head, seeing that he supports this large number of people, just as the selector does his family? I see no objection to the squatter taking it up so long as he complies with the provisions of the Act.
640. Speaking of monopoly, you are in favour of shutting out the general public from the purchase of land by auction? No, not shutting them out altogether; but only from within areas of 25 miles round towns of a certain size.
641. If you prevent auction sales, should not free selection be also stopped within the same areas? No, because proximity to townships offers greater facility to the farmer to bring his produce to market and to get his provisions. A man who has to go and settle down 50 or 60 miles from a township would have to labour under very great difficulties.
642. But taking your own idea of 25 miles? That is too great a distance from a township.
643. You do not wish to have land sold at all by auction within a radius of 25 miles of a town with a certain number of inhabitants? I do not.
644. Are you a free selector? I am.
645. How much land have you selected? 320 acres.
646. What are you doing with it? I am fencing it in at present.
647. Do you intend to turn your attention to cultivation? To cultivation and to pastoral pursuits as well.

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648. Do you know any *bonâ fide* selectors who have taken up more than one selection in the name of their children? I do—several.
649. Is it their intention to improve the land, and to carry out the conditions of the Act? Most certainly; there will not be the slightest evasion of the Act. I have never yet seen an instance of it in my experience.
650. Are you of opinion that the upset price of land should be increased where it is sold by auction? I am not.
651. You think the £1 per acre is sufficient as an upset price? I do.
652. Are you in favour of letting persons select in the names of their children? I am.
653. Then I suppose you would allow a man to select for a child in arms—an infant of twelve months old? No. I have already said that I am not in favour of that.
654. What limit in regard to age would you put to rights of selection for children? The child should be old enough to understand reading and writing.
655. At what age would you fix that? I think about five years old.
656. Would it not be rather a precocious child to understand reading and writing at that age? That would be the age at which the child should be allowed to take up the land. At the end of three years from that he should be able to read and write.
657. *Chairman.*] With regard to this question of sales by auction, is there not just now a great rush for land in Riverina, under that clause of the Act which provides for purchase by auction? No, I think not. It is rather the reverse. People prefer to select.
658. Yes, but I mean by the squatters;—is there not a rush on the part of the Crown tenants to buy land? Yes, there is a rush for their own land—parts of their own run—but there is no competition for it.
659. There is a demand for land in that respect? There is.
660. Who applies for it? The squatter.
661. What does he apply for? For parts of his run—the most choice parts he can find.
662. Does he not apply for the frontages to the rivers and creeks on his run? Yes. He secures that before anything.
663. It is of course likely that he would do so, but as a matter of public policy do you think that by so doing he is injuring the remainder of the public estate? I do not think so.
664. But by purchasing these frontages may he not have an idea of getting the remainder hereafter for next to nothing? I believe that the squatters purchase these because their possession makes them more safe in their holding, by securing them access to the water.
665. Do they apply for these frontages merely for the purpose of preserving them, or because they know that the back lands will not be of so much value to anybody else when they have the frontages? It certainly deters the settler from taking up the back land; but the object of the squatter is to have the water.
666. Still it is the fact that the Crown tenants are buying up the frontages to the creeks and rivers on their runs? It is.
667. So that the public estate in time will consist of nothing but back lands? Very probably.
668. Do you think that the Public Treasury will receive as much as it does now for these back lands, after all the frontages are gone? I see nothing to undervalue it myself. As far as my own opinion goes, I believe it will make no difference. For my own part I would sooner go and take up back country, because the land near the rivers is always subject to floods.
669. And you think £1 an acre for this land is a fair price? I do.
670. Is it enough to get for it? Yes, I think so.
671. But if the land is only worth £1 an acre how is it that they come to give £2 an acre for it? They have an object in giving that.
672. What object? For the purpose of blocking the conditional purchaser.
673. *Mr. Tunks.*] In what way does £1 become the exact value of an acre of land, and why is it then 10s. or 15s.;—is it not just as likely to be the value as twenty? You may put any valuation you like upon the land, and there will always be some worth more and some worth less; but as a general rule I think you will find that £1 per acre is about a fair value.
674. How much of this land does it take to keep a sheep? I consider that when the land is fenced in in small quantities, as is done by the free selector, you may feed one sheep to the acre.
675. Then there is some considerable outlay required to bring the land up to this state of supporting a sheep to the acre? Yes. They preserve the ground as much as possible, and in some cases sow it with English grasses.
676. With this system of management do you think sheep farming will pay if you have to buy land at £1 an acre, and go to all the other expenses of fencing and sowing the land? I do.
677. *Mr. Lucas.*] Is there much land in your district worth more than £1 per acre? There is; much of it.
678. Is there any of it worth £10 an acre? None that I know of.
679. Is there any of it worth £5 an acre? At the present time there is not.
680. I believe you complain that the squatters take up the land under this system of dummyism, that they then get the land forfeited, and that they afterwards manage to secure it at £1 per acre? Yes.
681. That makes 25s. per acre that they have to pay for the land? Yes.
682. Are you in favor of the money which is now paid for interest being taken as a payment off the first cost of the purchase? I am; and I think the Government might well make this concession.
683. Do you not think it is concession enough to the selectors to give them the right of selecting land where they choose at 20s. an acre, with a cash payment of only 25 per cent., when the squatters show their desire to get it for 25s. per acre, and to pay cash for it? In some instances the land is cheap at that price.
684. I presume that the selector does not pick out the worst land? Most certainly not.
685. But generally manages to get the best? Yes, the best he can find.
686. And that according to your showing is worth more than 20s. per acre? It is; but then the selector has to improve it to the extent of £1 per acre.
687. That, however, is for his own benefit? Most decidedly so, or it would hardly be likely to be done.
688. Then why, with all the advantages he possesses, should he have more privileges than other people. For instance, the squatter has to put his land that he requires up to auction, and the selector if he thinks fit may run up the price of the squatter's land; but the selector on the other hand may pick his land where he likes, and nobody can run up the price on him. In the face of this does it not seem rather too much

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that the selector should try to get rid of this small charge of 5 per cent., made as interest on the balance of his purchase money, left unpaid? The squatter is in just as good a position as the selector, for the selector cannot compete with the large capitalists at an auction sale.
689. But he does not want to compete, seeing that he can get it without competition? Yes; but the large purchaser is not required to improve his land to the extent of £1 per acre.
690. Then, on the other hand, the purchaser by auction has to pay money down? He pays 25 per cent. down, and the balance in three months.
691. That is considered as equivalent to cash. You think then that the interest paid should be allowed to go off the purchase money? I think that some slight concession might be made to the selector.
692. Do you not think it a concession that he is allowed to choose the best land he can find at 20s. per acre? I do not consider that as being at all a privilege.
693. Not to get land worth £50 an acre for 20s. an acre? I do not know of any land in our district that is worth £50 an acre.
694. But there is much of it that is worth £3 an acre? There is a wide margin between £50 and £3. There is some of it worth £3 per acre.
695. *Mr. Stewart.*] Have you ever thought over the means by which dummyism might be checked? I have.
696. And in what way would you propose to put a stop to it? By the appointment of an inspector to go round and examine all the lands taken up by selection.
697. To see that the conditions of residence and improvement were complied with? Yes; and if there were a fine imposed on any parties who might take up land for the purpose of frustrating the settlement of the country, I think that would have a very good effect, and go very far towards putting a stop to the system.
698. *Mr. Lucas.*] There are a great number of settlers who have taken up land on the Murray in the names of themselves and of their families? There are.
699. Are there many of them cultivating their selections? All the old settlers are cultivating, but the new ones are all engaged just now in fencing, building, sinking wells, and constructing dams.
700. They have not commenced cultivating? No, not yet.
701. When you speak of the new settlers and the old settlers, what do you mean by that distinction? There has been a great lull for years in free selection in our neighbourhood, but latterly there has been a great rush for land. By the old settlers I mean those who took up land in the first instance, and by the new ones, those who have come latterly.
702. What do you call latterly? Within the last nine months.
703. Since that time then there has been a renewal of selection? Yes, there have been more persons come into the district to select land than there were prior to that date.
704. With respect to your land office at Deniliquin, what plan would you suggest to remedy the objections you have stated against it. You object I believe that the squatters pack the room;—how would you prevent that? I would propose that the first one who arrived at the land office door should be the first person to be admitted, and be the first to have his application received; that each person should be admitted in the order of his arrival; and that only one person should be admitted at a time.
705. How would you provide for the land agent distinguishing between those who came first, second, or third, seeing that there might probably be a crowd round the door? Suppose there were ten persons round the door when it was opened, then I would let those ten persons into the office; the applications from these should be first received, and if the applications of any two of those present clashed, then they should be put into the ballot-box.
706. But that is practically what is done now? Yes; since the surveyor has been in the room and supervised the proceedings. There is something like regularity now, but there was none before. I have known squatters to be present there in the room through the day for the purpose of seeing if any applications came in for land on their runs. If anything of the kind was announced they would at once bring out an application to clash with it.
707. If your rule were adopted, in the event of the squatters being early at the door, being the first for instance, how could you keep them out? They might go in, and having done their business might go out again. It is not necessary that they should be standing there all day.
708. But you say that the first who come shall be admitted;—how then would you get these squatters out? It is in this way: Suppose that there are twenty persons there when the door opens, then you could let those twenty in and no more. The application from each of these persons are laid down on a table before the land agent. He takes them up one by one and reads them aloud, and if any of those on the table clash with each other it is the duty of the parties interested, or one of them, to say so at once and to demand a ballot.
709. They do all that now? Yes, they do, since the surveyor has looked after it.
710. You see now that you cannot carry out your own proposal of letting persons into the room one at a time, seeing that you say you would let in twenty persons, if twenty persons happened to be there when the door was opened? All I wish to show is that the squatter makes it his business on land days to be about the land office all day long, so as to be ready to put in fictitious applications to clash with those of the selector.
711. There is nothing to prevent him from being there? There is not, under the present system.
712. You could hardly put a fence round the land office that would have the effect of keeping out squatters and nobody else; is there any other proposal by which you think this complaint of yours may be counteracted? No. In that respect I have no further suggestion to make.
713. Do you think that this dummyism would be stopped by the system you propose? I think it would be stopped to a very great extent.
714. By the employment of an inspector? Yes.
715. As a rule these dummy selections fall in—become forfeited? As a rule they do.
716. Are you aware of your own knowledge that some of these forfeited dummy selections have been taken up at £1 per acre? I am not aware of any.
717. Do you not think that the best way of putting a stop to dummyism would be to have the law properly administered, to have the selection forfeited, but in such a way as that it would be at once open again to selection? Yes. If there were a clause in the Act to that effect it would be the best way to meet the difficulty.

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718. Do you think that when the squatters find that their dummy selections are forfeited, and that they will have paid 5s. an acre for land, which will be open for selection in twelve months, they will be too ready to make these selections, and to pay down the 5s. an acre deposit? Not if they were to be open to re-selection; but if they were to be open to auction they would.
719. But suppose they were open to both—to reselection in the first instance, and then to auction afterwards, if not selected within a certain period? I think it would put a great stop on the present system.
720. Did I not understand you to say that after a selection was forfeited, the land reverted to the same position that it was in when selected? No; it is not in the same position, because it has to be forfeited first, then Gazetted, and then to be sold by auction at some particular date.
721. But if on their being declared to be forfeited the selection should be again open to selection? I was not aware that they are so.
722. If that were made clear and unmistakable by law, would that put an end to dummyism? I believe it would put a complete and effectual stop to it.
723. Then if a squatter selects 320 acres of land, and then finds that in some few months afterwards it is reported upon, forfeited, and again open to selection, it is hardly likely that he will pay 5s. an acre for land that he will only hold six or eight months? Of course he will not. The squatters have the idea that the land will not be forfeited for three years after it is taken up, and it would pay them very well to give the 5s. if they can get the land for that time.
724. So that if it is forfeited within a few months? That will put a stop to the dummyism.
725. What is your own impression as to how it is to be stopped? It would be stopped if the land were forfeited as soon as possible, and then immediately on its being forfeited that it should be open to selection, and not be put up to auction sale.
726. Then it seems that you desire to get rid of auction sales altogether? Only within certain areas. If you allow of auction sale you continue the mischief.
727. But can you not see that the squatter would have to forfeit his 5s. at the end of a few months, and that then the land should revert to the same position it was in when first selected? Yes, I perfectly understand that.
728. And would the squatter give 5s. an acre merely to hold the land for a few months? It is not likely he would do so.
729. Then would not that put a stop to dummyism? But if you allow it to be put up to auction he has a chance of buying it.
730. With reference to the Volunteer land orders, have you any suggestion to make with reference to taking up land under them? I spoke upon that point before, and I gave it as my opinion that they ought to be abolished in so far as land for conditional purchase is concerned.
731. Supposing them to be continued, have you any suggestion to make by which they could be taken up without the damage they are now doing to the public estate? I can see no better way than that which you have suggested yourself—that of placing four pegs on the boundaries.
732. Do you think that the holder of a Volunteer land order of 50 acres should be able to take up 270 additional acres by virtue of having this land order? No. I consider it to be an utterly wrong and bad system. A man might have a number of these orders, and then if he took up blocks of 270 acres to each of them he would be able to get hold of an immense area of country without being obliged to reside on any one block.
733. Are you aware that this additional block is taken up under the 22nd clause of the Land Act? I am.
734. And that under that clause it can only be the holder of land in fee simple who can obtain the blocks in addition? I am aware of it.
735. Are the holders of Volunteer land orders owners of land in fee simple? I should certainly say not.
736. Then how can they take up land under the 22nd clause; if they take up land illegally should it not be forfeited if the Land law be properly administered? I do not defend the practice; I simply gave my evidence as to the fact of this having been done, and of the additional land having been taken up.
737. *Chairman.*] With regard to the pre-leases, is it your opinion that the conditional purchasers generally desire to have them if they can get them? Yes, in every case.
738. What is your opinion in regard to the selectors tenure of these pre-leases—is it not a mere nominal tenure—a tenure of to-day and no tenure to-morrow? It is certainly most unsatisfactory; they have no tenure at all in reality.
739. Do the conditional purchasers generally desire to have a fixed tenure? Yes. What they want is a certain definite tenure for a certain defined period.
740. What length of tenure do they generally desire? I think myself it would be satisfactory if you gave them a certain lease, say for five years, with the right of purchase at a price at the end of that time.
741. And during the currency of the lease would you allow the pre-leased land to be open to selection? Decidedly not, because this pre-leasing could never be made use of to monopolize land. It may be pretty well understood that a selector with a lot of children taking up a number of selections would be pretty well blocked in, as he would be sure to get contiguous selections; consequently he would not be able to take up any great number of acres for his pre-lease.
742. Are you aware that there are great delays in the Lands Department before the selector can ascertain whether he can have his pre-lease or not? I am.
743. And in the meantime quarrels arise between the squatter and the selector as to who shall have the right to graze on the land? Exactly; and I may mention the case of a selector named Brown, who applied to the Lands Department for his grazing rights, and up to the time when I saw him last he had had no reply to his application; and I see now that the land is being surveyed, and that it is about to be put up for auction sale.
744. *Mr. Lucas.*] Is there any reason why the boundary of a pre-lease should not be marked out at the same time as the boundary of the selection? There is no reason why it should not; but the conditional purchaser is not in a position to do it.
745. Do you not think that it would be also desirable that the selector should have a definite fixed tenure for his pre-lease, and that the surveyor should be directed to survey it at the same time that he surveys the selection? I think it would be a most desirable thing, because the selector would then know his boundaries with certainty, and he would be saved from disputes.
746. Do you think that there should be an Act defining how these pre-leases should be taken up in connection with the several selections? Yes; it would be a great advantage if it were clearly defined how they were to be taken up.

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747. I see by this petition that the free selectors affirm that they do not think it necessary that the pre-lease should be taken up upon the same run as the selection;—is that your view also? No; I think the pre-lease should adjoin the selection, and be round it as much as possible; and if not to be had immediately adjoining, as near as is possible.
748. You said you thought it desirable that the selectors should have some fixity of tenure to their pre-lease? Yes; three or five years, with a right of purchase.
749. Do you think there would be any objection on the part of the free selectors to fence in their pre-lease if they got a lease for fifteen years, with a right of purchase at the end of that time? They would be only too glad to fence it in if they got a lease of that kind.
750. They would do it willingly? Most willingly they would do it.
751. You think then it would be an advantage to the free selectors if an Act were introduced defining the mode of taking up the pre-lease: providing that the selector should mark the boundaries of his pre-lease in the same way as he does his selection; directing the surveyor to survey the boundaries of the pre-lease at the same time as he surveys those of the selection; and giving a fixity of tenure of the pre-lease for fifteen years, on condition that the selector encloses it with a good fence within four years of taking it up? Yes. I should certainly be in favour of such a proposal as that.
752. Do you think the free selectors generally would be in favour of it? Yes, one and all. If they could get a lease on such terms as that they would, one and all, be quite willing to fence. There are some of them who put bush fences round their pre-lease even now.
753. How far out are they selecting now? They are taking up land on the boundaries of the Colony.
754. I mean northwards;—how far have they gone north of the Murrumbidgee River? I am not acquainted with that locality, and cannot therefore speak to it.
755. You are only acquainted with Deniliquin? With Deniliquin and the district round it.
756. Are the selectors as numerous on the banks of the Murray as they are near Deniliquin? They were until lately; but within the last few months the population in and around Deniliquin has greatly increased.
757. And selection is still going on? Yes.
758. Do you know the Billybong Creek? I do not.
759. Can you say whether there is much free selection going on between that creek and the Murrumbidgee? I cannot, as I am not acquainted with the locality.
760. *Chairman.*] With regard to the pastoral leases;—what is your opinion as to the tenure given to the squatters; do you think the five years tenure that he has is sufficient for him? I had rather not give an opinion upon that subject.
761. Then, as to the rent paid generally for runs, do you consider it to be sufficient in amount, and that the public revenue receives as much as it is entitled to from the public estate? My opinion is that the squatters make a very handsome profit out of it.
762. As to the appraisement,—do you think that is the best way of arriving at the value of the public property? No. I think the Crown alone should decide as to what is the value of its property.
763. You think the owner of the property is the best person to put a value upon it? Most decidedly.
764. The landlord does not usually call in the tenant to value the property he is about to rent? Certainly not.
765. If the Crown values its own land, and values it too highly, it is always optional with the lessee whether he will pay the higher rent or not? Yes. If the land were leased out in smaller quantities a much better rental would be obtained from it for the Crown. Now the rent is ridiculously small, ranging from one halfpenny to seven-eighths of a penny per acre.
766. Could you suggest any better means of getting at the annual value? I see no better way than that of simply letting the Crown fix the value which it puts upon its own property. The Crown ought to do this of itself, and not allow the squatter to have his valuator to interfere in the matter.
767. Then if the squatter did not choose to accept that rent, the run could be put up for auction? Yes.
768. Do you think that would be a favourable course of procedure—the putting the pastoral leases up to auction where the tenant declined to pay the rent? Yes, I have no doubt it would be so; but I do not feel competent to speak upon the matter.
769. Would that be the best way for the public to arrive at the value of these runs, by having the leases of the whole of them put up to public auction? Yes. They would be sure to fetch a higher rent in many cases—but what I should suggest would be that the Crown should fix the rental in the first instance; then if the tenant objects to the rent fixed, let the lease be offered at auction.
770. Are you aware that there were many of the appraisements made in 1865, when stock were cheap and the price of wool was low, that are actually 50 per cent. higher than the re-appraisements made last year, when stock was dear and wool high. How do you account for a reduction of rental under such circumstances? I cannot account for it, unless it is owing to the influence which the squatters bring to bear in the matter.
771. Do you think that the squatters have more influence than they ought to possess, and that public officers are influenced by the squatter as against the selector—as in the case of land agents, surveyors, and others? It is very often the case, and I think it will be found in the majority of cases that the land agent holds also the office of Clerk of Petty Sessions or other offices pertaining to similar duties. In that capacity he is of course thrown much into contact with the squatters who form the Bench in country places, and thus it is that it happens he is influenced by them.
772. Do you think it a wise thing that the land agents should also be Clerks of Petty Sessions? I do not think it at all an advisable thing. The land agent should be a separate officer, so as to be aloof from both parties.
773. Do you not think that it would be better managed by a surveyor—a man who understood the measuring and charting of land? Yes, decidedly.
774. Clerks of Petty Sessions are appointed to office because of their ability as deposition clerks, and not from any knowledge they possess of the Land law? Yes. They have no knowledge of the land, or of the reserves, or of the law, or I may say of anything connected with the subject.
775. Should not a knowledge of the Land law be the matter of the greatest importance in the appointment of a land agent? It should be certainly; but it is certainly not the case in our district. I think myself that the land agent should be a surveyor, or a person who has some knowledge of the land.
776. *Mr. Lucas.*] Do you know the Mathoura Run? I do.

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777. Are there any selections upon it? Yes, several.
778. You mentioned reserves which were made on runs;—are these generally larger than is necessary? Some reserves are certainly larger than is necessary.
779. Look at these reserves on the Mathoura Run—there is one of 7,646 acres, another of 16,560 acres, another of 3,880 acres, another of 11,360 acres, a village reserve of 2 miles square, another of 640 acres, and a town reserve of 6 square miles. Do you think that all these reserves are necessary upon the one run? ———
780. Out of 84,000 acres, which is the area of the run, there are 44,000 acres of reserve, or more than half the run;—can such a large amount be necessary? Some of them are necessary, especially the larger ones, which extend along the whole distance of the run, and afford facilities for persons with travelling stock to cross the run and to take cattle to market or to water; but there are one or two which might be dispensed with.
781. But then we have more than half the run reserved from the operation of free selection? It is so.
782. And the squatter has the use of them without paying for them? That is the case.
783. Do you think they are all necessary? No, they are not all necessary. There are one or two which might be dispensed with.
784. *Chairman.*] We have the facts that in 1865 no less than 6,000,000 of acres were reserved from the operation of conditional purchase, whilst their use was not lost to the squatters;—now have you any reason to believe that these reserves were made for the benefit of the public, or were they made in order to shut out the conditional purchaser? I believe that they were made for the benefit of travelling stock in order that stock might be taken to market, to water, and so forth. They are an absolutely necessary requirement in many instances.
785. Are you aware that these reserves were proclaimed and gazetted before they were marked out and charted, so that the selectors could not by any possibility be aware of their position? Yes, I am aware of it.
786. Do you not think that before the land is finally reserved, it should at least be marked? I think so.
787. Are you aware that the Government plans neither show where the reserves are, nor where they have been revoked, although there have been no less than 6,000,000 of acres reserved? I am not aware.
788. If you went into the land office at Deniliquin would the land agent there be able to tell you where the reserves are, and where the different selections had been taken up, and what land was open to selection? He would not.
789. And should he not be able to say, seeing that he has the sale of land entrusted to him, whether he really has for sale that which you wish to buy of him, and for which he takes your money? He should, most certainly.
790. As things are done now, he actually receives the selector's money without knowing whether or not he has the land which is bought? He does, undoubtedly.
791. Does not a great deal of confusion arise in this way, from the various reserves being neither charted, nor marked, nor surveyed? I know it does. There is an instance in my own neighbourhood of a selector having taken up selections in between two reserves. He had no idea that the reserves were there, or in fact of there being any reserves at all, and when his ground came to be surveyed it was found to be about 200 yards in upon one reserve, and a selection of his child's was in upon another.
792. And I suppose the land agent could not tell him whether his selection would be on a reserve, or even whether there was a reserve there? He could not.
793. So that if the land agent did not know, it was hardly likely that the ordinary selector should? Not at all likely; they ought to be surveyed and marked, so that the selector might know where to go.
794. *Mr. Lucas.*] I see by these plans that some of these reserves are 8, some 10, and some even 12 miles long;—how would you wish that they should be marked? They should be surveyed along each side line, and pegs put in on each line at or about 10 chains distance.
795. Have you any idea of what would be the cost of a survey, if it were conducted in the way proposed by you? I have no notion; but all I desire is, that it should be so marked that the selectors may be able to tell where the lines are.
796. Then, if when the lines were surveyed they were marked with pegs at a quarter of a mile interval, would that be sufficient? Yes. I have no doubt but that would do.
797. Timber is not very plentiful on most of these runs? Not as a general rule; on some of them it is plentiful, but on others there is very little timber.
798. Are there any maps by which persons may be able to know where the reserves are in the several districts? I believe there are maps in the Deniliquin land office which show the reserves.
799. When the notice of a reserve appears in the *Government Gazette*, is that reserve at once marked off on a new map? No. There is no new map for several months.
800. You say, however, that the reserves are marked on the maps of the Deniliquin land office? They are, and I produce a tracing from a plan of the lands between Deniliquin and Hay.
801. One similar to this has been seen in the land office at Deniliquin? Yes. I have seen it there myself.
802. Do you know who prepared it? No, I do not. The map in the Deniliquin land office is now about eight months old, and the one that we had previous to that was about eight years old.
803. *Chairman.*] With regard to these maps and tracings, you are aware that when a private gentleman cuts up his estate into allotments for sale, he causes plans to be made, and has copies of them lithographed, so that they who think of buying may see what there is for sale, and where each lot is;—do the Government do that? They send maps and tracings of the land to be sold, but they generally come up too late to be of any use. They only arrive on the day, or perhaps the day before the sale, in many instances.
804. And you think these plans ought to be in circulation long before that? Yes. They should be at the office where the sale is to take place a week at least before the sale, so as to be well circulated.
805. Was there not one occasion—when there was a very large sale of land in Deniliquin—a sale of several thousand acres—where the lithographed plans arrived only the day before the sale? There was.
806. Is not that a very loose way of selling the public estate? It is, most assuredly. I know that on the very occasion that you allude to there were two or three buyers, to my knowledge, waiting in town to see the charts; but when they found that these did not arrive they went away before the land sale day, and their competition was lost to the Government.

FRIDAY,

FRIDAY, 21 *NOVEMBER*, 1873.—(AFTERNOON SITTING.)

Present:—

MR. LUCAS, | MR. TUNKS,

MR. STEWART.

JAMES AUGUSTINE CUNNEEN, ESQ., IN THE CHAIR.

Mr. Jas. Fredk. Mayger called in and examined:—

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807. *Chairman.*] I understand that there has recently been a meeting of conditional purchasers held at Deniliquin? There has.

808. When did this meeting take place? At the beginning of the present month.

809. What was the object of the meeting? The object was to get together the experience of the selectors in and around Deniliquin with regard to the operation of the Land law in that district, and knowing that this Committee was sitting to inquire into the working of the Land laws, to consider whether it would not be desirable to send down persons acquainted with the views of the selectors to give evidence with regard to its operation in the Deniliquin District.

810. What decision was arrived at? After some discussion, when the matter was canvassed very fully, the meeting decided to send Mr. Jameson and myself to give evidence before the Committee.

811. Then you are here now almost it may be said in a representative character? Yes, as far as that meeting is concerned, we certainly represent their views. I may add, however, that the meeting was not confined exclusively to conditional purchasers, but intended to embrace all those who were friends to the settlement of the country. The meeting was held at the Royal Assembly Rooms, and there were about 120 persons present.

812. And was the proposal to send down you and Mr. Jameson adopted unanimously? It was.

813. And in pursuance of the resolution of the meeting you are here to represent the views of that meeting? We are.

814. Will you state in your own way the opinions you have formed upon the administration of the Land law, and upon the mode in which it has been worked in your district? I will. And in the first place I would like to tell the Committee how it is that this subject has been so persistently forced upon my attention for years past. I am the editor and proprietor of a newspaper published in Deniliquin, and I am almost ashamed to confess the fact that there is no subject to which, to my intense personal disgust, I have been more frequently compelled to revert, in the columns of that paper, than that of the administration of our public lands. There have been such continual and well grounded suspicions of unfair play on the one hand, and on the other so determined an opposition to the settlement of the districts, that these contending feelings have proved most inimical to the well being of the district, and so opposed to every principle that should govern a well regulated community, that I look to their existence as furnishing my justification for forcing the subject on the attention of the readers of my paper so frequently. There was a young town—Deniliquin—created, in the first instance, by the overlanding business, by the passage of the fat and store cattle and sheep that were brought down from Queensland and the northern part of New South Wales into Victoria. That trade subsided after a time, but whilst it was in its full flow some ten or twelve years ago, Deniliquin was a busy little town, and a great deal of money was made in it, whilst the overlanding trade was brisk; the fact that so many persons in the town made money, some of them fortunes, induced others to come up and settle in it, all of them coming from Victoria. They came and looked round them, and were induced to settle on the spot by seeing that there was there a site for a prosperous township. They came there in some numbers, bought land, built houses, erected stores, put up fine hotels, and so forth; from that, travelling down through the subsequent seven or eight years, their success was so precarious that I do not think I could mention a dozen names amongst those who settled in the town and invested considerable sums in it, who were not necessitated either to go through the Insolvent Court or to compound with their creditors. And this decline was caused purely from the circumstances that the overlanding had almost ceased; next, that there was little trade in the district, and no settlement outside to create it. For instance, the town was altogether hemmed in on the north for miles by the two runs of Mr. Landale (the Upper and Lower Deniliquin Runs), and on the south by Warbreccan and other runs.

815. What are the areas of those runs? One of the Deniliquin runs contained an area of 96,000 acres, and the other of 76,000 acres, making together 172,000 acres on the north. That is the way we were hemmed in on the north. Then again, on the south we were just as bad. We had first Warbreccan with 89,920 acres; then, coming down the river, Mathoura with 76,800 acres; Moira with 128,000 acres; and Perricoota with 86,000 acres. These different stations cover an extent of country near 70 miles in length, that is to say, taking the northern boundary of Landale's run, north of Deniliquin, and then passing through the town down to Moama, 52 miles south of Deniliquin; we had the whole of this immense tract of country held by the squatters and shut up at the time I allude to against all settlement. Under these circumstances I was not slow to perceive that the only way in which the people of the town could obtain a living would be by the settlement of the country round them. That, however, has always been objectionable to the squatters.

816. How do you show that? In this way: The Land Act declares that there shall be certain areas around towns, in accordance with their population, within which there shall be no conditional purchase. Such was the case at Deniliquin; but instead of the squatters being satisfied with what they had got, and with what the free selectors had been prevented from getting, the squatters commenced trying all they knew to obtain permission to buy the land contained within the population area. They were so far successful that Mr. Jennings has bought some of it, and Mr. Landale more; and thus they have been enabled to tighten their line about the town, and to hamper its resources to a great extent, seeing that they have bought, not to introduce population on the soil, not to settle the country or to develop its resources, but merely to add to their already overgrown areas, on which to breed sheep and to grow wool. The very first man who free selected on the Warbreccan Run was immediately shut in.

817. How do you mean by "shut in"? Surrounded by other selections, so that he was cut off from obtaining his grazing right.

818. By whom? By the owner of the run I suppose—by Mr. Jennings. Of course I cannot prove it; but the inferences are very strong in favour of his having done it. The Committee are aware that there

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is legal evidence, and also moral evidence. I have no legal evidence to prove that this was done by Mr. Jennings directly, but the moral evidence is very strong against him.

819. Mr. Jennings could hardly select all round the purchaser? He either selected by his friends round the man, or found out that there was a reserve, or pre-emptive, or partly one and partly the other; at all events there was something, so that the man could not get his grazing right.

820. There were some selections, however, besides those of the purchaser? There were.

821. To whom do they now belong? To Mr. Jennings I believe. The action I have just narrated sufficiently indicated to me that the squatter was not and would never be favourable to the settlement of the country; and, inasmuch as the town could not progress without settlement, how was the town to live? As a journalist I was bound to consider that question; and that more especially as I was aware of the fact that the squatters had made it their boast that Deniliquin should again be a sheep-walk as it had been before.

822. To whom was this said? To several townspeople.

823. By whom? It was said by a Mr. Phillips, then a squatter in the neighbourhood. He said, "I have seen Deniliquin a sheep-walk, and I will see it a sheep-walk again." It may readily be conceived that this was not at all gratifying to persons who had come to settle in a new country; who had invested several thousands of pounds in buying land, building houses or stores, and establishing a business, to be told such a thing as this by the very men who were known to be doing all in their power to cripple the town; and who, whilst townspeople had paid long prices for their land, rented, for the paltry consideration of some ⅔ of a penny per acre per year, the immense areas of land lying outside the town. These then are some of the reasons for my having given so much attention to the matter. But besides these were other reasons. There were fathers of families who came to me with anxious faces asking—"What are we to do with our sons? There is no trade or business here; there is nothing to which we can put them. Are we to send them out of New South Wales? Are we to send them to Echuca, or Beechworth, or Sandhurst, or some other of the towns in Victoria, where alone they can learn a trade and get employment?" What could I answer these men? What was there to warrant me in bidding them hope? Nothing. The prospects at the time were most discouraging; and I can assure you the subject was a most painful one when I came to sit down calmly and consider it. It was all the more painful to me, seeing that I myself was the father of a family, and that had I not put two of my boys to my own trade—that of a printer—I should have had to search in vain for a trade to which to apprentice them, seeing that there was no opening whatever for any there.

824. Will you allow me to bring you back to the question, and to ask if you believe in the principles of free selection? Undoubtedly I do. They are the only principles which any Government in this Colony would ever dare to pursue. The thing has gone already entirely beyond the reach of the Government. Reverting, however, to what I was just saying, which brings me in very few words to the answer to the question you have just asked me: All this went on as I have described for some years, until at last the Victorian newspapers took notice of the remarks which were being published in the Riverine papers on the subject of our Land law and its great liberality. In comparing that law with their own they made the principles of our law public amongst their people, and the consequence was that about nine or ten months ago I received a good many letters from persons residing in the western district of Victoria, especially from Warrnambool and places in that vicinity. When I received these letters asking me for information about our land and our Land laws, I answered them, and gave the writers the best advice in my power. The number of individuals who addressed me was very great, showing that there was evidently a very wide spread feeling in favour of settlement in New South Wales in preference to Victoria; and the result was that in the course of a very short time after my sending off my first replies I began to find my correspondents coming up to Riverina to look at the country and to judge for themselves. When I entered into conversation with these persons I found that they had acted with great wisdom and forethought, and had not allowed themselves to be led away by my statements, but that they had themselves communicated with the Lands Department in Sydney, requesting that they might be furnished with all possible information about the matter.

825. About what matter? About the facilities afforded by the Land Act in getting land for occupation. Here is one of the letters that was received in reply. It comes from the Lands Office, and is dated the 9th October last, and it states very clearly and unmistakably that the occupation of land by miners is permitted by the Government. With the reply was sent a pamphlet, put out by the Government I believe, and entitled "New South Wales, the oldest and richest of the Australian Colonies," written, I believe, by Mr. Robinson, and giving a great amount of information about the Land law and the mode of acquiring possession of the land by selection.

826. Who was the letter directed to? That letter was given to me by a Mr. Hanson, to whom it was directed. Mr. Hanson was one of the parties who had corresponded with me from near Warrnambool, and after I had sent him my reply, the next thing I heard of him was that he was in Deniliquin with his goods and his family, determined to try his fortune in a country of which he had heard such good accounts. He is now settled down on land which he has taken up by selection, having secured selections for himself and for seven of his children. He was originally a blacksmith, near Warrnambool, made some money at his trade, and with his savings got possession of some 700 acres of land there. Notwithstanding that he was doing well, the facilities offered by our Land law for obtaining more land induced him to leave Victoria and to try his fortune here. The Land law of Victoria does not allow of selection by children under eighteen years of age, and as he had a large family for whom he was anxious to provide, he came here where he could select land for his children and thus make provision for them. He took up his land upon Morago Run, his being the first selections taken up upon that run. The Committee may perhaps remember that this was the run leased by Mr. Peppin, in which, in 1865, there were reserves made containing a larger amount of land than possessed by the run itself.

827. Are you aware who it was that moved the Government to make these reserves? No, not certainly, but I think Mr. J. Robertson. I should say, however, reverting to this case of Mr. Hanson, that it is only one of a class, and I need not refer to any more of these cases, further than to say that the families which have recently come up from Victoria are not men with their last sixpence in their pockets, but men of means, who, after paying for their selections, can put 1,500 sheep upon their ground, and still have a balance at the Bank. With reference to this, I think it will be admitted that Bank managers have a pretty shrewd comprehension of the pecuniary position of any probable customers, and I know as a matter of fact there has been some little jealousy on the part of the Banks as to which should have these parties as customers. These men have all means to improve the land when they get it, and are consequently an acquisition to the district. During the last ten weeks, by this form of family selection about 250 souls

have

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have been settled upon the Upper and Lower Deniliquin Runs of Mr. Landale, and reckoning others, whom these families have brought with them, fully 300 souls have been introduced into the district. The selections taken up by these parties would amount in a general way to something like 30,000 acres that have been taken out of those two runs within the last few months; so that whilst the squatter has been a loser of 30,000 acres, the community has been the gainer of 300 souls added to its population. Now, supposing these 30,000 acres had been sold at auction in the usual way, the State would have got no more than it has now in the way of payment, as it would have received only the 20s. an acre. They would certainly have had it then in cash, but that is a very small consideration compared with the increase of population. On the other hand the Government get 5s. per acre in cash, and they have to wait three years or longer for the balance—but as a set-off against that, they have 300 souls placed upon the land to improve it, and to add to the wealth of the country; whereas if the land had been sold by auction there would not have been one single soul more than there now is placed upon the land. For no increase of population has ever occurred from the sale of land by auction in our district. The only change has been that the land has been handed over from the State to the individual, and there it remains precisely in the same condition as when it was owned by the State.

828. Does the State suffer in any way from this passing of land to individuals? Probably it must do so in the case of sales of pastoral land by auction. What does the squatter purchase for? Why to found a bulwark, to establish a barricade against the approach of the selector, and the effect of this is that when the selector comes to what he has been given to understand is a promising country, he finds it purchased or reserved, and a blank desert in all, except grass, and there is plenty of that. In this way the squatters are reproducing here the same state of things that is said to be going on in Victoria, and which is gradually driving from that Colony some of the best of its colonists; and the Government are aiding in this by allowing the land to get into the hands of men who do not improve it. Having referred to this auction system, I should like to explain a little more fully a matter that was alluded to by my colleague, and that is the way in which lands are presumably conditionally purchased in the first instance, and then put up to auction afterwards. In the first place, the land is taken up in the names of men who are employed on the station in some way by the squatter, for the purpose of blocking the *bonâ fide* selector, and keeping him off the land until the day of sale by auction. These lots are then put up to auction by means of representations to the Government, but of the precise means used I can of course know nothing about; still such representations are so made that at the last hour they are put up and sold, at a time when everybody believed them to have been already conditionally purchased. Of course there is no opposition to the bids at the sale, and the land is thus sold to the very man who by means of their dummies had conditionally purchased and then obtained their cancellation. This charge refers to a particular incident that I shall go into very fully, and I have no hesitation about referring to it, as many of the facts are known to myself personally, and I intend, before I leave Sydney, to find out all the facts and merits of the case, if it be possible to do so. These are the circumstances as far as I know them as yet. Certain land was advertised for sale by auction in fourteen blocks of 320 acres each, among others, on Deniliquin and Warbreccan Runs. About a fortnight before the sale these fourteen blocks were free selected, five by Mr. Landale and nine by Mr. Jennings. It must be remembered by the Committee that these are the gentlemen who have Deniliquin hemmed in, the one on the north and the other on the south; whilst I would also add that the operations in this case clearly show how very carefully these gentlemen went to work in order to twist the law to their own purposes. One of these gentlemen has told me ——

829. Who has told you? I have no hesitation in mentioning names whenever the Committee require them. One of them is Mr. Jennings. He told me that there was no right or wrong in getting land, and he would have it, or words to that effect. Regarding the five lots on Deniliquin Run, on the 11th September last Mr. Aitken, the overseer for Mr. Landale, a gentleman who has figured very largely in the land office of Deniliquin on land days ——

830. What was he there to do? To make dummy selections that should clash with those of the *bonâ fide* selector.

831. How does he do that? He has a pocket full of applications ready to put in the moment he finds that any of the land on his employer's run is about to be selected.

832. He has applications for the same ground that others may apply for? Yes, that is what I mean. He has applications ready in order to block those of the free selector. Well, on the 11th of September, on the opening of the office, Mr. Aitken put in five applications in the names of Charles Goverd, John Blackwood, Donald M'Leod, Frank M'Kenzie, and John Smith, for the following lands, which had been advertised for sale by auction: DD, portion 4, 320 acres, in the parish of Mundiwa; EE, portion 5, 320 acres, same parish; RR, portion 41, 292 acres, parish of Coolagali; SS, portion 42, 273 acres 2 roods, same parish; and AC, portion 51, 320 acres, same parish. These are the five blocks which were selected by Mr. Aitken, Mr. Landale's overseer. On September the 18th (that is the week following the selections of Mr. Landale's overseer, being the next land day) Mr. Jennings, the holder of Warbreccan Run, personally put in applications to the number of nine, in the name of a family named Murray, for the selection of nine blocks. The lots were these: B, portion 6, parish of Warbreccan; C, portion 7, same parish; E, portion 9, same parish; G, portion 11, same parish; H, portion 12, same parish—each of 320 acres extent; also K, L, M, and O, being Nos. 15, 16, 17, and 19, all in the parish of Citgathen, and each of 320 acres. I will now narrate the particular circumstances of taking up this land.

833. You mean, I suppose, that there was some dummyism in the matter? I was there, and I know all about what occurred, and if the Committee will allow me to tell it they will be able to judge for themselves: On the 18th September, about 2 o'clock, I was in my office when a selector, who had previously selected land in the district, came in and asked me to fill up for him an application for a selection of land on the part of one of his children.

834. What was the selector's name? His name is Frederick Rose. I filled up the application, and he then said that I might as well walk down to the land office with him. I consented, and went out with him, and when we reached the land office we found it closed.

835. At what hour of the day was this? It was then, I should say, about five minutes past 2 o'clock. We found the office closed, and of course had to wait. In the meantime other persons came up; amongst others Mr. Leatham, one of our earliest selectors. Presently a Mr. Octavius Palmer and others came up—a gentleman who is living at Warru, near Warrnambool—and who waited for the land office to open, in order to take up selections. We spoke of the matter, and could not but come to the conclusion that the

proceeding

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proceeding of closing the office was a most irregular one; and afterwards it appeared the more so as it was rumoured that it had been closed to allow a certain gentleman to get his lunch.

836. What gentleman? It was rumoured ——

837. We do not require rumours—we want to have names where they have been mentioned? Well then it was Mr. Jennings. If I am bound to give names I will give them, as I am speaking of what subsequently came to my knowledge. The time went on, and we were waiting until it reached half-past 2 o'clock; we were getting tired, and there was no sign of the land agent coming. He lived about half a mile away from the land office, but in the same street and we could see along the pathway if he were coming. One of my sons passed at the time, and I bade him go down to Mr. Broughton's house and tell him we were waiting. However the end of it was that at about twenty minutes to 3 o'clock the land agent got to the office and the doors were opened. Mr. Palmer and his friends got their forms of application and went into a second room in the land office to fill them up. There are two doors in that room in the land office—one leading from the main room, and the other from the back. Mr. Palmer went into this second room whilst I remained in the main office attending to the business which Rose had to do. When I had finished this, a message was brought to me that I would very much oblige Mr. Palmer, as the time was getting short, if I would go in and help him to fill up his applications. I did go in, and whilst I was filling in and perfecting the forms ——

838. Who is Mr. Palmer? A gentleman from Warrnambool, who had come to settle in this Colony and wished to make large selections for himself and family. Whilst I was engaged filling up the forms for Mr. Palmer, Mr. Jennings and four or five of his friends kept patrolling through the room, and they soon learnt what was doing, for the lots which we were about to apply for had been advertised for sale and had consequently been surveyed and described. Mr. Palmer left me for a moment and went into the principal land office room, and when he came back said that it was no use going on with the applications as Jennings had dummied the whole lot of them. I told him he had better go through with it, but he said it was no use, and would not put in the papers. I then went into the principal room and saw Mr. Jennings putting in these papers for the Murray family.

839. Did you not enter a protest against the proceedings? It would have been of no use, and I did not then trouble about it. However what I did was to go the next day to the land office to get the names of those for whom the selections had been made on the day previous. Mr. Broughton, the land agent, gave me the application papers, which had the names of the persons named Murray. I asked Mr. Broughton how it was since Mr. Jennings had put in the applications, "P. J. Murray" appeared therein as the agent? He said he did not know, but Mr. Jennings had acted as agent for these parties, and he seemed astonished that Mr. Jennings' name did not appear on the papers. I was surprised too to see the name of Murray, and told Mr. Broughton that Mr. Jennings was certainly not acting as agent by putting in the applications. He agreed with me, and said that he did not know anything of Murray, but only Mr. Jennings, who had put in the applications and paid the money. Nothing however could be done, and there the matter rested for the while. However, on the 27th of the same month (September)—that is nine days after this transaction—it having been the Thursday in one week that these selections were made, and the 27th being the Saturday of the following week—these same blocks of land that had been selected on the 18th were put up for sale by auction, and Mr. Jennings, who had put in the applications for their conditional purchase, became the purchaser at auction of the whole with other lots at the upset price.

840. Was there no competition? No. I have lived in Deniliquin thirteen years and have always made it a rule to attend every land sale, and I have never at any time seen a shadow of competition at these auction sales—never an advance of a farthing upon the upset price. There has never been a second bid for country land, or for what I would call pastoral land.

841. *Mr. Lucas.*] Then do I understand you to say that Mr. Jennings put in applications for and paid the money on nine blocks of land of 320 acres each in the name of a family called Murray, and that on the Saturday of the following week the same blocks of land were put up to auction and were purchased by Mr. Jennings? Yes, exactly. I was so staggered at the whole thing that I at once wrote to the Colonial Secretary and others, stating the whole of the particulars.

842. Why did you not write to the Minister for Lands, Mr. Farnell? I did not know him, so I wrote to Mr. Parkes, and he may or may not have given my letter to Mr. Farnell. That I do not know for certain, for I have not seen the Colonial Secretary, nor have I heard from him in answer to my letter. Since the matter reached this point, Mr. Palmer, as the intending selector of the land, made up his mind if he did not get justice from the Government to call upon the Parliament to set the matter right. Some time after the matters I have just stated—though I do not know whether I am justified in mentioning this, but perhaps it would be as well that I should do so, for very much more mischief has arisen from keeping things hidden than from making them public,—Mr. Moriarty came down to Deniliquin in connection I believe with this business, having been sent by the Government to make inquiries into this and other similar matters. I had some conversation with him there, and he almost hinted to me that the purchases of Landale and Jennings could not be allowed, but that the selectors would be held to their bargain, and would have to occupy the land, or if they did not within the proper time it would be reported as abandoned and declared to be forfeited. And with regard to this part of the question I have something else to say—these nine selections were taken up on the 18th September. On the day before I left Deniliquin, Alderman Johnston and I went on to these lands early in the morning to see if these selectors occupied and resided. This was on the 9th of the present month. We went on the ground and found it to be a beautiful plain with magnificent grass and not a stick of timber on it. You can see all round in every direction for a distance of some 12 miles. Well, we looked all round, and there was not a house nor a stick of a house on any part of these selections.

843. There were no improvements on it? Not a particle.

844. Did you see anybody on it? No one.

845. Did you meet anyone? Not a soul; the whole place was perfectly bare of everything but grass, and there was plenty of that, and as fine a soil as could be wished, but there was not a soul on it or in sight, except myself, Alderman Johnston, and my son. As to the five selections taken up for dummies of Mr. Landale, and afterwards purchased by him at auction, I know nothing, as I have not been on the ground, and cannot therefore say whether there are improvements on it or not. I only desire to speak here of what I have seen myself and not to go beyond that: And now I will tell you next of a visit I paid to another set of selections.

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846. In what you state you speak not from what you have heard but from your own actual knowledge? I do, and wherever what I say is from information given to me by other people I will tell the Committee so. On the 25th September, Mr. Graves, who is a stock agent, and generally does Mr. Jennnigs' business in the way of selling and buying stock and so forth, came to Deniliquin.
847. Where does he reside? In Victoria now, but he was then on a visit to Deniliquin, and whilst there on the day I have mentioned he made three selections; two surveyed in the names of Thomas Glennon and Mary Glennon, blocks 3 and 6, 320 acres each, in the parish of Brassi, on the Warbreccan Run; and the third, 320 acres unsurveyed, for Winnifred Glennon, east of the already mentioned block 3, although taken up by conditional purchase for these parties by Mr. Graves on the 25th September. These two surveyed blocks were advertised for sale by auction in the *Gazette*, on the 29th October, 1873, at page 2692, in conjunction with other two blocks 5 and 4 (two intermediate blocks of the same area and making four blocks in all in that parish). On the 23rd October a selector named Metcalfe, who had come from near Warrnambool, conditionally purchased these four blocks 3, 4, 5, and 6, they being contiguous blocks, and the only blocks advertised for sale on that day in that parish. Seeing them advertised in this way, Metcalfe thought they were open to conditional purchase, and consequently selected them; two of them however had been, as stated, free selected before that by Mr. Graves, though of course Metcalfe did not know that, having as he thought taken up the ground. Metcalfe left for Victoria to fetch his family, but before leaving he went to different tradesmen in the town to make contracts for sawn and other timber to be delivered on the ground, and for houses to be built within a certain time. All were left in process, but when he returns he will find that two lots have been taken before him. The lots 6 and 3, selected by Mr. Graves for Glennon, are the extreme lots, being one at each extremity of the lot of four (4 and 5 lying between them). These two blocks having been selected on the 25th September, surely on the 9th of November there should be some improvements on the ground; but when I went there on that day what did I see? Why a tent on block 3, on the boundary-line between that block and the unsurveyed block beyond, being so placed as to act as a pretended residence which should cover two selections, one being this block 3 and the other the unsurveyed block beside it, which had also been taken up as a conditional purchase by Mr. Graves. The tent was just a common small-sized calico tent, 6 ft. by 4 ft.
848. When you say the tent covered two blocks, do you mean to say that it was so placed on the boundary of the two blocks as to serve as a residence for each and so evade the Land law? There is the fact as I have stated it, and I leave the Committee to draw their own inferences from it.
849. Were there any blankets or bedding in the tent? There was nothing whatever in it, except a pick.
850. Did anybody reside there—did you see anybody? I saw nobody, nor was there any sign of any person having been living there.
851. Is there such a person as Thomas Glennon? I do know a Thomas Glennon, and I expect he is the person whose name has been made use of. He was originally a policeman in the district under the old police system, but he left the Force when the new system was established, and since then he has been odd man or boundary-rider, or something of that kind, to Mr. Jennings.
852. *Chairman.*] Were these blocks on Mr. Jennings' run? Yes, on Warbreccan.
853. Do you think Glennon put the tent there, or did Jennings put it there? Most likely Glennon himself put it there, as the dummy for his employer, Mr. Jennings, but he certainly had never lived there or slept there, for the grass was growing inside the tent, and it was not broken down as it would have been had anybody been there, and especially if anybody had been sleeping there. The only thing we found in the tent was a pick, which had apparently been used for making the holes for the tent props. I did not visit the other surveyed lot, but there was a similar tent on it placed in a like situation. We could see it very plainly in the distance. Metcalfe's sawn timber was about a mile off on the waggons, ready to take possession, as he imagined, of four blocks of land. Unfortunately, however, he had not made the discovery that two of these blocks had been taken up by Graves for Jennings, through Glennon, and when he comes back he will find a dispute over it ready for him. This is a sample of the way in which the *bonâ fide* settler on the land is worried and tormented until he is wearied out by men who have their thousands of acres, and are yet not satisfied.
854. Then, though we have a very extensive area of the public estate in this district, there is a struggle on the part of the squatters to get possession of it, and to keep off the conditional purchaser? Yes, my opinion is that if you gave these men the whole earth they would not be satisfied but would want the moon as well.
855. Who would want the moon? The squatters. However, it is a common failing of human nature to grasp at all, in reach and out of reach, and I suppose that others would do the same if they were placed in the position the administration of the law has enabled the squatters to occupy.*

MONDAY, 24 *NOVEMBER*, 1873.

Present:—

MR. LUCAS, | MR. STEWART.

JAMES AUGUSTINE CUNNEEN, ESQ., IN THE CHAIR.

J. F. Mayger was called in and further examined:—

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856. *Chairman.*] Do you remember at what point of your examination you were when the Committee last adjourned? Yes.
857. Please continue your statement? My examination on Friday concluded with a reference to fourteen conditional purchases which had been taken up one week by Messrs. Landale and Jennings, through assumed selectors, and then sold at auction on the following week to these gentlemen.
858. On what run? On Deniliquin and Warbreccan Runs. Of the fourteen conditional purchases Messrs. Landale bought five at the upset price, and Mr. Jennings nine for himself and partner, Mr. Shanahan.

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* NOTE.—This of squatters as a class. I do however know a few individual members who see they must give way to general settlement,—admit they have never paid fair or sufficient rent; and who would scorn to employ dummies to prevent occupation of the land by a legitimate selector.

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Shanahan. The case being a very curious one, I inquired into the possible reason why this double transaction had taken place, and I understand that it occurred in this way: The night before the sale—the auction sale—Mr. Raymond attended at the Lands Department, Sydney, in the interest of Mr. Landale, and Mr. Fitzpatrick, a Member of your Honorable House, on the part of Mr. Jennings, and they represented that these fourteen selectors were hemmed in and could not get to water, and so wanted to forfeit their conditional purchases. That was in Sydney on the night before the auction sale took place at Deniliquin. These conditional purchases were then forfeited and sold to Mr. Landale and Mr. Jennings. I have already shown you the map representing these fourteen selections. Here are the nine purchased the second time by Mr. Jennings, and here are the five purchased a second time by Mr. Landale.

859. Could you describe these lots by their numbers? I think I have already done so; I will send the Committee a tracing of this plan. (*Vide Appendix C*1*.)

860. *Mr. Lucas.*] What does that refer to? It shows the five selections made by Mr. Aitken in the first instance, Mr. Landale's overseer, and purchased the next week by Mr. Landale. (*Vide Appendix D*1.)

861. *Chairman.*] Are you aware whether any refund was made when the lots were sold at auction? I am not aware.

862. *Mr. Lucas.*] When you send in your tracing will you be good enough to particularly distinguish the selections that are now the subject of this examination; for instance, endorse each block something in this way:—Selected by Robert Aitken, Mr. Landale's superintendent, in the name of So-and-so, on such-and-such a date, and sold by auction to Mr. Landale on such a date? I will do so.

863. And you will do the same with regard to the other plan? Yes. With regard to the nine selections on Mr. Jennings' run I can say positively that there was no hemming in in that case, for there was not a selector within miles of them. The others I have not visited, and cannot therefore speak from personal knowledge.

864. On this plan you will put:—Selected by Mr. Jennings, in the name of the Murray family, on such a date, and bought by Mr. Jennings on such a date? Yes.

865. *Chairman.*] You have mentioned the names of Messrs. Raymond and Fitzpatrick in regard to these selections;—do you know on whose behalf they applied to the Lands Department in Sydney? Mr. Raymond, on the part of Mr. Landale, and Mr. Fitzpatrick, on the part of Mr. Jennings. My authority in making that statement is Mr. Moriarty.

866. *Mr. Lucas.*] What Mr. Moriarty? Mr. Moriarty, of the Lands Department. That is what he told me in Deniliquin.

867. *Chairman.*] How could they, on the part of Mr. Jennings and Mr. Landale, ask to have these selections cancelled, if they were *bonâ fide* selections? But they were not *bonâ fide* selections.

868. Proceed? As I have mentioned visiting these nine lots, I will now narrate a visit Mr. Jameson and I paid the next day on our road down to Moama. We called at Joachim's selections, and saw his residences. They were good and fairly substantial houses all of them, and behind one was a large garden, filled with vegetables and fruit trees; this garden was fenced in. These selections were occupied in March last. We then went to some of Mr. O'Shanassy's selections. We saw four of them. I took a drawing of one of the residences, which was characteristic of three out of these four lots, and I should wish to hand the drawing in. (*Vide Appendix D* 2.)

869. What were these huts made of? Saplings, with box bark. They are on Mr. O'Shanassy's, Moira Run, and they were selected, I believe, last April or May.

870. *Mr. Lucas.*] Were they selected by Mr. O'Shanassy, or his dummies? His name does not appear of course. One of the four was taken up by a man named Palmer, who is a boundary-rider in the employment of Mr. O'Shanassy. Palmer's hut was occupied; the three others, of which the representation I have just handed in gives a true idea, were not. The grass growing inside them was a little higher than the grass growing outside.

871. Are those selections supposed to be dummies taken up by Mr. O'Shanassy? Yes, they are said to be so. On the ground we saw no one.

872. You saw that the grass was higher inside than it was out? The grass was higher inside than out, and that showed that the huts had not been occupied. In one of them there was a form or settle, about 3 feet long, lying on the ground.

873. *Chairman.*] How far apart were these? The lots were 320 acres each.

874. Were they adjoining? Yes, they were adjoining one another. Here is a plan showing the three that we visited.

875. *Mr. Lucas.*] You will put in a tracing of that too? Yes. (*See Appendix C*3*.)

876. *Chairman.*] And you will mark it, so as to distinguish these from any other blocks? Yes.

877. *Mr. Lucas.*] These are what are considered as dummy selections taken up by Mr. O'Shanassy? Yes, to hem Mr. Joachim in.

878. *Chairman.*] How long had these been selected before you saw them? These lots with the huts on were selected in April or May.

879. *Mr. Lucas.*] And when did you see them? On the 10th of November. I was told these huts were standing when the blocks were surveyed. They had been surveyed since selection, and the huts were in the same condition when they were surveyed.

880. They have been surveyed since selection? I think so.

881. Before, I imagine? No, I think not; because I was informed that the huts were standing at the time of survey.

882. *Mr. Stewart.*] What were these sham huts put up for at all? Just to save them by a pretended residence. They are a long way from any authority. There is no one to took after them, and they do simply as they please.

883. *Chairman.*] What is your opinion as to the reason that would induce the Crown tenant to have these purchased by auction after he had dummied them? In order to evade the provisions of the law in regard to improvements. That, I have no doubt, is partly the reason. It is a great advantage for a selector to take up a block if it be surveyed, because he knows that he cannot afterwards be told that he has selected on a reserve. He is safe in selecting land that is surveyed, and he has his boundary at once defined.

884. You think that this is done by the Crown tenant in order to evade the law with regard to improvements? If a man buys land at £1 per acre he has not to improve at all, and if he dummies first and then buys afterwards he has to pay 25s. per acre; and the squatters will rather do that than be subject to the conditions with regard to residence and improvement. In our neighbourhood we find that practically the will

NOTE:—Similar to Appendices C1 and 3, handed in by Mr. Jameson, pages 23 and 30.

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will of two or three men is sufficient to over-ride the sentiment of the community, and all opinions expressed by their representatives in the Municipal Council. In illustration of this I have one or two strong cases to bring before the Committee. In the beginning of 1871, under the administration of Mr. Bowie Wilson, as Lands Secretary, the Council at Deniliquin had given to them 4,835 acres as an addition to their temporary commonage. The Council was written to, and informed of the circumstance, and the notification of the grant was published in the *Government Gazette* seven months afterwards or so, without the slightest warning or communication to the Council that acreage was withdrawn.

885. *Mr. Stewart.*] The dedication was revoked? It was revoked, and revoked without a word being said to the Council about it. Now I have no hesitation in saying that that was withdrawn entirely at the instigation of Mr. Landale; it was on his run.

886. *Mr. Lucas.*] At whose instance? At the instance of Mr. Robert Landale. I think the letter of the Messrs. Landale could be furnished by the Lands Department were the Committee to request a copy of it to be produced. There was a hubbub made about this matter at the time, but we could get no information why the land was withdrawn. The answer of the department was that the revocation had occurred in accordance with the reports of the Government officer. When the grant was made it was founded on the recommendations of a Government officer who told me that he had recommended it.

887. *Chairman.*] What position did he hold? I refer to Mr. Woods; I cannot say what exact position he held, but I think it was that of district surveyor. The squatters had been buying our population common, and Mr. Woods thought that the community was deserving of some kind of compensation; and he therefore advised that the temporary common should be added to to the extent of these 4,835 acres. It was afterwards withdrawn, and we could get no reason why.

888. *Mr. Lucas.*] Has not a portion of that 4,835 acres been sold? I could not say just now whether or not any portion of that particular lot has been sold. I think it has, but I would not be certain about it. This year Messrs. Landale applied to have 2,800 acres of the temporary common put up to auction.

889. *Chairman.*] Where is that common situated? On North Deniliquin. The people met, and signed a memorial to the Honorable the Minister for Lands, which I hold in my hand. They said:—"The petition of the undersigned commoners and others resident in the town and district of Deniliquin, humbly showeth:—That your petitioners learn from the local journals, and otherwise, that Messrs. R. & A. Landale have made an application (through their agent, Mr. R. P. Raymond) to have 2,800 acres of land within the temporary commons at Deniliquin measured for auction sale. That a notification to that effect reached the Mayor and Council of Deniliquin from Mr. W. W. Stephen, of the Lands Department, by letter dated the 1st August, 1873. That your petitioners warmly endorse the telegraphic protest sent to you against the temporary commons land alluded to measured off for sale being sold. That your petitioners, individually and collectively, protest against such attempted sale. That your petitioners desire to impress upon you that a town so closely hemmed in (as the town of Deniliquin is) on all sides by properties used for pastoral purposes, a sale such as that alluded to would be not only detrimental but suicidal to the future interests and welfare of the town, ourselves, and the future residents therein, as well as inflicting great hardship on numerous Crown tenants beyond Deniliquin, who, in consequence of the deplorable condition of the road between this town and Moama, have long looked upon the temporary commonage at Deniliquin as a necessary convenience. That with the prospect of a railway being constructed between this town and Moama (a work which your petitioners have long desired and hope to see accomplished), the land, if alienated, would further conduce to the welfare of the few and the injury of the many. In fact, in the opinion of your petitioners, great injustice would be rendered to the town and district generally. Your petitioners therefore humbly pray that the said application of Messrs. R. & A. Landale to have 2,800 acres of land within the temporary commons at Deniliquin measured for auction sale be refused; and your petitioners, as in duty bound, will ever pray, &c." That memorial was signed by the community generally.

890. What is the date of that memorial? It is dated the 9th of August.

891. Of this year? Yes. The Municipal Council also met, and the mayor wrote the following letter to the Secretary for Lands, dated 9th August:—"In reply to your letter of the 1st instant (receipt acknowledged by telegram), relative to Messrs. R. & A. Landale's application to have 2,800 acres of temporary commonage at Deniliquin measured for auction sale, and asking the Council to report whether such land is required for the use of the commoners,—I have the honor, by direction of the Municipal Council, to state (1.) That the Council observes that your letter makes no mention of the particular portion of the commons the Messrs. Landale Brothers desire to have measured. Judging from the large purchases of commons land made by them at North Deniliquin on a former occasion, the Council assumes that the land now applied for is contiguous to that which was then acquired. Whether this assumption be correct or not, the Council has no hesitation in reporting that the whole of the temporary commonage is required for the use of commoners and travellers. And as regards the particular portion indicated, it is adjacent to the main Sydney road *vid* Conargo and Jerilderie. It has a temporary fence on it which affords excellent accommodation for and is extensively used for travelling sheep and cattle, and being exempt from inundation forms the most valuable portion for commoners depasturing their stock. (2.) The Council desires me to say that the alienation of large areas of the population reserves merely for the purpose of being absorbed into existing pastoral properties has a most damaging effect upon the material advancement of this town. Unfavourable circumstances have for some time conspired to retard the prosperity of Deniliquin, and if the overland trade, which now forms one of its principal supports, is destroyed by reducing the accommodation the commons afford, its status, as an important inland town, will be correspondingly affected, and grave injustice inflicted upon its inhabitants, who, in some instances, have paid at the rate of £800 per acre for their building allotments, and whose ratable property is valued at £233,400, and assessed for municipal purposes at £11,690. (3.) The Council is unanimous in believing that the Surveyor General's recommendation, if carried into effect, would raise the indignation of the whole district, and that the Government will be memorialized by every inhabitant, except those immediately interested. Since the commons here had trustees elected, frequent representations have been made to Government respecting their (the commons) curtailment by what were considered injudicious sales. Yet Mr. Jennings on one side acquired more than 1,100 acres, and the Messrs. Landale Brothers on the other, 2,235 acres, of the most favoured parts."

892. When did they obtain this? At previous sales. These sales have been going on since 1866. The mayor in this letter goes on to say:—"(4.) The Council considers that such absorption of population reserves is in direct opposition to the object intended when such reservations were made. The Council would also

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also point out that last year they opposed Mr. Geo. Elliott's application to purchase 700 acres of commons land on south Deniliquin, and that the Government considerately refused to have such measured for sale." I may mention that the Mr. Geo. Elliott here referred to is a farmer and brewer there, who, seeing that the squatters were buying up this land, also wanted to have a slice of it; but, as stated, the Council objected, and he did not succeed. The letter continues: "The objections then made apply with equal force now. (5). The Council, as trustees of the commons, have endeavoured to discharge their duties faithfully, both to commoners and the general public. A herdsman is employed to attend to commoners' cattle, and direct the transit of travelling stock at a cost, including incidental expenses, &c., of £200 per annum, and a debt of £300 has been contracted in an endeavour to keep down the Bathurst-burr and other weeds, the seeds of which are deposited on the commons in immense quantities by travelling stock. (6.) From an authentic record kept at the toll-house, by direction of the Council, it appears that during the years 1871 and 1872, 1,546,110 sheep, and about 40,000 cattle and other stock, passed over the towns commons; and when it is taken into consideration that the Deniliquin commons are the last free feeding places for stock on the road to Moama, a distance of some 50 miles—and as that road, to a great distance, is fenced in to a very lane, it must be apparent to the most partial observer that if this trade is to be retained and travelling stock fed, the boundaries of the permanent commons most urgently require extension instead of reduction. (7.) The Council therefore reiterate, and the commoners, by the action it is known they are taking relative to this subject, support them." This portion of the mayor's letter refers to the memorial which was then being signed, and which I have already read to the Committee. The Council therefore reiterate the assertion that the commons lands, permanent and temporary, and whether on North or South Deniliquin, are absolutely required. The foregoing remarks may be briefly summarised as follows:—(1.) The land in question is absolutely required for the use of the commoners and travellers. (2.) In ordinary seasons stock have not more pasturage than is absolutely necessary, the permanent commons being quite inadequate. (3.) The commons are required to sustain a trade, the loss of which would be ruinous to the town. Taking into consideration the important facts having reference to this matter, the Council urgently request the Government not to accede to Messrs. Landale Brothers application. I have the honor to be, &c., JAS. WATSON, Mayor of Deniliquin." Notwithstanding this effort, the decision of the Minister for Lands was that the commons must be sold, and the only qualification that he would give us was, that it should be sold in smaller lots. The sale of land so near Deniliquin is quite contrary to the wishes of the people; because land there will probably within a very few years be quadrupled in value, and if the sale of the land were deferred until then the advance in value will go into the hands of the State. To sell land situated close to the town now is to make a present of that probable advance to the squatter, or anybody else who buys. The final decision of Mr. Farnell was as I have stated, so far as I am acquainted with it; but the exposure made more recently of the dummyism going on there I believe so incensed Mr. Farnell that he directed that the survey then proceeding should be stopped. I was talking to the Surveyor General in Deniliquin when that order came. This shows how the community and the Municipal Council there have been continuously treated, apparently only to please one or two wealthy squatters. The land to which I am referring was intended to be sold in 80-acre blocks. Most certainly no land should be sold near towns in quantities of 320 acres. I have never seen any competition for such. The land has always been purchased at £1 an acre by the gentlemen who persuaded the Government to put it up for sale.

893. *Mr. Lucas.*] I suppose there is a sort of freemasonry among the squatters—"you do not bid against me for the land on my station, and I will not bid against you for the land on yours" being the principle acted upon? I do not know. I cannot say. I should not think that any arrangement was necessary. Here are runs of 70,000 acres each; the owner of one bids for the land on his run, and the owner of the other is the only buyer for the land put up on his.

894. *Mr. Stewart.*] There is only the one buyer in these cases? Only one buyer. There are 50 miles between Deniliquin and Moama. A railway is to be constructed between the two places, and I therefore think that it is wrong to sell any of these lands to anybody at present.

895. *Chairman.*] What will be the effect of the railway regarding land? It will enhance its value, perhaps in places to £3 an acre, and if you sell the land now you simply make a present of £2 per acre to the buyer, which the Government might realize if they were not to sell for six or seven years, or only when required by legitimate public demand.

896. Have you done with that part of your statement? Yes. There is another matter to which I now wish to call the attention of the Committee, and that is, with regard to the style in which the surveys are now being made down there. I understand from letters which have come to hand since I have been in Sydney that some surveyors are now measuring the land in such blocks that two of them will make more than 320 acres.

897. *Mr. Stewart.*] That is to say, in blocks of 160 acres and 163 acres? Yes, or something like that number; and where that is the case if a conditional purchaser wants to take 320 acres he cannot do it. The one block of 160 or 163 acres is not enough for him, and the two blocks are more than the law entitles him to obtain.

898. What is the intention of that? To baulk the conditional purchaser, and send him to another place other than that of the run-holder, who thus apparently influences the surveyor. The runs mentioned by my correspondents are Mathoura and Boonook; and I have been desired to bring this particularly before the Committee and the Minister for Lands.

899. *Mr. Lucas.*] Or to compel him to take 163 acres instead of 320 acres? Yes, I have here a letter from a free selector, dated the 9th of November instant, from Forest Creek.

900. Where is Forest Creek? About 17 miles from Deniliquin, on the Conargo Road. He says, "I see Mr. Peppin goes in heavy every land day. There are several men's names he has used three or four times within the twelve months as dummys. If the selections are forfeited he will buy at the upset price; the total cost of the land to him then being 25s. per acre."

901. Anything that is sold in that way is illegal? That may be. It is all very well to say that, but we have seen it done. The fourteen selections to which I have already referred cost Messrs. Jennings and Landale 25s. an acre; and they obtained them in the same way.

902. They bought at auction? That is what the writer of this letter intends to convey.

903. *Chairman.*] That is one way of evading the law? Yes. This free selector goes on to say, "The Lands Department at Sydney have sent a most obliging man here, a Mr. Donkin, staff surveyor. The last

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last dodge is to survey blocks of land in 161-acre pieces to stop selection, one being too small to fulfil the residence, and two making 322 acres; being 2 acres above the area. We formerly had to wait nearly twelve months before getting the survey made; but now, to suit the squatter, Mr. Donkin instructs another surveyor, Burgess, to survey selections, at once in this locality with a view to surround the selector and to stop selection; likewise making Mr. Peppin's surveyed blocks most suitable to his interests, making the selector's survey in any shape, depriving him of his legal frontage, and taking land that has been selected months since, but not surveyed; thereby altering the *bonâ fide* selector's holding, making it any shape contrary to the Government Regulations. Mr. Peppin is about taking our grazing rights now, having them all surveyed in blocks for purchase, notwithstanding he had the use of them before." I cannot personally vouch for the correctness of this, but I read it to show you the kind of grievances the selectors there think they are suffering from. I have here a plan showing the manner in which these blocks of 160, 161, and 163 acres, are measured. (*Vide Appendix D* 3.) With reference to the subject of taking up selections by squatters so as to keep the lots secure up to the date of sale, there is a very pretty case standing in the name of Blackwood.

904. When you speak of taking up selections in order to secure the land to the day of sale, what do you mean. Do you mean in order to prevent the *bonâ fide* selector from taking up the land before the day of sale? That is what I mean.

905. That is what you are going to illustrate now by some particular case? Yes.

906. *Mr. Lucas.*] A block of land of (say) 320 acres is surveyed and advertised for sale by auction on a particular day, but any time before the day of sale it may be taken up by free-selection? Yes.

907. After it is advertised for sale the squatter takes it up as a dummy selection, so as to lead the public to believe that it has passed from the Crown, and a few days before the sale the selection is forfeited and the land is put up for sale by auction without sufficient information being given to the public;—is what I understand is that to be the plan adopted? Yes; you have put it very clearly. That is one phase of it, but it has several others. You speak of some selections being made after the land is advertised, and when it is thus supposed by the public to be selected it is then forfeited, and only notified the day before the sale by auction, and sold by auction the next day. In other cases, when land had been selected by *bonâ fide* selectors and subsequently sold at auction to the squatter, the land agent has refused to give any information to the selector who inquired why his land was sold. That occurred in September.

908. And who was the purchaser at auction? Messrs. Landale. We have only two purchasers at auction there—Jennings and Landale.

909. Messrs. Jennings and Landale you say are the only two purchasers? We have nobody else who buy at auction sale, and we never had any other purchasers of immediately near country pastoral land. Town lots are different, of course.

910. *Chairman.*] Do not free-selectors purchase? Not at all, as yet.

911. Proceed? On this particular land day, to connect my remarks with Mr. Lucas' question, two selectors had some of the lands which they had selected—two lots—they had taken six or seven blocks for their children and themselves; but from different causes they lost two. They were put up for sale on that day. One of them asked, and I asked,—knowing that the lots had been conditionally purchased previously—I said,—"Mr. Broughton, you are selling a conditional purchase. He did not answer me. The selectors asked the same question; and all the reply they got was,—"You will find that I am doing right."

912. *Mr. Lucas.*] Who gave them that answer? Mr. Broughton, the land agent.

913. And that was all the information he gave them? That was all the information he gave them. In one case the sale occurred in this way: The conditional purchaser had selected on a reserve that had been revoked, but the thirty days' notice would not expire until the evening before the day of sale by auction. The selector, Mr. Rose, selected in ignorance, but why could not the land agent have told him of his mistake? He did not, and the man could not find out how the thing stood. He had written to Sydney, and had received no answer. The last thing I did before I left Deniliquin was to put the case in the hands of a lawyer. The lawyer searched the *Gazette*, but could not find either the notice of the reserve or of its revocation. After I had reached Sydney, however, I found that the lawyer had written overland, and his letter was to the effect that he had given the *Gazette* another search, and had found the notice of revocation; but he said the thirty days would not expire until it had got beyond the time of Rose's selection, and immediately before the day of sale. Here there was land advertised for sale by auction which was protected from free selection, having been a reserve, by the thirty days notice required for cancellation. People were thus led to believe that they could select it, when in fact they could not; and before the first land day came round, when it would be possible for them to select it legally, the land was sold by public auction. The auction took place after a land day, and on the first day the land was really open.

914. *Chairman.*] Can you fix the dates? I think the selection was made in August.

915. When was the reserve put up to auction? I think it was in September that the sale was made to the Messrs. Landale.

916. Are you aware of the date of the revocation of the reserve? Not just now.

917. Have you ascertained where this reserve was situated? On Messrs. Landale's run.

918. You are not aware when it was revoked? According to the later light thrown upon the matter it would be revoked exactly thirty days before the day of sale.

919. What was the date of the day of sale? That I will ascertain and supply,—I think the 26th of September.

920. 1873? Yes. The lots were P and Q, and the revocation would date on the 26th of August. Rose selected between the latter end of August and the 26th of September.

921. How many days elapsed after the reserve was revoked before it was put up to auction? After the fulfilment of the revocation notice—the thirty days,—the land was sold the next morning.

922. Then there was only one day during which this land could be conditionally purchased before it was put up to auction? It could not be conditionally purchased at all, as there was no land office day or any other intervening.

923. Have you any reason to believe that the dates were so arranged as to defeat the object of the Land law? I have a moral conviction that that was the intention.

924. What? To prevent any one from selecting. I cannot believe that these coincidences would occur so frequently without a purpose. It is very unlikely that they would. I should like to refer to another

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case, illustrating how blocks are taken up which are intended to be bought at auction, and to prevent the free selector from getting the land:—There is a man of the name of John Blackwood; he was selected for by Mr. Aitken, Mr. Landale's overseer, on the 11th of September. It was a measured portion in Mundiwa parish, lot 5, and referred to previously by me. On October 9, Mr. A'Beckett, as agent, selected for him a lot called No. 19, in Tholobin parish. The man had now therefore two selections, one by Mr. Aitken and the other by the lawyer. On October 15th the last selection was cancelled and notice sent, as he could not, of course, hold two. However, for the time being, that answered the purpose of blocking any one else from getting it. On October the 23rd the same lot was selected by Mr. A. Landale for a James Williamson, and for the same firm; and now it is advertised for sale next Wednesday. The block is marked in that sale list as N.N.

925. *Mr. Lucas.*] I have now the *Gazette* before me. I think you stated that the reserve was revoked,—the revocation to take effect on the day previous to the sale? Before I answer that, I begin to be in doubt whether it was in time for the sale. This is the date—26th of August—and there should be thirty clear days between.

926. Take the *Gazette* in your hand? Yes.

927. Do you see there a notice of the revocation you have been speaking of? I think this is it.

928. And would that expire the day before the sale? Yes.

929. In the evening? In the evening.

930. Was the sale day on a Thursday, the land office day? No; it was the day after. The 26th of September was on a Friday.

931. Then it was not the usual land day? It was not.

932. It was impossible, therefore, under the circumstances, that this land could be selected? It was quite impossible.

933. Simply because the notice of revocation expired on the evening of the land day? Yes.

934. And it was sold by auction on the next day when applications for conditional purchases could not be received? It was. It could not be selected until the next land office day, the 2nd of October.

TUESDAY, 25 NOVEMBER, 1873.

Present:—

MR. LUCAS, | MR. MACLEAY,
MR. STEWART.

JAMES AUGUSTINE CUNNEEN, ESQ., IN THE CHAIR.

J. F. Mayger, Esq., was called in and further examined:—

(*Witness handed in three plans. Vide Appendices C, C, C.*)

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935. *Chairman.*] In your former examination you referred to the case of a Mr. Rose. Mr. Rose was the person who conditionally purchased on a reserve before the expiration of the thirty days' notice of revocation? Yes. When I left Deniliquin we had not discovered the reason of his losing the land. The matter was put into the hands of a lawyer, and since I have been in Sydney I have received a letter from him respecting the matter. He writes from Deniliquin, under date November 11, 1873, as follows:—"*Re* Rose's selection. Yours of 9th instant duly to hand. I made another search this day in the *Gazette* for the cancellation of the reserve, and found that reserve No. 768 was certified as revoked on the 26th of August last, and was offered for sale and purchased by Messrs. Landale on the 26th of September, exactly thirty clear days from its being gazetted; consequently, as the thirty clear days expired on a Friday, it could not be conditionally purchased until the following Thursday, the 2nd of October. I am afraid we cannot do anything in the matter, as the sale to Messrs. Landale was perfectly legal, but the conditional purchase by Rose was not, although I admit that it was a great hardship to Mr. Rose. However, I will write direct to the Minister for Lands by this evening's post, and lay the facts of the case before him."

936. Will you now proceed with your statement? With regard to the sale by auction of large blocks of land, the notice is sometimes esteemed down at Deniliquin to be illegal because it is too short. The Act requires that three months shall be the outside extent of notice, and that at least one month's notice shall be given. Here is a case in the *Government Gazette* of Tuesday, the 30th of September. The notice signed by the Minister for Lands is dated the 29th September; the *Gazette* was published on the following day; and the principal portion of the sales referred to in this notice took place on the 29th of October, or under a month. There are twenty-four sales advertised, and all but one held at Hay were held on the 29th of October.

937. *Mr. Stewart.*] Is that the first notice which appeared in the *Gazette?* It is the first notice. These land sales lists are generally, in fact I may say always, issued as supplements to the *Government Gazette*, and, being supplements, they do not usually come out with the current number of the *Gazette*, but are generally received in the country, at least, with the next publication of the *Gazette*. For instance,—although this is a supplement to Tuesday's *Gazette* of 30th September, and bears that date, it did not come into the country with that *Gazette*, but reached us with the following Friday's *Gazette*, so that, in point of fact, the month's notice is reduced to about a fortnight or three weeks.

938. *Chairman.*] For the practical information of rural inhabitants the law of course does not refer to the date of the notification signed by the Minister for Lands, but to the date when the notice is published in the *Government Gazette?* It must be so. Then tracings of the land to be sold come only eight or nine days before the sale; and, as only one tracing comes, everybody is placed in a difficulty as to where the land to be sold is.

939. Only one tracing is furnished? Only one tracing is furnished.

940. And that is kept in the local land office? It is; and everyone must go there to see it. There is no information to be obtained until these tracings are received.

941. What course would you recommend in regard to these tracings;—would you have them distributed in the same way as private individuals do who have land for sale—when they distribute lithographs giving all

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all the information necessary respecting the estate to be sold? Yes; I would have lithographs made and distributed; and if the notice is to be brought down to the minimum of time, the notice should be so dated and published as to allow the information to be in the particular district where the land is to be sold for a full month before the day of sale. The tracings and all information obtainable should be exhibited to the public a month at least before the day of sale. There are thousands of acres of land put up for sale for which no competition ever occurs. Mr. Jamison referred to the case of a conditional purchaser without mentioning his name. The man's name was Cheriton, and he selected west of the reserve 212. Messrs. Landale put in an application for land east of that reserve; and although the applications were for two distinct pieces of land, the one east and the other west of the reserves mentioned, the land agent decided that they must go to the ballot. This plan will show you the position of the selections. (*Vide Appendix D 4.*) Mr. R. H. Cheriton writes to me from Deniliquin under date 12th of November, 1873, and says,—"On the 25th of September last I applied at the land office, Deniliquin, for six sections for myself and children. When my first application was read by the land officer he asked if there was anyone who had an application which clashed with it. Then Mr. Landale and his overseer said that they had applications which clashed with mine, although they were not described in any way like mine. Their description was east and adjoining extended reserve No. 212, and mine was east and adjoining railway reserve 525. And yet the land officer persisted that they should be balloted for, and my two applications were thrown out. I sent one of my applications to the Honorable the Minister for Lands about the 30th of September last, but I have not received any answer. I told him in my letter how the case was, but perhaps I did not make myself understood. Since I have come over from Victoria with my family I find that Mr. Landale's selections do not clash with the applications I put in, as Mr. Landale has his surveyed now. What I would wish is that the Honorable the Minister for Lands should confirm those two applications which were thrown out. I will send you the other one with this note, likewise a rough tracing of the land, If I am deprived of these two selections I shall not have a drop of water or any place to store water, as there is a watercourse on those two in the winter months. Actions like these prevent the improvement of the land which the people settle upon, and throw around the selecting right an air of litigation and trouble, which is totally unnecessary in any fair adjustment of the settlement of population in the country.

942. In the case of that selector they balloted for lands that were situated directly opposite to each other? Directly opposite to each other, and so described in their applications.

943. One was on the east side and the other on the west? Yes; of the extended reserve mentioned; and yet it was held that the applications clashed*. I would suggest, with a view of putting a stop to these designed clashings of applications, that the land agent should receive applications for land under conditional purchase on more days than one. I cannot see any overpowering reason why the transaction of land business should be restricted to one day of the week. If applications could be received on three or four days in the ordinary run of business, people would not come into collision one with another. An application could be received on any day or several, and a receipt given to the applicant of the time when it was received, and on one day in each week the applications could be publicly announced as correct, informal, or competing. That would avoid these collisions altogether. It seems to me that the present practice throws unnecessary obstacles in the way of the settlement of the country; and I think that the difficulty I refer to could be very easily avoided in the way I have pointed out. It would entail no more trouble on the officers, and I believe it would be far more agreeable to them and to the public. They would then not be so hurried in deciding cases as they very often now are. And with regard to the land offices, and the necessity of having a surveyor, I may say that if surveyors—men skilled in their duties and impartial in their exercise—were appointed to these offices, they would know more about the business than clerks who are commonly appointed because they can take down depositions. Take such an office as Deniliquin; the land business there is all important as compared with any other business that can otherwise come before it, and yet the land officer in charge there would be appointed under the present system, simply because he is a deposition clerk.

944. His qualifications for the more important part of his duties are never considered in his appointment? They are not considered. Men who intend to take up land would prefer to travel 100, 200, or even 300 miles, to an office where they could get information that would not lead them astray than travel a shorter distance to an office where they might be likely to get such information which, in six months afterwards, would very probably involve them in disappointment or in a law suit.

945. In districts where there are large sales of land taking place, both at auction and by conditional purchase—having regard to the improvements required to be effected under the various clauses of the Land Act—do you think it would be desirable to establish an office for the purpose of dealing with the leasing and sale of lands? Yes, I think so, decidedly.

946. You think that would be preferable to the present mode of relying upon Clerks of Petty Sessions in these important districts? Yes; if it be the intention of the Government to go on with these large sales of land, and selections continued, the business will be so important that it ought to be effected under a separate and distinct officer, who should not be at all connected with the office of the Clerk of Petty Sessions. As an instance of what I mean, and to show the feeling of some of these gentlemen, I may mention a circumstance that has come to my knowledge: One of two men, who went into the land office at Deniliquin on the 9th October to select, told me that they were immediately followed by Mr. Aitken, the overseer of Mr. Landale, and one of the Messrs. Peppin. The men had put in their papers, when these gentlemen, one of whom is a Magistrate, asked the Clerk of Petty Sessions to show them the selectors' papers there and then. After some hesitation Mr. Broughton showed these to them. They then left the room to look at the map. These two free selectors were men from Victoria, and they thought it very singular conduct on the part of the land agent to exhibit towards them, by treating these gentlemen in the way I have described. They had always been led to understand that there were only two parties in the matter of taking up land—the Government and themselves,—and that hence squatters had no right to interfere. They thought that it was a piece of impudence in these gentlemen to go and ask that they might be allowed to look at their papers. But this is the kind of conduct which, I think, you must expect from Clerks of Petty Sessions in relation to neighbouring squatters, who are also Justices of the Peace.

* NOTE:—It was satisfactory to find subsequently on inquiry at the Sydney Department, that Cheriton's six selections were all confirmed as correct; but that however only the more forcibly illustrates the strange proceedings adopted at Deniliquin land office.

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I have here another case, which I should like to submit to the Committee; I think it also will illustrate the impolicy of allowing Police Magistrates and Clerks of Petty Sessions having anything to do with the land. It refers to the land office at Moama; and, first of all, I will read you the letter of Mr. W. W. Stephen, the Under Secretary for Lands, Sydney, 27th June, 1873. It is addressed to Mr. Wm. Preston, Post Office, Moama. Mr. Stephen writes:—"Sir,—In reply to your letter of the 26th ultimo, representing that on the 24th April last the agent for the sale of Crown Lands at Moama refused to receive your application for the conditional purchase of measured portions Nos. 109, 110, and 118, Moira Run, on the ground that the land applied for was within the population boundary of Moama, and had been withdrawn from sale by telegram from this department, and yet subsequently received applications from Messrs. Layfield, Eddy, and Alliband for adjoining portions,—I am directed to inform you that the telegram alluded to cannot be traced in this office. The land agent has therefore been called upon to report as to the cause of his refusal of your application. I am to add that the applications of Messrs. Layfield, Eddy, and Alliband were forwarded to Mr. Licensed Surveyor Finley on the 14th ultimo for report." The date of the next letter is—"Department of Lands, Sydney, 21st August, 1873," and it also is addressed to Mr. Wm. Preston, Post Office, Moama. Mr. W. W. Stephen writes:—"Sir,—With reference to your communication of the 26th of May last, representing that on the 24th of April last the agent for the sale of Crown Lands at Moama refused to receive your application for the conditional purchase of 300 acres of land, situate within reserve No. 318, Moira Run, although he had previously (on 3rd April) allowed Messrs. Layfield, Eddy, and Alliband to select adjoining portions within the same reserve,—I am now directed to apprise you that Mr. Maunsell was perfectly justified in rejecting your application, as on 17th April he was informed by telegram from this department that reserve No. 318 had not been cancelled, and was not open to sale. I am further to add that the applications of Layfield, Eddy, and Alliband (which the land agent states were only received under strong protest) were sent to Mr. Licensed Surveyor Finley on 14th of May last, and on the receipt of his report all necessary action on the purchases will be taken. With respect to your reflections as to the manner in which the land agent conducts the business of his office, and your statement of the dissatisfaction which exists in consequence, I am directed to inform you that Mr. Maunsell has furnished an explanation which the Minister for Lands considers satisfactory." That letter you will see contains an admission that they could not trace the telegram referred to when they received Preston's letter, and the whole correspondence has been very unsatisfactory to the selecting class.

947. What was the result of the purchases by the other parties? Layfield and the others will have to remove, I believe, and their houses, &c., pulled down. This is an affidavit made by the party who received these letters.

948. What is the object of that affidavit—for what purpose was it made? If you will allow me I will read it:—"I, William Preston, of Tatailla, in the Colony of New South Wales, farmer, maketh oath and say: That on or before the 23rd day of April last I was desirous of conditionally purchasing a selection of land on the Moira Run, lying north of reserve No. 91; that I called upon Mr. Maunsell, the land agent at Moama, and pointed out to him the land I was desirous of taking up, when I was informed by that gentleman that the said land was already taken up by Mr. O'Shanassy; that subsequently, namely, on the 29th of May last, the very same land was selected by four persons in the employ of Mr. O'Shanassy—Ann Atkinson, Louisa Atkinson, Henry Palmer, and George Millage, the two first being aboriginals of this Colony." This affidavit is signed by William Preston, and bears the signature of James Shackell, a Commissioner of the Supreme Court of New South Wales for taking affidavits, as having been sworn before him, at Echuca, in the Colony of Victoria, on the 17th of November, 1873. I received this affidavit since I have been in Sydney.

949. Then in this case it appears that while a *bonâ fide* conditional purchaser was refused to be allowed to purchase on Moira Run, on the ground of the land being part of a reserve, yet four dummies in the employment of the lessee were allowed to purchase? That would appear to be the fact from that affidavit; but the land referred to in that was not on a reserve. The affidavit appears to refer to one matter, and the letters to others. Layfield, Eddy, and Alliband were not dummies. If you look at this plan you will see the numbers of the selections first applied for by Mr. Preston. This plan shows the population boundary of Moama; and it seems to me that the land which he then applied for was more than 4 miles outside the town. These, again, are the four blocks referred to in the affidavit; and I believe three of these four were the three we visited before coming to Sydney. It was, I think, on one of these that we found the hut, a representation of which I handed in to the Committee as an appendix to my evidence yesterday. Some three or four years ago the land business of Moama was all effected at Deniliquin. It was taken away from Moama for some cause or other.

950. It was transacted at Deniliquin? It was; I think for about eighteen months. The reason never transpired publicly, so that I could not say what was the cause; but I believe something had occurred which was not considered satisfactory by the department, and the office was removed. During that time there were no complaints from the public as to the way in which the land business affecting Moama was transacted; but since that time complaints have been frequent. I should like to bring before the Committee the matter of selections taken up by agents. It is not at all an uncommon thing for a squatter to go to a commission agent in Deniliquin, and to hand him a lot of papers and names, with which he fills up applications. The agent knows nothing whatever of the principals concerned; but he receives two or three guineas for his trouble, and goes to the land office, hands in the applications, and they pass. In all cases where an agent makes application at the land office in that way, excepting where he is a father acting for his children, I think when the first month has passed during which residence is not necessary, the principal for whom the agent has acted should be compelled to appear at the land office, and make a declaration that he was the person for whom So-and-so took up certain land on a particular day. We should then know whether these people whose names are used in applications for taking up land really existed or not; but at any rate an arrangement such as this would make the evasion of the law more difficult than it is at present. I believe that the names of persons are mentioned in many of these applications who do not exist in the district; and believe that selections have been obtained in the names of people who are living in Melbourne, and who have no intention whatever of crossing the Border to live in New South Wales. Any check by which the party named in the transaction may be brought forward and put in relation to the local land office as a known person, would be a great gain to the community. With regard to the reserve, the extended reserve at Moama, to which I have referred, concerning which certain applications have been received ——

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951. The reserve on what run? The reserve on Moira Run; it is 4 miles from Moama.
952. You mean the population reserve? The proper population reserve would be only 2 miles from Moama; but somehow, down there it has been doubled, and nobody knows the reason.
953. What is the population according to the last Census? I could not say exactly, but I do not think it is more than 300. It is only entitled to 2 miles, whereas an extra 2 miles, making 4 altogether, has been added, and that is just the way to kill the little township opposite Echuca. This land has been reserved; it has been put up to auction once or twice, and withdrawn before the day of sale. Selection has not been allowed on it, and yet still some selections have been taken up on it. Messrs. Layfield, Eddy, and Alliband, referred to in the two letters read, have selected upon it, and their selections have been cancelled. They have been summoned to the police office. They asked the Department to protect them, and they received the following telegram lately from the Department: "As your selections stand as cancelled the Government cannot interfere with cutting of timber." They add after that, that ten houses are being erected on the alleged reserve at the present time.
954. Mr. Maunsell allowed them to select under strong protest? They are directed by the Government that they must remove because their selections are cancelled, and they are told that they cannot be protected against timber cutting; but still, at the same time, Mr. O'Shanassy is said to be putting up ten houses on this very reserve.
955. I suppose Mr. O'Shanassy is the lessee? He is the lessee of the run.
956. Is he building these houses simply under the title of his lease and nothing more? I cannot tell under what he is doing it.
957. What value would they be there—would they be for lease, or for what purpose? I do not know whether they would form the basis of any claim for improvements. It is expected that the reserve will be thrown open for purchase shortly.
958. And then the lessee could purchase in virtue of his improvements? It is hard to tell what may be the object. The telegram to the Secretary for Lands from Messrs. Layfield, Eddy, and Alliband, dated Moama, November 11, 1873, was:—"Six men engaged by O'Shanassy cutting timber on our land. Please stay proceedings until you decide on case as timber is very scarce on land. Your answer by telegram will oblige." The answer from the Department was given in the telegram I have already read. It seems a peculiarly hard case. Here is an improper reserve; having regard to the number of the population of the township, the population boundary should have been 2 miles nearer the town than it is; and had it been so the ground would have been open for selection, and these people would never have been turned off the land after they had once settled upon it. But they are to be turned off the ground, while at the same time they see the lessee cutting their timber and building houses upon it. Another matter which I wish to bring before you is the difficulty which some men experience in getting their grass rights, although there is no purchased land within miles of their selections. I have here an application from Mr. John Rogers, a selector down at Tatailla, who took up land on the 13th of May, 1869, and subsequently applied for his grass rights. The letter before me is from the Department of Lands, Sydney, and is dated 28 January, 1871. It states:—"Sir,—Referring to your application of the 21st July last for a pre-emptive lease in the county of Cadell, I am directed to inform you that as the land applied for is already under lease to Robertson, Wagner, & Co., your application cannot be complied with." I have been to where they keep the maps in the Lands Department here, and looked at the map of this land of that time, and I cannot see there has been any alteration since this man selected his land. There has been nothing purchased within three or four miles of his selection, and yet he cannot get his grass right. Then, too, there appears to be a singular way of giving the grass right. Here is a plan which will illustrate what I mean. (*Vide Appendix D 5.*) The plan I hand in shows three purchases, A, B, and C, and also the grass rights of each in relation to the position of their selections.
959. Do you know any particular case in which they have been granted in this shape? I think so. If you will look at the maps in the Lands Office you will see it illustrated—you will see that they go back 5 or 6 miles in this way. Here is another peculiar case, the case of Daniel Gwyder, who took up a selection on Stuckey's or Gulpa Island, which was afterwards said to be on a reserve. The map, in use for years at Deniliquin, however, did not show any reserve; and subsequently a fresh map was sent down, in which Gwyder's selection was included in a reserve. I will read you the particulars of this case. This is what his agent says:—"On the 22nd day of February, 1872, I attended at the Crown Lands Agent's office, Deniliquin, for the purpose of selecting 80 acres of land on Stuckey's Island, Mathoura Run, for Daniel Gwyder, a minor, and on that day was shown by the agent the Government plan, which had been in use for that purpose for about five years, and was the only plan he then had for exhibiting to intending conditional purchasers for their guidance in making their selections. The plan so exhibited showed the land I required as situated outside any reserve, and open to conditional purchase; and I therefore, on the faith of the plan being correct, selected the land for the said Daniel Gwyder, who has since resided upon it and improved it." About the 30th of April I received a notice from the Under Secretary for Lands, at Sydney, stating that the selection was cancelled "being within a reserve," but not stating, as is usual in such cases, the number of the reserve within which it was said the land conditionally purchased was situated. To this communication I replied, asking the Under Secretary for Lands to state the number of the reserve within which it was alleged the land selected was situated, and was favoured with the following reply:—"Department of Lands, Sydney, 22nd June, 1872. Sir,—With reference to your letter of the 17th ultimo, requesting that you may be furnished with particulars of the reserve within which your cancelled conditional purchase of 80 acres at Deniliquin is situated, I am directed to inform you that the reserve alluded to is numbered 302, and was notified in the *Government Gazette* of the 23rd December, 1865. I have the honor, &c., (Signed) W. W. Stephen.—Mr. Daniel Gwyder, care of J. E. Kynaston, Deniliquin." I replied to this communication, stating that it must be an error, as I was prepared to prove from the Government plans, exhibited by the Crown Lands Agent at the time of making the conditional purchase now referred to, as also for the past five years, that reserve 302, as shown clearly and distinctly (its boundaries being most definitely shown by green coloured edges), was situated more than a mile from the land conditionally purchased by Daniel Gwyder. The plan showed the south boundary-line of reserve 302 about 2 miles north of the north boundary-line of Gwyder's selection, or thereabouts. In the margin of my letter I affixed a tracing, taken from the Crown Lands Agent's plan, of reserve 302, and took the precaution to get the same witnessed by the Crown Lands Agent himself as being a correct copy. To this communication I received the following reply:—"Department of Lands, Sydney, 8th February, 1873.

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1873. Sir,—With reference to your letter of 7th ultimo, respecting your conditional purchase of 80 acres at Deniliquin, which was cancelled on account of its being within the reserve 302, I am directed to inform you that the matter has been again investigated, and it has been ascertained beyond doubt that the portion is situated within the reserve alluded to.—I have the honor, &c., (signed) W. W. Stephen.—Mr. Daniel Gwyder, care of J. E. Kynaston, Esq., Deniliquin." To this letter I replied in a very lengthy one, dated 15th February, 1873, calling the attention of the Department to my former statements as to the plan exhibited, a subject which the Department has in all its communications ever carefully avoided. Why, I cannot say, although inference would strongly suggest a possible reason. In that letter I showed most clearly that the gazetted description of reserve 302 included the whole island, and if that was still a correct description of the reserve all the conditional purchases, numbering 16 to 20, and which had all been allowed to pass unchallenged on account of reserve 302, must also be wrong if Gwyder's were so; and I asked the Under Secretary for an explanation of how it was that the Deniliquin Crown Lands Agent's plan showed so distinctly only about one-third of the island as reserve 302? To that letter I have not as yet received any reply; but an act has very recently been performed in the charting branch of the Lands Department in reference to the land selected by Gwyder, which, if not very suspicious, is at least most extraordinary in its appearance. It is this: On the 10th of this month the Crown Lands Agent at Deniliquin received from the Sydney office a newly compiled plan of the Police District of Deniliquin to exhibit (as the one previously alluded to had been) to intending conditional purchasers for their guidance in making their selections. This plan was accompanied by a letter, requesting the Crown Lands Agent to return to Sydney the plan hitherto in use. Being in the land office that morning, and at the precise time the Crown Lands Agent received and opened the plan, I was the first person to inspect it, and upon looking over the county Townsend portion, showing the locality of reserve 302, I was struck with surprise to observe that a strip of ground, about a mile wide and extending across the island about 2 miles or more, had been edged with green colour along all its boundaries, taking in the 80 acres of land selected by Daniel Gwyder, and written upon thus: "Part of reserve 302"; and such is the very extraordinary as well as most fatally objectionable feature as a reserve in this would-be clever device, that by it reserve 302 is now made to appear on the plan in two detached portions, the south boundary of the one marked reserve 302 being about a mile from the north boundary of the lately new created reserve portion, on the plan marked "part of reserve 302." The selector was, after all, worried from the land; and I believe that about a month ago, they still persisting that he was on the reserve, he selected again, but it has prevented him from making much improvements on the land. They persisted that he was wrong, and yet all the evidence seems to show that this reserve was made specially to include his selection—made to do so as an after-thought. It was certainly not shown on the map which was in use there for five years; and how two pieces of land with a mile intervening can be classed as one reserve I fail to understand. I desire to have this tracing appended to my evidence to more fully illustrate the matter. (*Vide Appendix D* 6.)

960. Have you now concluded your statement? I think so.

961. *Mr. Lucas.*] Have you given any evidence with reference to the Volunteer land orders? No.

962. What is your opinion with respect to them? My opinion is that they introduce an element that was never foreseen in settlement under the Land law, and a principle which has been grossly abused.

963. In what way? I consider it wrong that they should ever have been made transferable; of course, the law says they may be transferred. I, however, think it would have been better if they had been so granted that a Volunteer alone might use them in the acquisition of land at any time during his life.

964. But you admit that the orders are transferred? Have you any suggestion to make with a view to limit what you call the abuse of the system? If a land order be transferred, it should be used within a certain time, (say) three, four, or six months—it should not be held by the transferree for an unlimited period. At present it is held in a sort of *in terrorem* fashion; it is bought by the squatter to be used when most wanted to baulk settlement.

965. You think that any man who buys a Volunteer land order should be compelled to use it within a short period? I do; or that the orders should be cancelled or forfeited.

966. Do you think that when a man selects land under a Volunteer order, he should be compelled to mark his ground? I certainly think that he should be compelled to do that. Many of the new Victorian settlers mark the boundaries of the land which they take up now.

967. How would you correct this system of dummyism? I do not consider a child a dummy; I approve of allowing selection by minors.

968. You do approve of that? Yes, decidedly.

969. From what age would you allow minors to select? I consider it a good thing that a father should be able to endow his children with land in that way, supposing he has the means. It is a very good form of endowment for a child, and a most beneficial arrangement for the State; but land taken up in the name of a minor ought not to be dealt with by anyone until the child becomes of age.

970. Would you allow the father to transfer? The child's estate?

971. Yes? Certainly not; that would be rendering the child a dummy in my opinion. It would be pretending that a child had an interest in certain land, when if that land could be disposed of without reference to him he would in fact have none.

972. *Chairman.*] Do the squatters take up land in the names of minors—do they dummy by taking up land in the names of the children of their shepherds and stock-keepers? They do, decidedly.

973. Then, if you grant the right of taking up land in the names of minors, the squatters would also avail themselves of it? No doubt of it. What is right for one is right for the other; but the free selector, if you will use the term dummy for him, only dummies for his own children. There is another point with regard to this matter: when a free-selector takes up land for his children these selections are altogether, but when a squatter takes up land in a similar way he scatters his selections all about; he takes up land in different places—his object being not to consolidate an estate, but simply to prevent other people from coming on to his run, or to spoil any selections which may possibly have been or shall be taken up by others.

974. Are there many *bonâ fide* selectors who take up land in the names of their children? Yes, those who have the means do so.

975. I suppose that is generally done by selectors who wish to get more than 320 acres? Yes, by selectors who wish to keep a flock of sheep, for instance.

976. To combine agriculture with squatting? Yes; or rather with wool-growing.

977.

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977. Are there many of that class settling down in Riverina? Yes; I should say that within the last ten weeks we have had the population immediately around Deniliquin increased by about 300 persons.
978. What proportion do you think those who wish to combine grazing with agriculture bear to those who merely go in for agriculture? I should say that they all intend to combine the two, unless their areas are too limited, and a very profitable combination it is too.
979. *Mr. Lucas.*] You have not told me the age you would fix for the selection of minors? Well, believing that it is very beneficial to the country that a father should be allowed to endow his children by taking up land in this way, I would say any age.
980. Do not confine your attention to any particular aspect of the question, but look at it as a matter of national policy? I see no reason in that view why any child should not be selected for.
981. Would you allow the squatter to select for himself and his children? Decidedly I would, but I would not permit him to throw about his selections. If he selects for his family, let him do as the free-selector does, and take up all his selections in one block,—keep them altogether.
982. There is nothing to compel him to keep them together? I know there is not, but the law can compel each party to do so.
983. How can it compel them? There is no necessity at present, but an amendment regulating family selections could effect it.
984. You cannot have two laws—one for the squatter and one for the free-selector? No, but I think that a person who selects for himself and his family should be compelled to make his selections all together, and I think that could very well be enforced. It is a great advantage to a family possessing means that they should be able to take up for each member of the family a selection of 320 acres.
985. Are you in favour of allowing the 5 per cent. interest being allowed to stand part of the principal? I am not; I am thoroughly against anything approaching repudiation. If, however, on a general review of the whole matter, as affecting the position and prospects of selectors throughout the Colony, the Parliament should think it better, in regard to future transactions, to fall back upon the principal, of payment by instalments instead of the present plan of allowing portion of the purchase money to remain at interest for an indefinite period, that would be another question, but I would be no party to repudiate present engagements.
986. Are you in favour of increasing the present per centage, so that the selector should be compelled to pay off the whole amount within a certain number of years; for instance, suppose that in place of 5 per cent. he should be required to pay 7½ per cent., by which means he would not only be paying the interest but be reducing the principal at a rate which would liquidate his debt within a certain number of years? I have not thought much of that, but it appears to me that it would be possibly a very desirable arrangement to make.
987. To pay 7½ per cent.? Yes; I do not think that that would be too much; 2½ per cent. would not be a very great increase with that purpose in view.
988. And it would clear off the debt in less than twenty years? That would be very desirable indeed.
989. You are in favour of the grazing right? It is rather illusory.
990. Supposing a law were to be passed by which the free-selector would obtain some fixity of tenure with regard to his grazing right? Then I would reduce it.
991. Instead of allowing three acres to one, what would you give him? I would give him one for one; I think that that would be enough.
992. Are you in favour of the free-selector being required to mark out his grazing right at the same time that he marks out his free selection? I do not know whether it could be done.
993. Why not—they do it with their free selections? Well, suppose it could be done?
994. Are you in favour of having the shape in which the grazing right should be taken up clearly defined? Yes; I think that the clearer you make that by law the better.
995. Do you think that it would be an advantage if the free selector were to have something, five or ten years' lease of his grazing right with the option of purchase at any time within that period? I do. I would say five years in preference to ten, as that coincides with the squatters' leases.
996. If that were the law, I presume there would be no objection to a Fencing Bill? I should say they could not make the grazing right of any fair value to themselves without fencing.
997. Do you think it desirable that it should be fenced? Decidedly.
998. Would it not, in a great measure, get rid of the objections which the run-holders now have to the free-selectors, and also tend to keep the squatter's stock from trespassing upon the property of the free selector? Decidedly.
999. Do you not think that a Fencing Bill would be a great boon to the free-selectors themselves? If they want to use the land they must fence.
1000. Suppose there was a Bill brought in by which one party, on receiving due notice from the other, should be compelled to pay half the cost of the erection of a fence dividing their properties? Yes.
1001. Do you think that would be an advantage to both parties? Yes; I do.
1002. Do you think that the free-selectors would object to such a measure? It is possible—many might.
1003. But you think it would be an advantage? I do; I think it must come to that.
1004. Are you in favour of abolishing the sale of lands by auction? I am, most decidedly, for the present.
1005. The sale of public lands in the country? Yes; or at any rate within certain distances of rising townships; where townships should be encouraged to form themselves.
1006. Then there would be no way of obtaining land but by free selection? I am not referring to lands which can be properly classed as suburban or town lands, but to what we called country lands. I mean that sales by auction should be abolished within a certain radius of a township. For instance, there is Deniliquin, 50 miles from Moama; I would not sell another acre of ground between these two places before a certain date, because a railway is to be constructed there.
1007. If sales by auction were to be abolished, no person would be able to obtain land, except by free selection? That would be so in the localities thus treated.
1008. Suppose a free-selector took up 320 acres of land, would you allow him to sell it? Within what time?
1009. Within any time? I would have him fulfil the conditions of the Act for three years.
1010. Then, after you allow him to sell one selection, would you allow him to take up another 320 acres? I do not see what there is to prevent him.

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1011. Do you not see that under your system the free-selectors would be able to levy black mail upon the people of the Colony? I do not see that at present.
1012. Free selection would become a sort of profession? But I am speaking of abolishing the sale of land at auction within certain areas.
1013. There is a large tract of land between Deniliquin and Moama. Then there is also a large tract of land between Hay and Deniliquin. If you take all the intermediate country there would be no land open for sale? They could sell, if necessary, on both sides, beyond a regulated distance.
1014. Moama and Deniliquin are 50 miles from each other? Yes.
1015. And you would have no land sold by auction between those two places? No, not immediately between; and I mentioned, I believe, as a reason for my opinion, that I believe there will be a railway constructed there shortly. I think decidedly that land should not be sold within some miles of that railway line, in the way in which auction sales are now carried on.
1016. But you would let the free-selectors take it up? I would.
1017. And would allow them to re-select again in three years? Yes.
1018. Would you not be making free selection a mere trade, by which people would be able to make their fortunes? I do not see that.
1019. Have you calculated the number of persons in this Country who are likely to become free-selectors? We shall draw people from other countries.
1020. Take the male population of this Country;—do you know the number? I do not remember that just now.
1021. If every male adult in the Colony were to select 320 acres of land, the area would not be much larger than some of the present runs? Perhaps not.
1022. I thought you wanted to promote the settlement of the Country? We do.
1023. But you do not object to a free-selector taking up 320 acres of land, and at the expiration of three years selling it to the squatter? You cannot regulate as to whom he shall sell.
1024. But you do not object to him selling to the squatter? How can I object to him selling to anyone he pleases, when he has the title?
1025. You do not object to him selling to the squatter? I cannot effectually object.
1026. And you do not care what use the squatter puts the land to, so long as it comes to him through the hands of the free-selector? I cannot object to people putting their own land to any use they please.
1027. Do you not see by your system you would compel the squatter to buy land through the free-selector to pay the money into his hands instead of the Treasury? I do not see anything of that kind as a result.
1028. Do you not see that the only persons who would be able to take up land would be the free-selectors? I suppose it is not necessary for the squatter to buy land in the particular spots I have mentioned. Surely he can leave such for the purposes of general settlement.
1029. You have no objection to the squatter buying land in any quantities and then letting it revert to a sheep-walk as long as it comes through the hands of the free selectors? There could be no objection to that if he found it profitable to pay the price he would have to give to the selector.
1030. And still you say there is an objection to selling land by auction? Certainly, in certain cases.
1031. When it is sold to the highest bidder? There is no lowest or highest bidder. There is only one bidder. The pretence of competition is a mere sham.
1032. There is nothing to prevent a dozen bidders? No; any number can go there.
1033. How many persons are there in the town of Deniliquin? About 1,100 in the district.
1034. I suppose there are some men of good means there? Yes; but they would never compete against the squatter.
1035. Why not? They would have no chance.
1036. Can they not bid? Of course they can bid.
1037. If they do not like to bid the squatter gets his land at the upset price and pays the Government for it as much as the free-selector? Yes, he does.
1038. And if he takes up land by means of dummies he pays more—he pays £1 5s. an acre? Yes; but you do not get another soul more settled upon the land. It is better to have people settled on the ground than the £1 or 25s. and no people.
1039. But you have no objection to selling the ground after it is free selected? You cannot prevent a man who has a title to his land selling it if he wishes to do so. If you do that you strike at the foundation of all personal rights regarding land.
1040. The only way we can check the resale of land by the selector to the squatter is to let land be sold by public auction? There is no such check at all required at present.
1041. Still the people of the town might if they thought proper bid at auction? Yes.
1042. And some of them are in tolerably good circumstances? Not many; they have enough to do to carry on their own business with their own capital.
1043. *Mr. Stewart.*] I suppose land is put up for sale by auction when there is only one person who wants it? Yes.
1044. And there is only one bidder? I have never known more than one bidder for any series of lots on any one run. The only instance in which there was competition was when one squatter bid against another to spite him, and the other returned the compliment.

THURSDAY,

THURSDAY, 27 NOVEMBER, 1873.

Present:—

MR. STEWART, | MR. RODD,
MR. TUNKS.

JAMES AUGUSTINE CUNNEEN, ESQ., IN THE CHAIR.

Mr. James Frederick Mayger called in and further examined:—

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1045. *Chairman.*] With regard to the quantity of land which a person may be allowed to select;—do you think that 320 acres form a sufficient quantity of land to allow persons to combine grazing with agriculture? I do not. Of course this difficulty would not be felt so much where there was a family, because a selection could be taken up for each child; but in the case of an unmarried man it is not sufficient.
1046. We are speaking of the case of individuals? In that case it should be extended, most decidedly.
1047. As a question of principle, and apart from the consideration of whether a man has a large family or not, you consider the quantity too small? I do.
1048. For those who wish to settle on the land and to combine grazing with agriculture? Yes. The 320 acres are sufficiently large for mere agricultural purposes, but certainly not for grazing to be associated with them.
1049. Are there many conditional purchasers who have come under your notice, who have taken up land for the purpose of agriculture alone? No; very few indeed. I do not know half a dozen among the more recent selectors.
1050. In your district the mere pursuit of agriculture, if it be not combined with the management of stock, would be a very miserable state of existence? It would, except in a few exceptional cases, from the absence of population.
1051. Have you formed any opinion as to what quantity of land ought to be allowed to be selected? I should certainly allow a first selection to be taken up double the size now permitted—that is, 640 acres, instead of 320; but at the same time I should be sorry to limit it to that; because a man might go on improving his land, getting a return from it, and then adding selection to selection, until he got his 5,000 or 10,000 acres; and this might be done not only to the benefit of the individual but also with advantage to the public, either by purchase or by leasing a portion.
1052. According to the accumulation of the man's means you would allow him to extend his area for grazing purposes? Yes; and I can tell the Committee that I have been spoken to by many persons, managers of stations, who were anxious to avail themselves of this right of selection, but who required to do so upon a much more extended scale than that now permitted, and who have been waiting for an alteration of the Land law to enable them to do so. These men have always been connected with large stations, and are consequently larger in their ideas of what a station ought to be than an ordinary selector; and they would prefer some larger area—of 5,000, 10,000, or 20,000 acres, either by way of lease or conditional purchase—to be allowed to be taken up.
1053. Then, do we understand you to say that in the first instance the purchaser should be allowed to select 640 acres, and then that he should be allowed to increase his selection by additional selections, so long as he continued to improve his land? Yes, so long as he improved, and was a *bonâ fide* settler, to be proved in the manner to be provided by law.
1054. Do you think that the allowing of minors to select has acted beneficially or injuriously? I think it has been exceedingly beneficial. It has enabled a class of relatively small graziers to grow up by the aggregation of selections taken up by the selector and his family; whilst any man standing alone cannot get more than 320 acres. Of course he may get his grazing right of three times that area, but then his hold upon that is very insecure, and he cannot deal with it in the only way in which land can be made to pay; therefore, to my mind, the system of family settlement comes in most advantageously, and enables a class to settle down who are certain to succeed, and to show what is really the true value of the land to the country. You have not the land taken up by one man, as you have under the present squatting system; for by family selection you have a thousand souls settling down where there was before only one or a few. In the course of some three or four years from the present time this will be very fully proved. And I think also that in such cases as these the law might very fairly be altered so as to dispense with the residence of infants, in the ordinary sense of the word, on their ground, so long as the land was improved to the extent demanded by law.
1055. Are you aware that in some instances the Crown tenants have taken advantage of this, and have selected land in the names of minors, being the children of their shepherds and other employés? Yes, I am aware of it, and he is quite as much entitled to do so as the ordinary and *bonâ fide* selector, so far as his family are purchasers. But the difference between them is this: The squatter does not make use of the name of the infant in order to bring together a population upon the ground, and to make an estate for an industrious family, but does it to prevent the formation of a nucleus of population, to get the people who conditionally purchase dispersed, and to prevent others from coming in on the land. The selector is the conductor of population; the squatter is a bar to its influx. The one goes on to the land to prevent the true operation or effect of the Land law; the other to fulfil its conditions.
1056. And the squatter is desirous, at the same time, to take up what he considers to be the key to his run, so as to keep to himself the occupation of the public estate; or, in other words, picking out all the choice spots he renders the remainder of more value to himself than to the public? Yes, and so comparatively valueless to others that he has no reason to expect any interference with himself.
1057. By so doing he is also able to secure the remainder at a nominal rent? They have secured that already. My belief is, that if any district could be set apart for leasing on any other system than the present, by the subdivision of these large runs into areas of from 2,000, 4,000, to 6,000 or 10,000 acres, it would be found of very great advantage to the public.
1058. *Mr. Stewart.*] Will grazing pay upon land for which you have to give £1 per acre? Yes. I think it would in some, perhaps most tolerably settled localities; otherwise the squatters would not buy it at that price. In fact, they are giving often 25s. an acre for it.
1059. And more than that? Yes. I am aware at a recent sale the land was run up to £2 10s. 6d. per acre; but then there were peculiar circumstances in that case: two squatters were running each other up for the land.

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1060. At Deniliquin would grazing pay if you have to give £1 per acre for the land? Yes. I believe it would, or the squatters would not give that, and even 25s. per acre. Looking at the large areas of land held there, stock is relatively very scarce in the district.
1061. *Mr. Rodd.*] Have you known any instance of the purchase of a large run at £1 per acre; or do Crown tenants only purchase blocks of land here and there, so as to give them the command of the rest? I do not know of any instance where this has been done; that is, £1 per acre given to the State for the whole run. No whole run has yet been sold by the Crown.
1062. *Mr. Stewart.*] Does the squatter purchase blocks in such a position as to give him the command of the unpurchased land? Yes; they are always the more salient points of the run that are brought to sale by auction, and this at the particular request of the squatter.
1063. *Chairman.*] What is the opinion of the persons with whom you have come into contact with regard to the conditions of residence and improvements, provided for by the Land law? No one—that is, *bonâ fide* selectors—objects to the condition of residence. I have heard the idea expressed, though it has been by very few persons, and would in my opinion be a very undesirable thing to adopt on a general view of the matter, that persons, being residents in town, considered it very hard that they should be prevented by this condition of residence from taking up selections outside the town, because they were unable to reside on them; they considered that it put them in a very unfair position as regards the rest of the population, and that some relaxation of the law might be made in their case. But to do away with this condition of residence, without very careful, stringent, and special guards, would be very disadvantageous to the country, since it would open the door to dummyism to an extent that would throw into the shade what is going on now, and we certainly do not want that increased.
1064. Would not his improvements come in as a set-off against his non-residence—it would be hard for such men to comply with the conditions of residence, but easy for them to make improvements by the expenditure of their money. Are you of opinion that it would be sufficient, if in such cases we enforced the improvements condition in these cases in excess of the cases of resident selectors—say that we made them improve to the extent of £2 per acre? I do not think that that altogether would be sufficient. If you have the *bonâ fide* settler you have a man who resides on his land; it is his home; he knows that everything he does to it is for his own advantage, and he is consequently improving it every day. On the other hand, if you permit the man from the town to take up land, he will often do so as a speculation with a view to get a higher price for it at some future time when selling. He will improve it, but only just up to the mark which the law provides, to secure his right to it, and will then hold it till he can sell for a profit. By this you will probably prevent a better class of settlers from coming on that ground, who would use it for a better purpose, both as regards themselves and the Country. I am entirely in favour of enforcing the residence clause at present.
1065. *Mr. Stewart.*] You would on the one hand prevent any man from taking up excessively large areas of land, whilst on the other you would hold out encouragement for the access of population? Yes; that is precisely what we want. If you hand over the land to the mere improver, to the extent to which it is so handed over, you keep back general population from the neighbourhood of the towns; for the townsman would be sure to select as near as possible to the town, so as to be within easy reach by a ride or a drive.
1066. *Chairman.*] Does it not take population to improve land;—would not men be required to fence and build, and make all the other improvements, such as a townsman would require? Yes, but the genuine resident is always improving; whilst the other man would only improve just to a sufficient extent to save him from forfeiture under the law, and of course the class I refer to, that is townspeople, would, as I have said, be sure to take up their selections as near to the town as they could get, so that if any number of them exercised the right they would shut up all the land round the town, and prevent really useful men from selecting in its vicinity.
1067. Would not the population areas prevent that? Yes, to the extent of that area so reserved—in Deniliquin it is 4 miles. I may say with regard to improvements that several selectors waited on me prior to my starting to come to Sydney, and urged upon me to do all I could to get a regulation agreed to by which the improvements on a series of family selections, or on one, might all be taken into account together—that the improvements upon any one or part of a selection might go into account for the whole area selected; and that the value should not be confined to the one block or acre upon which the improvements were made; in fact, that all improvements above £1 an acre should be taken into account in favour of the other acres where improvements did not come up to that value. Then again, they suggested that the time within which the improvements should be made should be extended, as they doubted in fact whether as regarded land used for grazing it was fairly possible to make the required improvements in the time prescribed by law.
1068. Do you think that in framing the Land Act the idea of those who passed it was to raise up a second class of graziers, or was it to establish a class of agriculturists, and to throw open the land of the Colony for the spread of agriculture? I imagine that the idea was to enable the people to go upon the land and to use it in the most profitable manner they could.
1069. *Mr. Stewart.*] To attract population in fact? Yes, and without dictating to them whether they should be agriculturists or whether they should be graziers.
1070. *Chairman.*] Do you not think it would be unjust to the Crown tenants to introduce the same class of persons as themselves upon the land, to enter into competition with them, and to give to those persons advantages denied to the Crown tenant? Not more unjust than for a landlord who has a number of houses to let one for the carrying on of the same business, if so chosen, as that followed by the previous occupant of one of his other premises.
1071. But you must remember that the land is under lease to the Crown tenants, and that you take it from them to give to these others who are competing with them? I would only point again to what an ordinary landlord would do under similar circumstances. If he had land leased out on similar conditions as those under which the squatters hold, he would have no hesitation where he found he could make a better bargain with small men, about cutting up his property into smaller lots, and improving his income. In this case the State is the landlord, and under the terms of the squatters lease the State has the power to resume any portion of the leased lands, and so to give encouragement to a class of smaller tenants by leasing out to them lesser areas than those now held.
1072. By introducing this class of small graziers do you think that you would have more population on the ground? Yes, most decidedly; and you would have them employed in a business suitable at present to the mass of the country—grazing.

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1073. Then you would by your plan have more people but less bullocks and sheep? We would not only have more people but more bullocks and more sheep too. If we had more people we should by improved management be sure to have more stock also—the only changes would be that the stock would be larger and also in a larger number of hands.
1074. To further continue your idea of establishing a class of small graziers on the land, what would you say to cutting up the large areas now held as runs by the Crown tenants into small runs of 25,000 or 50,000 acres? I think it would be a very desirable thing, and that if it could be done, even to much smaller areas—to five, ten, or fifteen thousand. But I confess that I do not see my way clear to doing it, unless you enforced the principle of the Land Act, which declares that on the expiry of their leases the lessees shall have no right in respect to the land held by them. But there is great objection to any squatters doing that.
1075. It has been suggested to this Committee by gentlemen well acquainted with pastoral pursuits that to carry on grazing on a small scale will not pay? In that they make a mistake. I can point to men who have for years furnished proofs to the contrary.
1076. Is that statement accurate? No, it is not.
1077. I suppose you know as a fact that many of those who are now large squatters began their business in a very small way? That is well known; and I myself know an instance of a man who recently, having a selection of 320 acres and his son 320 acres, with a portion of grazing right, sold his few cattle, and spent £147 in the purchase of sheep. Within one year from that purchase he will clear £290 from his fleeces and his lambs, and have his ewes still left. That is on Avatula Run.
1078. *Mr. Rodd.*] Do you think the Colony would benefit if the runs which are now carrying 50,000 sheep were cut up into eight or ten or twenty small runs, and conditions of residence and improvements were made in the leases;—would it be more beneficial to the Country to have that number of persons resident on the land in the place of one squatter? There can be no question about that. The more people we have the better for everybody. Were it not for this possible influx of population our towns would stagnate and die out.
1079. Does not the same argument apply to the residence condition under the 13th clause of the Land Act. You contend that if townspeople were allowed to select without residence, such selection would be sure to lead to jobbery; but he would have to improve, and improvements could not be made without labour, and though his labour would be bought labour would it not bring people on to the ground and so benefit the Country? Yes, to a certain extent; but then he would not employ so many hands as the selector who lives on the ground and is settled on it with his family. Neither would his improvements be so great or so continuous. The first thing a man would do if he took up ground as you suggest, would be to improve it up to a certain amount, to the extent prescribed by law, and then the improvement would cease; whereas with the man who is settled on the ground the improvements still go on, even after the limit prescribed by the Act is reached. If at the end of three years he has complied with the law, he still goes on improving, and at the end of the next three years he has probably added improvements to the extent of another 20s. or more an acre. But besides this, the great objection to doing away with the residence in any case is, that it will be sure to lead to wrong doing.
1080. *Mr. Stewart.*] Do these improvements you speak of render the land more productive? Certainly; until it is improved very little can be got from it, except that obtained from the natural herbage.
1081. And the holders of small properties can improve much more efficiently than the holders of large ones? Yes, because the care and attention cover the smaller area of land much better. As, for instance, the large man after a good deal of study and consideration will have a well made or a dam constructed in some particular part of the run; but whilst he is thinking about it, the small man will have sunk or made half-a-dozen of the one or the other where likely or required. And I may say here that notwithstanding all that has been said about the dry character of Riverina I have never seen any difficulty about getting water. There is not a man that I am acquainted with as yet who has failed to obtain water by sinking.
1082. *Chairman.*] Do you get it by sinking for springs, or from the surface? From springs and by dams on water runs.
1083. What depth do you have to sink? Once a selector sunk no more than 4½ feet; the depths lately gone have been 14 feet; and the deepest sinking I know of at present on Mr. Landale's run, by a recent selector, is 41 feet.
1084. And you get good water at that depth? Yes, perfectly good.
1085. *Mr. Stewart.*] What do they have to come to to get water—gravel? We meet with no stone; we go through the top soil, a great deal of clay, and meet the water in a layer of gravel or sand.
1086. *Chairman.*] Do you recommend to the Committee any remedy or check for dummyism? Yes. I think there are several regulations which might be made that would have the effect of checking it. In the first place I would recommend the appointment of an inspector of selections.
1087. You would recommend the appointment of an inspector? Yes; but I do not know but that the police might very well do this duty, since in their going about the country these selections come very much under their view. Our police, in the Deniliquin district, are a very good body of men, from the officers downwards. The sergeants in charge in the town have resided there for a long time, some fourteen years, I believe, and know the country intimately. They would have no trouble in looking up these selections, either specially or in their journeys, and I am sure from the character of these men that they would do the duty conscientiously.
1088. Do you not think that the purchaser would have some little objection to being placed as it were under the surveillance of the police? No. Because the real settlers would know the object for which it would be done, and would be only too glad to see that so important a matter was being attended to. The police are employed in collecting the Census, in making out the Electoral Roll, and in gathering general statistics, so that they know all the various localities, and most of the persons living in them; they go to the different farms and holdings, and ask questions for the purposes of these returns; and where would be the difference in their asking questions in connection with the selections? All that would be required would be to furnish them with a list of the selections from date to date, and the names of those who had taken up, and they would soon find out whether the conditions had been complied with.
1089. Are the men in the Force intelligent enough to conduct a correspondence and to draw up a report? The men in charge at Deniliquin and other places have always been intelligent enough for that, and some-

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thing more. In general, we have either a sub-inspector or a sergeant in charge, and I think these might be made the means of good in the direction of checking dummyism. This dummyism however is mainly carried on by means of an agent—a man who takes up selections for parties who do not show themselves. A commission agent may be delegated by a squatter to go to the land office and put in the names of six and twenty persons whom he (the agent) knows are living in Melbourne. The applications are received, and the money is paid, and there is nobody to say a word about the matter. Now, as the dummyism is carried on in this way through an agent, I would suggest that in all cases where land is selected for another—except where a father selects for his children—but in all other cases that when the second month comes, when the selector must take up his residence on the ground, the party for whom the ground is taken up should appear at the land office and make a declaration that he is the person for whom certain land has been selected. It migh run something in this form :—"I A.B. do declare that I am the person for whom C.D. took up so many acres in such a parish on such a day." You would gain this advantage, that if there were a dummy in the case he would have to make his appearance.

1090. I gather from your evidence with respect to sales by auction that you think it would be best not to sell land by auction within a certain distance of a town? With the exception of town and suburban lands.

1091. With that exception you think that only land outside a certain area should be sold by auction;—would you have that land put up at the same upset price as if it were near the town, or would you classify the land, putting it at different upset prices? I have not thought much about that point, because my acquaintance with the land itself is not so intimate as to enable me to say what it is worth in different localities, or to give an opinion as to whether there is any great difference in the general land; or whether in buying a block you would not get it of mixed quality, with as much good as indifferent. I confess that I am not acquainted with this part of the subject—the relative value of land. From all I hear it appears to possess, broadly looked at, much the same intrinsic value, excepting any differences arising from position.

1092. With regard to the pre-lease, are you of opinion that the conditional purchaser desires to obtain it if he can get it? He does, in all cases.

1093. They approve of the principle? Yes. Where the selection is taken up with a view to grazing it is very advantageous, and directly necessary. It enables the single man who can only take up one selection to do a little in the way of grazing.

1094. Are you aware that there has been a great deal of delay and trouble before selectors have been able to get their pre-lease from the Lands Office? I am, and I may say say that I know a man—one named John Rogers, on Perracoota Run—who applied three years ago for his pre-lease. There was then no purchased land within 3 or 4 miles on either side of him. He got an answer from the Department, informing him that he could not have the land, because it came within the pre-emptive leases of Messrs. Robertson and Wagner, who had bought large quantities of land in that neighbourhood.

1095. Who are they? They are large coach proprietors, and carry on business as Cobb & Co. They own the Perracoota Station, near Moama. Their grass rights are given in such a way, though I have never been able to discover how it is done, that they have miles upon miles of country secured—not adjoining their purchased lots, but stretching away in a long line miles behind it. However, in consequence of this, John Rogers was not able to obtain his grazing right, although the grass rights of Robertson and Wagner did not adjoin the original purchase, as they ought to have done.* With regard to the action of agents in taking up land for other persons, I should like to mention to the Committee that it is not at all clear whether such action is legal or not. I took so much interest in this matter that I had the opinion of two legal gentlemen on the point—that of Mr. Robertson, the Member for The Hume, and that of the Attorney General, Mr. Butler. Unfortunately their opinions clashed: Mr. Robertson said that it was not legal, whilst Mr. Butler said that it was. The cause of my taking this opinion arose in this way :—One person, who was acting as agent for a certain principal, gave his papers over to another person, to go and put them in for him; as thus :—A being the agent for B, gives his papers over to C, making C the agent of B, or the agent of an agent. I thought that if this thing were allowed it might be carried on *ad infinitum*, so I took professional advice as to its legality. One lawyer said it was not legal; the other said that the only difficulty was that it was not proved whether or not the first agent had given a written authority to the second one to act for him; or, in other words, admitted the legality if a written order had been given. I have reason to believe, however, that the present Secretary for Lands thinks that the party selecting must be present in person at the time of selection—at least, that was the tendency of an opinion which he expressed to me yesterday.

1096. With regard to the present tenure by the selector of his pre-lease, what is your opinion with regard to that? My opinion is that it should be made more secure.

1097. Do you think they should have it for a fixed term? Yes.

1098. Or for a term, with a right of purchase? The right of purchase would be an advantage.

1099. Do you think that would be acceptable to the selectors? I do.

1100. For what term of years would you give them a lease? I should say that three or five years would be sufficient.

1101. Would they generally, within three years, be in the possession of means to purchase the leased land;—would they, do you think, have this after having paid up the money on their conditional purchase? As a rule, the selectors who take up land in our district for grazing are comparatively wealthy men. Further north I have been given to understand that they are a different class of men—that they are very poor indeed, and can scarcely live upon their selections, which are small.

1102. Then, without defining any particular number of years to which the lease might extend, you think it should be at the option of the selector to purchase his leased land? Yes, but not three times the area of his selection. Under the circumstances you mention, if his tenure is made more secure I do not think that he should be allowed to take more than double the area of his selection.

1103. *Mr. Rodd.*] In that case where would be the necessity of any pre-emption, supposing we increased the area of the original selection, as you have suggested? No, there would be none. If that increase of area

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NOTE (*on revision*) :—From subsequent inquiry at the Department (Dec. 4), I find that the refusal to Rogers is considered quite correct, as the several station freehold purchases, from time to time, were lumped together, and the grass rights, as a whole, proportionately extended, going beyond Rogers' 320 acres northwards some 3 miles or more. If each particular grass right had been required to "adjoin" its purchase, as a basis, Rogers could have had his pre-lease; but, as the law is interpreted, he cannot, nor can any other selector on this "preserve."

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area were granted, I think we might wipe away the grass right altogether. As it stands now, it is of very little use to anybody, and has been provocative of ill-feeling not only between the squatter and the selector but between neighbouring selectors. There are many opinions expressed about the grass rights, and its being utterly valueless, since often no sooner is it taken up than it is selected upon.

1104. You are aware that the rent of the runs throughout the Colony is fixed by appraisers? Yes, and it is a wrong system altogether; an incalculable amount of revenue has been lost to the Country by means of that system.

1105. Have you noticed that there has lately been a great falling off in rents of runs? Yes; and according to the rule which these appraisers act upon, the rents should vanish altogether in a few years, and the State give a premium to the squatters for holding the land; that is really what the logic of the thing would lead to. I was noticing to-day the list of appraisements published, and I find here, among numerous others, the case of a run called Nerriwa, belonging to Mr. M'Culloch. The old rent was £70 a year, the new rent is £27, being a reduction of £43 a year, and the reason assigned by the appraiser is, that the Crown tenant has made a well which cost £50. Now, if within the next term he makes another well worth £50, he will have to pay no rent at all, but on the other hand the Government will have to pay him something. If this sort of thing is allowed to go on we shall in a very short time wipe away our squatting revenue altogether. I think that throughout we have followed a most unjust system in our mode of leasing the public lands. Upon the same principle that you allow the Crown tenant to call in his arbitrator against the Government, any landlord of a shop in George-street ought to allow his tenant to call in an arbitrator to fix his rent. The thing is absurd on the face of it, and a more ridiculous principle could not well have been devised. The Government itself should fix the rent without reference to the tenant.

1106. That is by an officer of its own? Yes.

1107. I suppose you are aware that the Government of South Australia did something of the same kind when they appointed Mr. Goyder to go round the runs of that Colony, and to value them? I do.

1108. Do you know what the result of that plan was? I know that it increased the revenue of the Colony very greatly, but how much I am not prepared to say. In my opinion the Government should fix a rent upon each run, and if the present lessee refused to pay it he should leave, and another who would pay it should be allowed to come in and take the run from auction. I cannot see any difference between a pastoral run and any other estate, except that the run is the property of the public; and we shall never come to anything like a satisfactory settlement of the matter until runs are dealt with in the same way as all other property.

1109. *Mr. Rodd.*] Do you think it would simplify matters if rents were paid in proportion to the quantity of stock fed on the run? No; no more than charging a tenant rent according to the business done on any premises; a squatter might take care that the run should not carry all it ought to do. And then I fancy it would be rather difficult to get in returns of the stock fed. How are you to get them—is the lessee to furnish them?

1110. I see no reason why he should not? In that case they might be understated.

1111. I should imagine that returns might very easily be obtained, especially as the grazing capabilities of the run would be pretty well known? Yes; but still there would be a difficulty, because you could not tell absolutely how many head of stock a certain run could carry and did carry. It is well known that men of the greatest alleged experience differ in opinion as to the grazing capabilities of a particular country. It would be very much better if the Government fixed the rent by a special officer, who should be responsible for what he did, and should be authorized to say what the rent should be. It certainly ought not to be dependent upon any return sent in by the squatters themselves, for such capability would be sure to be under-estimated. And I say this in no illiberal spirit, for it is not expected that a man should be too liberal as against himself, or that he will overstate rather than understate what he has to be charged for, if he himself has to give the return. I do not say that the Crown tenant would willingly do wrong, but we know that the tendency in such cases would naturally be to take care that as small a bill as possible should be brought against them, and there would be an attempt to show that an animal required more acres to feed it than it really did require. We know very well that not very long ago it was estimated that 4 to 6 acres per sheep were required for feeding, but now many graziers do with 3 or 2½ acres, and some with less than that. However, that is hardly a guide, as we know that country varies in quality as far as feeding is concerned. But apart from all this, it is essentially the business of the Government, being the person who lets the runs, to state the amount of rent at which each shall be let.

1112. *Chairman.*] Has your attention been drawn, or have you heard complaints about the state of the maps and charts in your local land office, and of the surveys in the field, so that the selector is not certain what land is reserved, and what is open for sale? Yes, that is the general complaint everywhere. And with regard to the reserves, I was completely staggered yesterday, when in a conference with the Land Minister I found that there was no legal foundation for a certain complaint that was sent to me. 5 or 6 miles from Deniliquin, a man selected, but ultimately found that he was on a reserve, that one of his selections cut into a reserve, and a second a good bit in another. The man sets to work to find out the reason, and this was ultimately effected; the very people who tried to keep all out by a reserve got the reserve cancelled, but managed to fit the proclamation of the revocation and the day of auction sale so well to each other, that no opportunity was given for legally free selecting the land. The proclamation of the revocation carries thirty days with it, so that land cannot be selected on a revoked reserve until after the expiration of thirty days from the date of proclamation. Almost at the same time as the revocation the proclamation was issued for the sale of the land, the thirty days expiring the day before the sale, and not on a land day, so that the land could not be conditionally purchased. In this way the people who had worked the matter got it all their own way, and bought the land at the sale at the upset price.

1113. *Mr. Rodd.*] Did that case occur recently? Yes, only the other day. It is one of the cases that I had to bring before Mr. Farnell yesterday. You see they had no opportunity of finding out how the matter stood and making their selections right before the sale, because no land day intervened between the end of the thirty days and the day of sale.

1114. How long have these reserves been in existence? Ever since the Land Act came into force. There is an example of the extent to which these people will go in the case of the Morago Run, where the lessees were so active in obtaining reserves that they actually got reserved more land than the run contained. However, notwithstanding all this, I am happy to say that only last month the first selection was made on this run by a man with eleven children.

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1115. In the case you alluded to the land was sold by auction immediately on the expiration of the thirty days? It was.

1116. Who were the purchasers? The tenants of the Crown of course. I never knew anybody else buy at an auction sale, and never knew any two competing bids at a sale. With regard to these reserves, they ought to be marked in the maps of the land office of the district in which they are situated, as soon as possible after they are proclaimed; and the land agent should keep a book in which all these reserves should be entered, so that a selector by consulting it might know at once in what direction the reserves were situated. This could be done very completely, and without any expense whatever; the proclamations setting out the boundaries of the reserves are always published in the *Gazette*, as are the lots to be sold at land sales. Slips of the latter are sent out by the Government Printer to different offices, and it would be very easy to get slips of any additional reserves, and to paste them in a book for reference. In that way you would be able to see all the reserves that concerned the land in the district. People would then know where to go to select, but now no one knows anything. The selector cannot be expected to know; the land agent does not know; the surveyor will not know; and so the poor selector goes out, takes up land, and after having spent a bit of money on it, finds that he will have to forfeit it for being on a reserve, a block of purchased land, pre-emptive, or something else. However, to meet the case I have alluded to, I would recommend that no land which has once been included in a reserve should be offered for sale by auction until after one month's notice of the revocation of the reserve had been published in some local paper; or, if there be no local paper, then that such a notice should be posted outside the land office.

1117. *Mr. Stewart.*] So that all parties should know that it was open to selection? Yes, or that it was not open, being reserved. People ought to be kept well informed in all directions. The squatter is always well informed in all such matters, as his agents in town keep him pretty well posted up. The selector, however, is not, for he has no one to direct him or look after his interest. He has to find his way in the dark, and has not only to lay out his money as prescribed by law, but is uncertain when he does so whether he may not be spending it on a reserve or on somebody else's land. In the case I have referred to, the man took up the selections in August or September, and now it is November, and the man has been kept all this time uncertain whether he would get the land or not.

1118. *Chairman.*] It has been represented to us by some of the largest landholders in Riverina that there has been an organization set on foot in Victoria to select the entire area of certain runs in Riverina, for speculative purposes, and not for the purpose of *bonâ fide* settlement. This has been stated in a document signed by over thirty runholders in Riverina;—have you become aware of anything of the kind? I have never heard of anything of the kind, or of its being intended. The only thing of the kind I know is that one speculator came to Deniliquin; he just looked round him, did not stop long, and did nothing there. I believe he went on to Hay.

1119. You are not aware then of any such organization, nor of whom it is constituted? I know nothing at all of it, and I should like you to have these thirty gentlemen here to examine them on the point. Certainly it may exist, but I have never heard of it, and I do not really think that it has ever been heard of by them in such a way as to lead them to believe it.

1120. They also recommend that the conditional purchases of minors should be cancelled;—is that a principle of which you would approve? It is not.

1121. They further recommend that land once surveyed should not be allowed to be selected, but should be sold by auction only;—do you think that the people would be in favour of that? I think they had better at once apply for the freehold of their runs as a gift.

1122. Would the general sentiment of the Country be in favour of such a thing? Certainly not; the thing is simply ridiculous.

1123. The Committee would now feel obliged to you for any suggestions you may desire to make in regard to what you may consider to be necessary alterations of the Land law. The gentlemen from whose memorial I have just quoted recommend certain alterations, and we should like to hear what is said on the other side? Why, their recommendation that the land once surveyed should not be open to selection seems to me too monstrous to be entertained for a moment. They would only have to get their run surveyed and then nobody could touch them.

1124. Have you considered what portions of the Land law you would consider it wise to amend, or could you suggest any alterations which would improve them? I cannot see any valid reason why the applications for land should not be made on more days than one in the week. The land day is now limited to one day in the week, from 10 o'clock to 4, and there is really no reason why this should be so. On the contrary, it is objectionable for the reason that it brings men together at the one time and place, and then these collisions take place, and these clashings of applications which have brought about very absurd decisions of our land agents. Why a person cannot make an application for land just as he can make an application for a summons I do not know. If this were permitted, it would do away with most of the chances of dispute, and would be a very great convenience to the selector. Now men are brought together simply because there is the one day and the one hour fixed for all parties. If I want to take up land I go to the office on the particular land day, and if another person wants the same land he has to go to the office on the same day; we are brought together, and a dispute arises. But why should we be brought together, when by allowing the applications to be put in at any time we might be kept separate; no dispute would arise, and the land agent would have no difficulty in deciding who was the first applicant?

1125. *Mr. Stewart.*] What is the land agent doing all the rest of his time? He has quite enough to do; but still he would have time to attend to this matter as it occurred.

1126. Is he the Clerk of Petty Sessions there? Yes.

1127. As arranged now, he only attends to the land business on one day in the week? Yes.

1128. And if the work which he does on this one day were divided and spread over the six days, it would cause less confusion, and give the agent no more work? Exactly; and it would at the same time do away with the cause of much of the ill feeling that prevails between the selector and the squatter. It would prevent their being jostled together over the selections; and we should not have men coming with a whole pocket full of applications, ready prepared for the purpose of clashing with anything that might come in for the ground they wish to retain. In fact it would be better in every way.

1129. Where does the land agent take up his position in the land sales room? He sits at a table, and then the applicants crowd round him.

1130. In that case the strongest men would have the best of it? No, they are all there together, and there is not such a crowd but that all cannot get to the table who require to do so. But I object to the plan

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plan pursued. Every man should be served in the order in which he comes. If he is first he should be served first; if second, served second; but I do object to a man who may come in third being allowed to put in an application to clash with that put in by the man who was first. All this would be avoided if land were allowed to be taken up at any time, just the same as you would allow a summons to be taken out.

1131. *Mr. Rodd.*] Does the land agent act impartially? Sometimes, I am sorry to say, I have suspected him of a leaning towards the squatter. In one or two instances decidedly so. I have known him to shut up the land office in the middle of the day for an hour, and public rumour, which was very busy on the subject, declared that this was done for a particular purpose. However, whatever it was done for I thought it a most improper thing to close the office at all.

1132. *Chairman.*] Has the land agent in any way forfeited the confidence of the general body of the selectors? That is a very difficult question to answer. From what I have seen and heard, I should say that there was a degree of suspicion in regard to the land agent on the part of the selectors as a body. This has been, to a certain extent, justified by the acts of the agent; but things are better now since this gentleman has had Mr. Finley associated with him. Business is conducted more regularly, and there are fewer causes of fair complaint.

1133. What are Mr. Finley's duties? Office duties in connection with the land. I will not say who superintends that branch, because I do not know their relative official position; but from what I have seen I should say that though Mr. Broughton is land agent yet Mr. Finley has been sent to give him directions; and I say this by reason of the following circumstances:—On the 6th November two selectors named Tomkins and Cust attended at 10 o'clock—Tomkins' were taken first, and Cust's second, as they were on different runs. While Tomkins' were being entered, at 10·10 Mr. George Peppin, the owner of a run, came in, and when Cust wanted to proceed with his, claimed that his (Mr. G. Peppin's) would clash, as Cust's were on his run.

1134. Who was the second applicant? Mr. George Peppin, the owner of the run. Cust's application was for land on his run, and he knew it, and although it was in ten minutes before his he claimed to come in and demand a ballot. When I saw this, I objected at once to the second application being then received. Mr. Broughton hesitatingly agreed, but Mr. Finley, without referring to him in any way, at once said that Cust was the first, and that he must have the land. As he said this without reference to Mr. Broughton, I concluded that practically that gentleman was superintended by Mr. Finley, and had to take his orders from him. As to their official relations, however, I cannot say how these stand.

1135. Taking the Land Act as a whole, what is your opinion as to the working of it—has it been satisfactory? I think the system of public auction sales is carried much too far.

1136. Is that a part of the Act? Yes. I think the notice of the sales is far too short. In some cases it is not a legal notice, or, if legal, only just barely so. Then land is offered for sale without any maps, charts, or tracings, except those sent up at the very last moment, perhaps only eight or nine days before the sale. All these maps, tracings, and descriptions ought to be on the ground—in the office at which the land is to be sold—as soon as ever the land is advertised for sale; and I would allow no land to be sold until a month after these plans and tracings were made public in the local land office, whatever that time might be.

1137. *Mr. Stewart.*] At present there is a total want of publicity? Yes. This would not be the case if the plans were exposed in the land office for general information, with a notice on them that the land was to be sold on such a date.

1138. *Chairman.*] Would you be good enough to append to your evidence any recommendations you may consider it desirable to make with regard to amendments of the Land law—in the Land Alienation and the Land Occupation Acts—whether as regards the sale or the lease of land? I shall have much pleasure in doing so.

1139. It was proposed in Parliament some time ago to introduce a Fencing Bill, but when it came on for discussion there was a great diversity of opinion upon it. One party declared that it was the only safeguard of the selector; the other that it took the sting out of free selection, and would destroy the selector; —have you formed any opinion upon this point, or do you think it would be desirable to compel the conditional purchaser to fence his land (say) within three years? I look upon fencing as being absolutely necessary for the genuine use of the land.

1140. Do you think it would be acceptable to the conditional purchaser, who has to lay out a considerable sum of money in other directions in first taking up his land, if he were compelled to fence it in within a certain period? When a man selects he ought to look at his means, and be sure that he has the wherewithal to carry on upon the land he has taken. If he has not the means of fencing it in he ought not to go upon the land, as he will never otherwise get out of it all the advantage he ought to have to make it pay him. I do not think that men should be attracted to go on the land to be idle, or to take up more land than they can make use of or make the most of.

1141. *Mr. Stewart.*] And they cannot make the most of land until they do fence it? No, certainly not. The time, however, is rather short to bind him down to fence in the whole of his purchase, especially if he is a man with a large family, for whom he has taken selections. I would extend the time for a longer period, and I would also allow him to make terms with the richer man whose land bounds his. With such qualification I do not see any difficulty in the way.

1142. Is it now the rule amongst the selectors in your district to fence? Yes; most are fencing in now. In regard to fencing, however, they should not be compelled to fence in their grass rights, because the tenure by which they are held is too insecure to warrant them in going to that expense. However, the principal people who have selected in our district are men who are well to do, and can afford to do everything that is required to make the land available. This they know can only be done by fencing. If they had not the money for securing all their selection in, they would have taken up less land, and would have fenced that less area in.

1143. *Chairman.*] Are you aware that of the total number of free selectors in the Colony not more than 25 per cent. have taken up areas exceeding 80 acres? I am not at this moment.

1144. That being the case the free selectors, as a class, must necessarily be poor men? I should imagine so. Nearly all our selections in the Riverine District, about Deniliquin, are above that area.

1145. But I mean the free selectors all over the Colony of New South Wales? Yes, I perfectly understand.

1146. Do you think a Fencing Bill would be acceptable to the free-selectors of the Colony generally? I think it is absolutely necessary, but I have no doubt that there are a great many among the selectors who would rather not have it.

Mr. J. F. Mayger. 27 Nov., 1873.

1147. But what do you consider would be the general sentiment? Speaking for those I know in the Riverine District I am sure they would nearly all be in favour of it. It is a question that has not been talked over there much, but they are intelligent men, and they know that they cannot use the land to advantage without fencing. If he combines grazing with agriculture he would have to shepherd his flocks if he did not fence.
1148. Would you make the man who buys land fence it in, as well as the man who selects? Yes. They should be put upon the same footing, and the purchaser should also be compelled to pay his share of a party fence, on his receiving proper notice from the other party.
1149. That is the law now? Yes, I think it is; but it is an old law.

WEDNESDAY, 3 DECEMBER, 1873.

Present:—

MR. LUCAS, | MR. RODD,

MR. STEWART.

JAMES AUGUSTINE CUNNEEN, ESQ., IN THE CHAIR.

Mr. John Black called in and examined:—

Mr. J. Black. 3 Dec., 1873.

1150. *Chairman.*] I believe you are an old resident of the Colony? Yes.
1151. And have been a conditional purchaser for many years? Ten years.
1152. In what district? The Hunter River District.
1153. What is your experience of the effects of conditional purchase in regard to yourself and conditional purchasers generally, that you have come in contact with, as it at present exists? The principal objection is, that in my case and a great many others it does not allow a man a sufficient quantity of land.
1154. You do not think 320 acres a sufficient quantity? Not nearly enough.
1155. Do you think that is the general impression amongst the class you are connected with? Yes; all that I have came in contact with always complain about the difficulty of getting enough land.
1156. They wish to extend their holdings, and would do so if they had the means? Yes, they generally extend them as soon as they can.
1157. Have you resided on the same selection during the whole ten years? No; I have been for the last seven years on one.
1158. Then you have conditionally purchased more than once? Yes.
1159. Have you formed any idea what quantity of land should be permitted to be taken up as a maximum? For a grazing country a man ought to have at all events 5,000 acres.
1160. For ordinary purposes of conditional purchase, farming and all, do I understand you would allow selections to range from 40 to 5,000 acres? Yes, that is what I mean. On fair grass country to combine grazing with a proportion of cultivation, but not on rich agricultural land, such as the coast rivers.
1161. And you would allow any person who has already conditionally purchased to extend the area of his holding from 40 to 5,000 acres? Yes, or any less quantity.
1162. *Mr. Lucas.*] Upon what conditions? Something similar to what they are at present.
1163. Why would you limit the quantity taken up to 5,000 acres? Because in a grazing country less would not be worth holding.
1164. Why stop there—why not say 10,000 acres? That might look like monopoly.
1165. That is the only reason? That is the only reason; so as to let every one have something.
1166. Then if it were not for the look of the thing it would be better to have no limit? It is better to have a limit, or one man might take up the whole Colony.
1167. Do you know how much land there is in the Colony? I know there is a great deal.
1168. *Chairman.*] Would you insist upon residence and improvement? Yes, most decidedly.
1169. Then you would simply extend the principle of the present law to the right of taking up 5,000 acres instead of 320 acres? Yes. The terms and conditions of the present Act are excessive; a fair average, in a fair average season, is one head of cattle to the 6 acres—the year round, as at present constituted; that comes to £12 per head, or an equivalent in interest for every head of cattle the land will carry.
1170. What advantage would that be to the people of the Colony generally;—do you think we should get a middle class between the very poor selector and the very large squatter? Yes, certainly you would.
1171. Do you think that if that was allowed it would induce people of capital to come to the Colony? Yes. I have known people to refuse to come from England because there was no law of that sort in force—because they could not get land sufficient to live on as freeholders.
1172. They wish to be freeholders of a more wealthy class? Yes. They could have come here with about £2,000 each. No man would come to this Colony from England, to become a free selector, who knows the terms, and what he is likely to encounter.
1173. You know that of your own knowledge? Yes; a letter was written to me asking for my opinion.
1174. You say that if the area was extended you would require the same conditions of residence and improvement as at present? Yes. A longer period of residence before transfer—five or seven years.
1175. £1 an acre is the required value of improvements now? That would be too much.
1176. You think that if a man selected 5,000 acres that would be too much capital to require him to lay out? Yes. If a conditional purchaser fences his land substantially, and waters it, if dry, it should be sufficient improvement to insist on.
1177. Would you have the improvements in that case completed within three years, or would you extend the time for making the improvements from three years to five years, or any longer period? I would give five years. The terms of improvement should be easy, to admit of a conditional purchaser laying out his capital in stock if the land is chiefly adapted for grazing.
1178. *Mr. Lucas.*] How much land have you selected? I hold nearly 2,000 acres now.
1179. How did you manage to take so much? In different names.
1180. Members of your own family? Yes.
1181. Your children? Yes.
1182. How old are they? Fourteen or fifteen.

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1183. What is the age of the youngest? Quite young; but I have never selected for the youngest.
1184. What was the age of the youngest you selected for? About ten years. Ten now.
1185. Have you taken up any land and sold it? Yes, I sold the first lot, because the area could not be extended with advantage.
1186. What quantity? My first selections came to a little over 400 acres.
1187. How did you take them up? One in my own name, and one in the name of my sister-in-law.
1188. Had you resided on the property the usual time when you sold it? Yes.
1189. And you have selected again since? Yes.
1190. How much land have you in cultivation? None at all.
1191. Your object is grazing? Yes.
1192. Have you any pre-emptive right? Yes.
1193. How much? Only about 500 acres that I can call my own.
1194. How do you mean that you can call your own? There are so many difficulties about getting it—to know whose it is.
1195. Do you mean that you have only 500 acres pre-emptive in right of the 2,000 acres you have taken up in the names of yourself and children? Yes.
1196. How long is it since you took up that land? Seven years ago.
1197. How have you improved it? I have fenced and watered it, ring-barked the trees, taken out burrs and thistles and stuff of no value, besides having done other things to improve it. I have tried English grass seed, but it does not stand dry seasons, and box ridges are very dry.
1198. How many houses have you on it? I had to put a house on each conditional purchase, and some of them I have removed since.
1199. You have only one house occupied now? Yes.
1200. How much land have you fenced in? All of it.
1201. With what description of fence? Post and rail.
1202. How much did the fencing cost you? About £50 or £60 a mile.
1203. How many miles of it are there? Nearly 20 miles, including subdivisions. Upon calculating, the outside and dividing fences measure in length between 15 and 16 miles, the pre-right being in the centre nearly.
1204. Are you an Englishman? No, a native of the colony.
1205. You say you know of persons who have been deterred from coming from England here because they could not get enough land? Yes.
1206. How did you arrive at that conclusion? Because a letter asking my opinion on the subject was sent to me from a gentleman I know. My friends all live in England, and I have been there myself. In fact these parties who were coming here were my brothers-in-law.
1207. Are you in favour of allowing parents to take up selections in the name of their children? No, I am not.
1208. Nevertheless you took advantage of the law? Yes, I was obliged to do it in order to get enough land.
1209. At what age would you allow young people to take up land? At the age when they would be able to fulfil the conditions and live upon the land themselves.
1210. What age would that be, in your opinion? About fifteen or sixteen.
1211. They would be rather precocious if they could fulfil the conditions at that age? Boys are quite capable of doing that.
1212. You have taken up your land for grazing purposes? Yes. It cannot possibly be said that the land is adapted for other than grazing purposes; ploughing only spoils it.
1213. Have many others taken up land on the same principle? Yes.
1214. Are there many persons in your district taking up land for purposes of cultivation? None. They have tried to cultivate a little, but they have given it up.
1215. Why? It does not pay.
1216. Where are your selections situated? Near Muswellbrook.
1217. Is that not an agricultural district? The ground is good enough, but this year and last year the crops all failed. Its grazing country, box ridges—any person depending on cultivation would be ruined; patches rich enough to cultivate.
1218. Did many persons plough their land last year and this year? They all tried it but me.
1219. And all failed? All the late wheat is gone. The rust has taken all the late wheat.
1220. Could they find no other crop? The early wheat is poor stuff.
1221. Do they sow nothing but wheat? No; and very little of that; about an acre or two; they are all grazing.
1222. *Mr. Stewart.*] Sheep or cattle? Cattle.
1223. *Mr. Lucas.*] What do you consider the value of the best land in that neighbourhood? The best land has all been granted away many years ago.
1224. I mean the best Crown Land unalienated? It is not worth more than 10s. an acre.
1225. How is it it has been taken up by free-selectors at £1 an acre? They had no alternative.
1226. Could they not go further afield—New England way? Yes, they might do that.
1227. The land about New England is first-class, is it not? Some of it is.
1228. As a rule? I do not think it is first-class.
1229. Is it not notorious as a good wheat country? Yes, but it is soon overcropped. I consider that New England is a poor country, taking it altogether.
1230. Nevertheless it has got the name of being a first-class wheat-producing country? Yes.
1231. *Chairman.*] If you could have taken up in your own name the quantity of land you have taken up, by using the names of your children, would you have done it? Yes, certainly.
1232. You have taken it up for your children because the Act did not allow you to take it up yourself? Yes, because I could not get enough in my own name, or in any other way. If put to auction I would not have got an acre.
1233. Do you not think it more advisable that the Act should permit it to be done directly? Yes; a maximum of 5,000 acres would do away with all the necessity for using other names. There would be no fear of the genuine selector being closed in by Volunteer orders or dummies, and no occasion to resort to that practice on his own part.

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1234. Do you think that conditional purchasers generally would wish, if they had the means, to add to their holdings by additional conditional purchases? Yes, I am certain they would.
1235. What would be the result of that,—that we should have a middle class—a yeomanry—growing up, not so wealthy as the squatter, but not so poor as the ordinary selector? Yes; a class who would throw in their lot with the country, who would make it their home, and could desire no better.
1236. Do you think that a desirable class to have in the country? Yes, certainly.
1237. Then, with regard to the houses for the children, there has had to be a house built upon each selection to represent their improvement and residence? Yes.
1238. That was money thrown away? Yes.
1239. The houses were built, not because they were required by you but because the law compelled you to do it? Yes; money that could have been put into stock, to make the place pay, is thus simply thrown away, and benefits no one.
1240. You would have saved that expense if you could have selected the whole of the land directly for yourself? Yes.
1241. Could you suggest any other method of allowing people to increase their holdings than by taking up additional selections to the extent of 5,000 acres? Unless also by giving them a lease of the pre-emptive right, and the right to buy it; but in a vast number of cases conditional purchasers are disappointed about pre-leases.
1242. You could do that even if they took up the larger quantity? If the maximum were increased, as I suggest, I would do away with pre-emptive leases altogether.
1243. Do you think that would be generally acceptable to the class of free-selectors? I am sure they would all take advantage of it if they could.
1244. They would prefer it to the present doubtful position of their leases? Yes.
1245. *Mr. Stewart.*] Would you prohibit any man from holding more than 5,000 acres in any part of the Colony? No; a man might have a freehold in one part of the Colony, and still be allowed to select 5,000 acres somewhere else.
1246. If he had already obtained 5,000 acres you would not allow him to select any more? No; not by selecting any adjoining land, nor by making use of dummies.
1247. *Chairman.*] Not under the auction system? This would have nothing to do with the auction system. If the area were extended the auction system would dwindle to little in comparison.
1248. *Mr. Stewart.*] Do you think large landholders are so prejudicial to the advancement of the Colony? I have seen so much of it that I would not allow it. The ruin of all inland towns is attributable to single individuals holding as much land as would serve twenty or more families.
1249. How are you to prevent it? They should only get it by buying at auction, and if selectors could obtain a sufficient area they would not be so likely to sell out to them.
1250. You know of no means by which men can be prevented from accumulating more than 5,000 acres of land? No; by auction sale is the present system. There is rarely any competition, and it locks up the country from actual settlement. A much better plan would be to hold the land from sale, and charge a fair rent until applied for as selections; land near town is valuable and should be surveyed in smaller blocks for residence selections. Men engaged in business in towns should be allowed to select upon condition of improvements (fencing, &c.) without residence.
1251. *Chairman.*] With regard to the auction system, do you think that as at present carried out it is of advantage generally? It is of advantage to the persons buying.
1252. Is it worked in any way so as to render what remains of the public estate less valuable? It is.
1253. Do you think land is purchased with a view to getting the key to other portions of the public estate, or with a view to the intrinsic value of the land itself? It is generally put up to auction, and bought as a block to prevent other people from coming in; for instance, along the brink of a creek or gully where there is any chance of getting water, and of course no one will take the other country round about, it is bought in patches so as to deter conditional purchasers from settling near, and runholders, knowing the country, have a great advantage in picking out the choice spots before any other person.
1254. Do you think there is any danger of this leading to a monopoly of the rest of the unsold land? Nobody will take the unsold land if the eyes of the country are sold by auction. All the natural water supply about this part of the country was sold, and no access left, and I was two years on my selections before the dams held a supply.
1255. Do you not think it desirable that a regulation or order should be promulgated, that every surveyor who surveys land to be sold at auction, should report to head quarters if he considers its sale will prejudice the rest of the public estate? Yes, it would be advisable.
1256. Do you think we could rely upon the surveyors to send in truthful statements on that head? Any that I have had to do with I could always rely upon.
1257. Have you known many instances, practically, within your own experience, where sales by auction have been made to the prejudice of the value and usefulness of the rest of the Crown Lands? Yes, it is invariably done in that way; it is invariably bought at auction, so that the purchased land shall act as a block to stop people from selecting the back land, or as a key to adjoining country.
1258. To secure the water frontages? To secure the water frontages, if possible, or spots where water is likely to be secured by dams.
1259. Are the Volunteer land orders used for any purposes of that sort? They serve the same purpose; they are generally put round selections to block men out from their pre-emptive right, and to take up valuable spots likely to be selected.
1260. How is it, when you state that you think the lands are only worth 10s. an acre, that persons are so ready to give at the rate of £2 or £2 10s. an acre for land orders? The land orders are very valuable, because they act as blocks against other purchasers. Some land is worth much more—cheap at £1 per acre. Rich land on water is better worth £1 per acre than dry ridges are worth 2s. 6d.
1261. Persons do not purchase these land orders merely to enable them to take up 50 acres? Certainly not.
1262. But for some other reason? Yes.
1263. What other reason? To prevent anyone else getting it; to prevent an extension of the area in any likely direction, or to stop access to pre-lease, and to pick up choice spots where people are likely to settle on.

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1264. Would you have any classification of lands sold by auction;—do you think all lands should have the same upset price? For conditional purchase I would have them classified if possible.
1265. Why for conditional purchase—every man will take the best land if free to take it where he thinks fit? It is not all of one value. The best land has been given away or sold long ago. In every district there are thousands of acres of hilly country available for grazing, but certainly of less value than good rich country; all would be taken up if classified.
1266. You mean under the old grants in the settled districts? Yes.
1267. If land is to continue to be sold by auction do you think it desirable that land should be classified? No, not if sold by auction.
1268. With regard to pre-leases, do you find any difficulty in obtaining them at present? I have had great difficulty in obtaining mine.
1269. Do you think selectors generally experience the same difficulty? Yes, a great many of them do.
1270. How does that arise? In my neighbourhood it has arisen from the land having been granted in favour of old grants, as pre-emptive leases to them. It is very unfair to allow pre-leases in favour of these old grants being free grants; such a thing was never contemplated or expected; leased sections were changed into pre-leases by the lessees and owners of these old grants. The pre-leases which the A. A. Company (erroneously so-called, for they cultivate nothing) are as much entitled to as any one else, would include several counties and many squattages, but seeing it would interfere with the squatting interest it would be hopeless to try and claim it. It would have put a stop to granting leases in favour of any old grants, but as all that have been granted have only interfered with the grazing rights of conditional purchasers nothing has been done to oppose it.
1271. They take in large areas of Crown lands under their pre-leases? Yes, they take in the whole country.
1272. If a person selects on one of these large pre-leases, a pre-lease is not allowed within a pre-lease? No.
1273. You are aware it formerly was? Yes.
1274. Do you think it an improvement that it should not be allowed? It is best not to allow it, because it would lead to endless confusion.
1275. Do persons very often select within these old pre-leases, notwithstanding that they cannot get a pre-lease? Yes, very often.
1276. For the sake of the conditional purchase alone? In my neighbourhood the whole county is selected, but at the time it was done we had no idea that the country had been given away in pre-leases for these old grants.
1277. In the early days a good many selected under the rule that a pre-lease would be granted within a pre-lease? Yes. In my neighbourhood the land is computed to carry one head of cattle to 6 acres, so that 320 acres only carries about fifty cattle; or, if the terms are completed, the run of fifty cattle for land that has cost £640—an exorbitant price—and that is why I think the interest should be accepted to pay off the principal, or its hopeless ever to think of these selections paying off the debt on them. That is why selectors so frequently sell out, and leave. They would hold them if possible, but it is working the dead horse.
1278. Then the alteration acted prejudicially to them? Yes. Not one of them got a pre-lease except myself; I have a little.
1279. Did you experience much delay before you got this lease? Yes; I have been five years getting a lease from the time of making application until I got it, although the reading of the Act makes it appear immediately valuable.
1280. Have you paid any attention to leases of pastoral runs, and the rents paid for them? Yes.
1281. Do you think the rents paid are what might be expected in return for the use of these properties? No, they are not high enough.
1282. As compared with what a conditional purchaser pays for his pre-lease;—are you aware how it stands? It is not even so high as that. The price a conditional purchaser pays for his land is out of all proportion high to what the land is leased at to Crown tenants, and a cause of wide-spread dissatisfaction.
1283. You are aware that at present the rents are arrived at by appraisement? Yes.
1284. Has it ever struck you that these appraisements vary very much? Yes.
1285. Even of the same run? Yes.
1286. Or of runs of very much the same capabilities? Yes, runs close together.
1287. In the same sort of country? Yes.
1288. How do you account for that? Only by the different ideas of the different valuators.
1289. Do you think it is an advantage to the country to have these very large runs of 100,000 acres or more? No, it is not.
1290. If blocks of 25,000 acres were leased, do you think the pastoral system would be more productive, or otherwise? A great deal more productive. 10,000 acre blocks would be still more so; but if thrown open to selection in blocks of 5,000 acres infinitely more productive, both in revenue and natural productiveness.
1291. How so? A man that has only 10,000 acres would look after it better than a man who has 100,000. Besides, lessees would be more inclined to make the country their home.
1292. Do you think the public revenue would be benefited by the runs being let in smaller blocks? Yes, it would be greatly increased, I am sure.
1293. Has it ever struck you that there is any better way of arriving at the value of pastoral holdings than by appraisement? I do not think there is any other way of getting at it. It might also be got at by a valuation of the land, the interest being the rent; in the same way as free selectors pay now. If the one can pay that rate so should the lessee, especially as both live by grazing.
1294. You remember that in South Australia a Government appraiser (Mr. Goyder) was appointed to appraise all the runs? I have heard so, but I do not know the circumstances.
1295. Have you experienced any defects or shortcomings in the state of the maps and charts in the country offices? Yes.
1296. What deficiencies have you noticed in respect to them? There is no knowing what land is sold and what is not sold within (say) twelve months. The plans are not filled in or made up.
1297. Cannot the land agents give you any information as to land sold or not sold, or lands reserved or not reserved? No; they can give a guess, but that is all.

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1298. With regard to lands sold by auction—you are aware that if a private gentleman cuts up his estate he issues lithographs of it some time before the day of sale, to show the situation and extent of the lots;—is anything of that sort done when these large auction sales of Crown lands take place? No.

1299. Are people left in ignorance where the land is situated? They do not know where it is situated, nor its extent; and in fact they have no means of finding out unless by applying to the surveyor, who has enough to do to mind his other business.

1300. Do you think it advisable that the Government should act as other people in similar circumstances would do, and issue lithographs giving the necessary information? Yes; lithographs should be out at least six months before the land is sold, so that any one could get them in Sydney, or at the land office of the district, by sending the price in stamps, if living at a distance, by post.

1301. Do you think people would have any objection to pay a small charge for these lithographs? No, they would buy them readily.

1302. Are there many reserves in your district? Yes, there are several.

1303. Are you aware what description of reserves they are—reserves for water, reserves for townships, or reserves for travelling stock? Reserves for townships and travelling stock.

1304. Are these reserves, although proclaimed as reserves for the use of travelling stock or for townships, leased to Crown tenants and not open to the public? I do not know whether they are leased or not, but they are not open. The lease amounts to a mere trifle; all should be cancelled, especially the leases of proclaimed gold fields.

1305. If you run stock upon them when travelling, what is the result? You cannot; they are fenced in.

1306. Do you not think that is an anomaly? Most decidedly. Even station stock ought to be kept off them, to allow the grass to grow for the benefit of those intended to get the use of them. All sheep stations should immediately be removed from these reserves; they are generally kept bare as a road, useless as reserves, by station sheep.

1307. Are there many of these reserves in the Muswellbrook District? Yes, a good many.

1308. Are travelling stock much inconvenienced by these reserves not being open? Yes, they are put to the greatest possible inconvenience. A man's stock are starving, and cannot get a bite or a drink of water.

1309. Then, these reserves are nominally proclaimed for public purposes, but are closed against the public and fenced in? Yes, there is no getting on them at all.

1310. Has it come under your notice, or have you found it complained of, that very often when a selector gets a prelease the Crown tenant buys 40 acres of the prelease adjoining his conditional purchase, and shuts him off from the rest of it? Nothing is more common than that. That is the use the Volunteer land orders are put to; and dummy selections are made with the same object. I know a case that happened the other day. A gentleman selected 320 acres, and applied for 960 acres as a pre-lease; but no sooner was it gazetted than a shepherd had a selection just at the back of him, cutting him off from it. The land was selected by the shepherd for the squatter.

1311. How much was selected? He could not have selected more than three 40-acre blocks.

1312. What became of the other 800 acres? It was shut off from the selector.

1313. Is that a common thing? Yes.

1314. *Mr. Rodd.*] Has that happened recently? Yes.

1315. Could you give the names of the parties? Yes; but I would rather not enter into personal matters.

1316. Who has the 800 acres now? It was completely cut off from the man's selection, but it is his yet. I think the land should belong to the man who has paid the rent for it, although separated from his conditional purchase.

1317. Has that case been represented to the Land Office? No. The only way it will be represented will probably be in the Supreme Court.

1318. Have you known other instances of the same kind? Yes.

1319. Is there a bad feeling in your district between the pastoral tenants and the conditional purchasers? Not exactly in my district. Muswellbrook is not what we call a pastoral district. It is in the settled districts. The antagonism between the two classes is proverbial, and perfectly true; whilst the miserable scrap of 320 acres places the conditional purchaser quite at the mercy of the Crown tenant, especially as there is so much delay about the pre-lease.

1320. You understand what is meant by the dummy system? Yes.

1321. Is there much of that carried on? Yes, there is a good deal of it.

1322. *Chairman.*] What constitutes a dummy, according to your ideas? I call any one a dummy who has land selected in his own name with the intention of transferring it afterwards.

1323. Are there different descriptions of dummies? Yes.

1324. How many different descriptions? Three or four.

1325. What are they? There is the fellow who gets some one to select for him with the intention of transferring; the dummy lives on it and transfers it at the end of the year, or three years, if he is asked to do it.

1326. What class puts forth this sort of dummy? Both the squatters and selectors work that system.

1327. The selector in order to increase his holding, and the squatter in order to block the selector? Yes.

1328. What other class of dummy is there? There is the dummy who never resides at all on it.

1329. Is he a myth? No, he is not a myth; the land is selected for him; he will go upon it when the surveyor goes, and go away when the surveyor goes away; he goes to the land agent at the end of the three years, makes his declaration, and transfers to the person who employed him. The land agent knows nothing about it. I have known that to be done frequently.

1330. Is there any other class of dummy? There is another way of doing it—being a selector for a man, and some one else may personate him, and another party again go and make the declaration, and transfer it. Land may be taken up in the name of a myth, or otherwise. Any one not known can personate.

1331. Instead of the man himself? Yes.

1332. How would that be done? It is very easily done.

1333. Would you state a case? I have heard of it having been done; I will not say by whom; but it can be done in this way:—I will say I want a piece of land; I select it for some one who does not show up; at the time the surveyor goes up to survey the ground any man goes and says he is the man the place was selected for; the surveyor cannot tell; and at the end of three years either this man or any other man can go to the land office and make a declaration and transfer it.

Mr. J. Black. 3 Dec., 1873.

1334. *Mr. Rodd.*] Has this been done by conditional purchasers to increase their holdings? It was not a conditional purchaser that I heard of selecting that way. I have heard of it being done by a squatter.
1335. *Chairman.*] Do you think that, in order to prevent dummyism and all such evasions of the Land law, including evasions of the residence and improvement clauses, it would be any check if an inspector of conditional purchases were appointed, whose duty it should be to visit the various districts and report whether the conditions were fulfilled? It would be, if he knew the country and had a map of it.
1336. A man who would understand the maps, charts, and land regulations? A man of that sort could check it.
1337. Could you suggest any other means? No, unless the selectors were allowed to take a sufficient quantity of land to start with; then there would be no occasion for dummyism.
1338. Do you think a Fencing Bill, or a condition that every person who selected should fence, is desired by conditional purchasers? I do not think that in general they desire it. Of course they improve their land; it is of no use having it without, and they all fence it if they can; but to force them to fence would not, I think, be desirable. For the poorer selector it would hardly do. Unenclosed land is of little use to a selector, and if he possibly can, will fence, but there are many parts of the country where fencing is a most expensive and difficult matter, owing to the scarcity of timber.
1339. *Mr. Rodd.*] It is in regard to the pre-emptive leases that the fencing difficulty arises;—is it not. Conditional purchasers having pre-emptive leases on an insecure tenure seldom find it worth while to fence them? No, they will not.
1340. Are there any other conditional purchasers in your neighbourhood who have as much land as you have—2,000 acres? No. Plenty of them have that quantity further up on Liverpool Plains—and more than that.
1341. *Chairman.*] You are of opinion that unless the area allowed to be taken up by one person is increased, minors ought to be allowed to select? Yes, as it is at present. It is the only safe means whereby a conditional purchaser can safely increase his area or secure a part of his pre-lease, if ordered for sale, or defend himself from being enclosed. In which case 320 acres is worthless, if only grazing land.
1342. If fencing were made compulsory, would you allow a leaseholder to compel a freeholder to fence, or *vice versâ*. They would not be on equal terms? No.
1343. How would you propose to arrange that, supposing fencing to be considered desirable? It is a very good way as at present—put up the fence on the freehold land, and when the adjoining land is sold, let the person who buys it pay half the cost of the fence.
1344. Supposing the law made it imperative that every person who purchased should fence, would you have it as one of the conditions, or would you have it dependent upon the adjoining holder giving notice? Dependent upon the adjoining holder giving notice; that is the way it is at present.
1345. Fencing between freeholders and leaseholders is not dealt with under the present law—it is only between freeholder and freeholder? That is all.
1346. There was something you wished to point out to the Committee to show how certain lands have been surveyed and sold on Cox's Creek, in the Liverpool Plains District;—will you point out what you refer to. (*Map of the county of Pottinger on the table, on which witness pointed out the land referred to.*)
1347. Will you state what, in your opinion, is the effect of that sort of survey? The effect is apparent. This land, which has been surveyed and sold by auction, is chosen with the intention of preventing selection. No man will select on that creek frontage when he cannot get out backwards on account of these 40-acre blocks, connected together as they are, intervening between the land on the creek and the back country; and nobody will go back behind them because he cannot get to the creek. The consequence is that the whole of the land thereabouts is practically shut out from conditional purchase.
1348. *Mr. Rodd.*] How long is it since that was surveyed? Several years ago.
1349. Who is the Crown tenant of that land now? Mr. James White and Mr. Clark are the holders of the runs. This is on Mr. Clark's run.
1350. What are the names of the runs? Bandoo and Gullendaddy. That is an illustration of how the auction system is carried on all over the Country. All the frontages are bought on Bundi Run.
1351. *Chairman.*] You draw the Committee's attention to this for the purpose of showing that the land is purchased not for its intrinsic value but because it gives the key to other parts of the public estate? Yes, that is the reason.
1352. Do you know anywhere else that this has been done? I have seen the same system all over the country, but not so thoroughly carried out as that is. By the present regulation land can only be bought in strips not exceeding ¾ of a mile.
1353. How many miles do these purchased blocks extend along the creek? I think about 20 miles.
1354. Is there any further statement you wish to make? No, except in regard to pre-emptive rights. In 1866 I conditionally purchased 320 acres, and applied for a pre-emptive right; and I knew there was Government land adjoining me not in the possession of anybody. In 1871—five years afterwards—I got the pre-emptive lease. I paid for it for three years, but I never got any use of it. I applied to the Department to find out how it was, and I am told that it was a mistake—that it was somebody else's land granted in virtue of old grants.
1355. How long was it before you discovered this? Seven years. I have lost my money, and I have lost the grass; and that is one reason why I think the pre-emptive lease a complete delusion, and the sooner it is done away with the better.
1356. Have you any other statement to make? No.

Mr. Frederick William Rutter examined:—

Mr. F. W. Rutter. 3 Dec., 1873.

1357. *Chairman.*] You belong to the Survey Department? Yes.
1358. You have heard Mr. Black's evidence respecting the blocks of land surveyed to be sold by auction on Cox's Creek, Liverpool Plains? Yes; that is its local name; the proper name is Turrabeile Creek. It is in the County of Pottinger.
1359. Will you direct your attention to these lots, surveyed in a line, some distance back from the water;—what run are they situated on? Melville Run—not the runs stated by Mr. Black.
1360. How long ago were they surveyed? In 1869.

1361.

Mr. F. W. Rutter. 3 Dec., 1873.

1361. Have they been all purchased at auction? Not all of them; a great number of them have.
1362. By the Crown tenant? Yes.
1363. Both sides of the creek have been taken, to some extent? Yes.
1364. Are you aware whether any lands between these blocks and the creek have since been purchased by other parties? No.
1365. Have any lands at the back been purchased? No.
1366. Have any applications been made to purchase? I did not inquire about that before I came here.
1367. These seem to be the only ones? Yes; they are the only ones charted.
1368. *Mr. Rodd.*] How far back from the creek does this purchased land extend? It varies from about 40 chains to about a mile.
1369. What amount of spare country is there at the back of that? It is practically unlimited; it extends for many miles.
1370. Has the purchaser of this land near the creek got possession of the back country? He is the Crown lessee.
1371. *Chairman.*] If any person were to select at the back of these blocks he could not get to the water without trespassing on this purchased land? Yes, he could, by means of these reserves, which were made in the office. (*Reserves referred to pointed out.*)
1372. How far do they extend? From 3 to 5 miles back.
1373. What are these lines running across the reserves? These are portions which were measured for sale, but which were reserved in order to afford access to the water. They had been surveyed, but were withdrawn from sale or selection.
1374. They were not sold by auction? No; not 14, 26, and 31, of Coogal; and 11, 12, 24, and 36, of Denison.
1375. Could you furnish the Committee with a tracing of this creek, showing the lands purchased upon it, and append it to your evidence? Yes. (*See Appendix.*) The necessity of reserving these portions was discovered in the office, and they were reserved by the special desire of the Surveyor General. The intention was seen, and that was the reason for proclaiming these reserves.
1376. The surveyor in the field did not make any report of this? No; no report whatever.
1377. Was he called to account for not reporting? No, not in this instance. This was one of the few cases of the kind that occurred. Of course they carried their own condemnation with them. A few escaped unnoticed; but after a time the intention of applications of this kind was noticed in the office, and surveyors are now instructed not to survey in that manner. In fact one of them was suspended for many months for measuring in this way. I may add, that in consequence of something like this there was an addition made to the 31st regulation, preventing selections taking place at any greater distance than 60 chains. The selectors would do the same thing if they could, but that was stopped by this addition to the 31st regulation, which was made in 1871, and is printed in italics in the eighth edition of the Land Act.

THURSDAY, 4 DECEMBER, 1873.

Present:—

MR. RODD, MR. STEWART, MR. TUNKS.

JAMES AUGUSTINE CUNNEEN, ESQ., IN THE CHAIR.

Patrick Alfred Jennings, Esq., called in and examined:—

P. A. Jennings, Esq. 4 Dec., 1873.

1378. *Chairman.*] You are an old inhabitant of the Colony, and have been a Member of the Legislative Council and Legislative Assembly of New South Wales? Yes; I have lived in New South Wales for ten years, and in Australia altogether for twenty-one years.
1379. You are an occupier of a large extent of land in the Colony—leasehold and freehold? In conjunction with my partner I am a leaseholder of several runs in the Murrumbidgee, the Albert, the Liverpool Plains, and the Bligh Districts; and we have freeholds in connection with those runs.
1380. I suppose you have paid some attention to the administration and working of the present Land laws of New South Wales? It has been forced upon me, not only in the pursuit of my business but as matter of observation that would naturally occur to any person brought into contact with the working of the Land laws.
1381. Are you in favour of the policy embodied in the conditional purchase clauses of the present Land law? As a policy I would not say I was in favour of free selection before survey; but it is a large question, and there are a great number of issues involved. From my experience of the working of the Land law I have been led to form an adverse opinion to the system of free selection before survey as a general policy for the whole country. I have looked upon it as a sort of transition measure—as a tentative measure.
1382. Do you think any sound objections exist to the policy of conditional purchase before survey? I have made a few notes of certain peculiarities I have observed in the working of both the Land Acts—the Alienation and the Occupation Acts—and if it would be convenient to the Committee I should prefer in the first instance to speak to the results of my experience.
1383. Will you make any statement you may have arrived at respecting the policy and operation of the Land Acts? When the present law came into operation the part of the country in which I was then residing was all leased under the old Orders in Council—fourteen years leases—and in the year 1866 these leases expired, and the runs all came under the operation of the law. There was no free selection before survey up to that time on nearly the whole of the runs. There were certain reserves, but the runs in that part of the country were all held by fourteen years leases.
1384. *Mr. Stewart.*] What part of the country was that? The Murrumbidgee District particularly I am alluding to; and the same remark would apply to the Albert, the Lachlan, and the Darling Districts. Perhaps I may explain that these districts being further out, the leases issued in them were dated later than in those nearer Sydney; they commenced from 1852, while many of those nearer Sydney commenced three or four years before that, and consequently came under the operation of the present law some years before

P. A. Jennings, Esq. 4 Dec., 1873.

before the outlying leases. When the present Land law came into operation in that part of the country, according to a provision contained in it it was competent for holders of runs to apply for a pre-emptive right of 640 acres for every 25 square miles they held, to purchase without competition. I mention what follows as an illustration of the working of the law. The run on which I was then living was an old run containing an area, computed by private survey, of about 90,000 acres, and I applied for 640 acres for every 25 square miles. There seemed to be some degree of confusion in the department as to how these applications were to be treated. That arose from the wording of the Act, which presumed that a run meant a certain quantity of 25 square miles, whereas many of the old runs contained several times that quantity. My applications were entertained, and the land was measured in the way in which I asked for it. I asked the surveyor if there were any regulations to guide him in the measurement of this land. For a run of 140 square miles I was entitled to nearly six sections. The land was surveyed and appraised, and I was called upon to pay the money, and on the faith of this I commenced improving these sections. I may mention that they were surveyed close together. A change of administration occurred at that time, and I was informed that this survey would not be permitted, because the incoming Minister read the law differently.

1385. *Chairman.*] Who was the Minister when the land was surveyed? The land was surveyed during Mr. Robertson's administration, and when he went out Mr. Cowper was Acting Minister for Lands. They were surveyed in accordance with the regulations held at the time by the surveyor. I was told that the Department would not permit land to be alienated in that form, and that the run would have to be divided into imaginary blocks of 25 square miles, and that I could take 640 acres in each of these. I considered that scarcely fair, because the whole matter had been carried on in accordance with existing regulations. I was told that the only remedy I had was to improve this land, which had been already improved up to (say) about 10 shillings an acre up to £1 an acre; and I had to spend £1 an acre in improvements in order to get it. The land therefore cost me £2 an acre instead of £1. There are many cases besides this where different readings of the law by different Ministers have been productive of great inconvenience, and have caused confusion in the public mind; and therefore I should say it is desirable, if any change takes place, that all matters should be laid down as explicitly as possible. The practical effect in my case was that I had to spend £1,280 in comparatively useless improvements—or rather I will say £700 or £800 in further improvements, the land having been already partially improved—in order to entitle me to claim the land without competition. If it had been put up to auction of course the improvements that were upon it would have caused other persons to compete against me.

1386. *Mr. Stewart.*] You were then allowed to hold blocks contiguous to one another? I was allowed to take, in place of those I had not improved, two others at the back of the run; but as a matter of fact I did not buy these, because being back land, and there being at that time no demand for land in that part of the country, I did not think them worth buying. They were surveyed afterwards and put up to auction, and I bought them a year or two ago.

1387. Did the Minister point to any enactment of the law which required to take selections so far apart? The fact was the law did not provide for it, and it had to be dealt with as a matter of compromise. The Minister said that each 640 acres should be on a separate run.

1388. *Chairman.*] The administration of the two Ministers was contradictory? Yes. In the first instance the land was surveyed in pursuance of written instructions sent to the surveyor, who was told that on old runs of large extent the blocks might be taken contiguously. I presume you are aware that, although the Occupation Act defines a run as being 25 square miles, many of the old runs contain from 100 to 300 or 400 square miles; so that the Act was in some degree silent upon the subject.

1389. *Mr. Stewart.*] One would have supposed the law allows what the law does not prohibit? I should have supposed so. Considering that the land had been appraised and nothing remained to be done to complete the transaction but the payment of the money, perhaps if I had come to Sydney I might have got the purchase allowed. It appeared that I was the first person who applied to have land measured in that way. At that time there was so little idea of purchasing land in the neighbourhood of Deniliquin, that many of my neighbours did not buy, although they applied for their sections. In fact times were too bad. I cite that case to show that I think I suffered some hardship by the Act being so loosely worded as to be capable of two constructions. That is the only object I have in mentioning it, for the matter is long past now. The next matter I would advert to is the system of what are called pre-emptive leases or grazing rights. These grazing rights are held in virtue of freeholds or conditionally purchased lands. My opinion is, that at the time the Crown Lands Alienation Act was passed, they could not have been any contemplation of the fact that so many of the runs and so much of the country held under pastoral lease would be fenced in.

1390. I think there was nothing of that kind at the time the Act was passed? No. I wish to point out that the question of grazing rights makes the operation of conditional purchase on all fenced in runs much more injurious to the run-holder. The impression is that, as the pastoral tenant pays a rent to the Crown a year in advance, it is not fair to give a second person also a grazing right on the top of his lease. Before fencing was introduced, when sheep were shepherded, the hardship was not so great, because it was perfectly easy for the shepherds to be directed to keep away. Nor was there the temptation to select for the secondary object of getting a grazing lease. The experience of the present working of the Act, where a family of persons select in a fenced-in paddock, now is, that they can select in such a way as to have the benefit of the whole enclosure, although it may be twice the area of what they are entitled to. This is one of the causes of the rush of selectors from Victoria—the temptation of getting nearly the exclusive use of a paddock of probably double the area that is selected by the selector; and the loss of course is the greater to the holder of the run. I have known rare cases where the selector and the holder of the remaining part of the paddock have come to terms—compromised their respective rights. If I have a paddock that holds 5,000 sheep, and a man comes in and with his family selects a certain number of pieces about the paddock and claims grazing rights between them, it is impossible my sheep can run in that paddock. In the majority of cases if he can hold his ground the selector gets the use of the whole of it. I have known two cases in which a bargain was made. The selector having taken up land which was equivalent in area with his grazing lease to half the paddock, but having taken it up in such a way that the remaining portions could not be used by any other person, in order to avoid conflict both parties have agreed to run their sheep according to acreage in the same enclosure. But as matter of fact this could not be frequently done. If persons were jealous about the quality or improvement of their stock it could not be done at all. This is a question of great importance, for the whole country between the

P. A. Jennings, Esq. 4 Dec., 1873.

Murray and Murrumbidgee is fenced in as far north as the Lachlan; and even on the Darling now we have fenced in our runs. With regard to the operation of conditional purchase, in the neighbourhood where I have seen it worked there are two altogether distinct classes of selectors.

1391. *Chairman.*] Who have availed themselves of the thirteenth clause? Yes.

1392. What is the distinction? In the first place there are men who never come into conflict with the runholder, but who are in fact very useful to him. They are generally persons who have been employed on the runs, and who, knowing the country, prefer to settle down there. They are, as a rule, teamsters, contractors for fencing, or bush hands who take contracts for improvements on stations, but who also desire to have a home. I consider them a very desirable class of settlers; and as far as my experience goes they have been in every way encouraged because they supply a want that is very much felt. Nearly all the wool in that part of the country is carried to Melbourne by many of these men who are bullock-drivers. They require to have a home, and it is felt by the squatter that they are a necessity—that their labour is essential. Of course, in many ways they are very desirable.

1393. *Mr. Stewart.*] What quantity do they usually select? From 40 to 320 acres; and some of them who are well off take two lots of 320 acres.

1394. What use do they make of the land? They cultivate a small patch about the house—a garden; but the principal thing they want is a run for their bullocks.

1395. Do they fence in their selections? That is matter principally of agreement with the runholder. If he is entitled to run fifty bullocks, and does not wish to trespass on the runholder, of course there is no question of fencing; but if he takes up 320 acres, and tries to put on it three times as much stock as it will carry, he will be asked to fence, or be in some cases fenced out. The cultivation in that part of the country is mainly for hay.

1396. Do they not grow wheat? No, not to any extent, except for hay. There is a mill at Deniliquin; but the greater part of the wheat used is carted down from Wahgunyah. I have been in the habit of growing wheat for hay there. It is rather too hot for oats; and wheat makes better hay than barley.

1397. *Chairman.*] What is the other class of selectors you spoke of? Principally residents of the towns and speculators, who have more capital and want more land—hotelkeepers, professional men, and business men generally. Of course, when they require land it has to be taken up by the intervention of third parties. I heard one hotelkeeper at Deniliquin state at a public meeting that he had taken up seventeen selections through his family;—he had eight or nine children and his servants.

1398. *Mr. Stewart.*] Do you know what was the size of these selections? I presume they were about 320 acres each. Any man taking up lots like that would take them as large as he could.

1399. What was his object in taking them? He was a sort of factotum—hotelkeeper, butcher, baker, and so on. He having become insolvent a great many of them are now passed over to a Bank.

1400. Did he make any use of them? He kept cattle and sheep on them, and also let them out as accommodation paddocks. I never heard any objection made to persons living in towns taking up land and getting other persons to perform the residence; but it is made matter of reproach to the squatters that they should do the same if they find it necessary to take up portions of their runs. A large quantity of land has been applied for lately in that way by most of the settlers round Deniliquin in the names of their friends; but I think the ultimate intention is to forfeit it and let it go to auction. This brings me to the consideration of the practice of the Government with regard to selling land by auction. On application from either the lessee or anybody else, the Crown will measure land for auction on payment of 6d. an acre in advance, to cover in some degree the cost of survey, in order that if the land is not bought the Government may not be the loser.

1401. *Chairman.*] It has been stated that 6d. an acre is not enough, and that as a guarantee of the *bonâ fides* of the application there could be no objection to the whole cost of survey being paid in advance;—what is your view? I think the whole cost of the survey should be paid, and would be paid if the Government asked for it. Until lately people were never asked to pay anything at all. There was no great demand for land until the price of wool rose in 1871. By reason of the increased price of wool the position of the Crown tenants was changed; they were enabled to pay off their debts; and most of them were desirous of getting some portion of freehold estate round about their homesteads, particularly those who lived on river frontages or in advantageous situations. I am speaking now of the Murrumbidgee District particularly.

1402. Is land applied for and surveyed for auction generally purchased by the person applying for it? I have known cases where the Government got applications for large quantities of land, both under pre-emptive right and by auction, and it was not purchased; I suppose people found they could not do it.

1403. *Mr. Stewart.*] Why then apply to have it surveyed? If a squatter applies for land to be surveyed for sale, and in the meantime prices of produce fall, or the seasons operate against him, he is not able to buy it. Lands passed at auction can always be taken up afterwards conditionally or otherwise. In 1865, when the old leases were falling out, there were many applications for pre-emptive rights and improvement-rights, but there came two droughts consecutively, and times were very bad, and many of the applicants were unable to go on with their purchases; they lay there till times were better, and have since been gradually taken up.

1404. No one applied to have these lands surveyed, for the purpose of preventing free selection? They could not prevent free selection. Land passed at auction can be selected at any time.

1405. Has that been the practice always? Yes, so far as my knowledge extends it was always the law, and always presumed to be the law, that lands surveyed for auction could be selected at any time. I do not think any land could be lifted out of the operation of conditional purchase in that way. On the contrary, when land is surveyed for auction it is very frequently what they call spotted. Within the last few months a number of persons, who have achieved their titles under the Land Act of Victoria, have been selling out, and have been selecting in New South Wales. They have been informed that it is legal to select through minors; but my information from high legal authority is that selections by minors are not legal.

1406. It has been settled in our Supreme Court? I am informed that even though the selections may be legal the acts of the minors in dealing with them are not legal. If blocks of four or five thousand acres be surveyed for sale, by taking up one-third of that quantity by conditional purchase, of course the rest would be rendered useless to any person who wanted to buy it at auction. It has been stated by the framer of the Land Acts to be the policy of the law to encourage both small and large proprietors, and therefore sales by auction were sanctioned; but while admitting the policy the law destroys the efficacy of it

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by allowing lands to be conditionally purchased after they have been proclaimed for auction. My idea with regard to that part part of the law would be that if a person applied for the survey of land for auction, paying at the same time any deposit that might be required for the cost of survey, or even more than the cost of survey, upon the approval of such survey by the Minister, the land should not be open for conditional purchase until passed at auction. The present system gives rise to a class of speculators who come up with the idea of spoiling a survey, in order to be bought off. P. A. Jennings, Esq. 4 Dec., 1873.

1407. Have conditional purchasers in your district any difficulty in finding out what land is open for selection? No more than they have in any other district that I know of. The maps are generally kept pretty well up. Where there is a rush, as there has been lately, conditional purchasers may find a difficulty. For years there was very little land taken up, but latterly there has been a great deal. I understood that the Surveyor General visited the district in order to see that the maps were charted up.

1408. Is there a good deal of land sold by auction? Yes.

1409. Does it bring more than the upset price? Very little more. The only case in which I have known land to fetch more than the upset price was, were speculators came up from Melbourne to be bought off.

1410. Bought off by the party who put the land up for sale? Yes. Speculators have come up lately to compete at the land sales, and those who were purchasing agreed that they would not in any way countenance them, but rather take their chance of buying the land, and if the speculators ran the land up too high they would let them have it. Two speculators from Ballarat came up to a land sale at Hay, and the lessees of the run on which the land was to be sold, who were going to purchase, received information that if they would pay a certain sum these men would stand out and not purchase; but they refused to pay anything, and the land was run up to 25s. an acre, and these men bought it, and immediately after the sale they came and offered to sell it for the price they had paid for it. I and some of my friends agreed we would not pay them anything.

1411. So that they made nothing by it? No. The land was surveyed in blocks, and as they are freeholders they have received notice to fence. That is the only case where I have known land to be run up, except in case of rivalry between two neighbours. I have bought a great deal of land at auction, but there has never been any competition.

1412. Then the sale by auction is a most unnecessary proceeding? There is just the chance of competition. It is the only way the law prescribes.

1413. *Chairman.*] Do you think there ought to be a classification of lands—do you think all lands ought to be put up at the same upset price, or according to value. Land varies in value the same as other commodities? Yes, very much. Classification is a matter of extreme difficulty as far as I can see.

1414. You are aware that under the Land Act the Minister may place a higher upset price upon land, but not a lower? Yes.

1415. Have you ever known an instance of a higher upset price than £1 an acre having been fixed for country lands? No.

1416. Do you think it desirable that the Minister should have the option of fixing a lower upset price for inferior land? I think it desirable that land should be offered at a certain upset price, and, if not bought, should be offered again, after a certain time, at a lower price. The fact of its not fetching the price in the first instance would be a fair test of its value. It would be very difficult to arrive at the value of land by classifying.

1417. You would allow competition to prove its value? Yes.

1418. You are aware that leases of runs are put up at a certain price, and if not purchased are put up again at a lower price? Yes.

1419. And you would apply that principle to sales of land by auction? I would, if the Government initiated sales by auction; but they do not; they only sell on application. As a matter of fact land not considered worth 10s. an acre three years ago is now being bought freely at £1, for the simple reason that £1 now is not what £1 was then to the parties who desire to purchase. The times are better.

1420. It has been stated that land applied for by auction is not applied for so much for the intrinsic value of the land itself as for its value as a key to other portions of the public estate, in order to get water frontage or other advantages that would give the purchaser such command of other land as to make it of less value to any other person. Do you think that is the fact? No doubt it has been done. But the fact is that where people can get through the window the key is of very little use. It is a mere question of demand. Back land will not be taken up. People buy what they consider most valuable; but it does not give any permanent hold to the owner over other land. Persons will naturally buy the frontage to permanent water as being the most valuable; but its value is very much overrated, inasmuch as if you can procure sufficient water for sheep and cattle the back country, which is the most extensive, is the most valuable.

1421. *Mr. Stewart.*] As long as roads are reserved, the back land is not cut off entirely from water? No. There are reserves of a mile wide every 5 miles.

1422. *Chairman.*] Practically speaking, if stock have to travel 10 miles down these narrow reserves to water they would not fatten well? They have to do it in any case. We will put the question in this way: If I have the frontage and a run 10 miles back, the cattle have to come down to the frontage and camp on it, and as a matter of fact it gets bare in summer with the constant traffic, so that they must go a long way back to feed. Moreover, as a rule, there is a main road along the frontage of each main watercourse, and stock can travel half-a-mile on each side of that, so that you will seldom find any feed on it. My impression is now that however useful it may be for a time to hold the key of a run, those who really desire to purchase any quantity of land would rather have it in a block with sufficient water frontage to make it useful. With regard to the present practice as to making conditional purchases, as far as it has come under my notice, they are usually made in the names of the children of the families and not in the names of the parents, and the condition of the law is specially unsatisfactory at present, inasmuch as it leaves it open to dispute whether these minors' selections are legal—I will not say whether the selections are legal, but whether the acts of these minors are legal as selectors—whether in fact they can delegate their powers to others. I think that is one of the matters that will require attention in any new Land law.

1423. Do you think that when conditional purchasers take up land in the names of their children they do it *bonâ fide*, in order to endow their children with an estate, or to obtain additional land for their own use? That is a matter I could not speak of; it lies in the breast of the man; but I have known that in the case of many selections lately made the head of the family does not take a selection for himself. The father has no property in the land, and incurs no liability with regard to it. I believe it is the practice of the

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Department not to transfer till the children are of age, and as many of them are mere infants there will be a number of titles in abeyance, and perhaps eventually many in dispute. I question if any law for the commutation of purchase money at a fixed rate would be binding in such a state of things.

1424. Do you think conditional purchasers ever give in the names of persons that do not exist at all, in order to take up additional land? If it is done it is only done with a view to forfeiture.

1425. It is done with the object of evading the law? I do not know whether that be an evasion of the law, because if the conditions are not fulfilled no title is given, and the deposit of 5s. an acre is forfeited.

1426. It would interfere with other *bonâ fide* people taking it up—they would be informed that the land was already taken up? Yes, it is quite possible it may operate in that way. In stating that I considered it the policy of the present law that there should be large as well as small holders of land, I should wish to add that as far as my observation and reading go it is undoubtedly beneficial for stock farming, as a rule, that there should be large holdings as well as small.

1427. *Mr. Stewart.*] You mean freeholds? Yes. I look upon the pastoral leases as a transition state.

1428. What is the maximum area you would allow? That would depend upon the capabilities of the country. If a person has spent a great deal of time in improving a lot of sheep, which is a work of years, he must have had the whole of a run of moderate size to do it; and I think he should be allowed to purchase a fair proportion of that run as a freehold. If he could purchase it he would so improve it as to increase its capabilities, and make a portion of the run carry as many sheep as the whole of it did before. In the pick of the Murrumbidgee country it is reckoned that it will take 3 acres to feed a sheep all the year round, and on the Lachlan and Darling back country from 4 to 8 acres. A run of 64,000 acres on the Murrumbidgee would feed about 21,000 sheep all the year round. I have had experience in appraisements, and I look upon that as a fair computation on the best of the Murrumbidgee country. It comes also within my knowledge that it has taken that number of sheep to be able to breed up a really good breed of sheep. If the land were purchased it could be so improved as to be able to keep a sheep on 2 acres instead of 3; that is, improved to the full extent in its natural state, without breaking up the ground, which I do not think desirable. A sheep to 2 acres is the very outside that the improved land will carry; consequently, if a man requires to keep 10,000 sheep, he would require to purchase 20,000 acres, and would have to pay the Government £20,000. The sub-division of the land into paddocks, and the cost of buildings and other matters, would amount to £10,000, and his run would therefore represent a capital of £30,000.

1429. Would it be a good investment for capital? There are persons who, having £30,000, would make three times the money in other pursuits; but there are other persons who prefer pastoral pursuits, and are fitted for them, perhaps born and bred on a station, who would prefer to invest their money in the purchase of a homestead in that class of country. Of course of inferior country they would require more. I think these are the persons from whom we might expect the greatest improvement in sheep. I speak of sheep as different from cattle, because it is on small holdings that cattle can be most advantageously improved and kept with profit. It seems to be admitted that for sheep purposes large holdings are required.

MONDAY, 8 *DECEMBER*, 1873.

Present:—

MR. CUNNEEN, | MR. RODD,
MR. STEWART.

JAMES AUGUSTINE CUNNEEN, ESQ., IN THE CHAIR.

Patrick Alfred Jennings, Esq., called in and further examined:—

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1430. *Chairman.*] We understood you to have concluded your statement on the last occasion? Yes, as far as a general statement is concerned. There is one matter, however, on which I had intended to speak, but I am not aware how far your Committee may consider it within the scope of your inquiry. I think it would be judicious to devote, if possible, the proceeds of lands sold by auction to the making of roads, bridges, and railways; that is to say, to provide specifically in any future legislation that a certain sum should be laid apart out of the receipts from land sales for that purpose.

1431. That system is in force now in Victoria? By the present Land law of Victoria it is enacted that a sum of £200,000 annually, to be realized from the sale of lands by auction, is to be devoted to the extinction of the existing debt on railways, or to the making of new branch lines. It is expressly confined to railways there. I think that in this Country, which is so much more extensive, it would be found advantageous to make the object more general, and to apply the money to the construction of bridges and roads where railways at present would not pay to make. My idea is this: Speaking in round numbers, we have about 200,000,000 of unalienated land in New South Wales. If £500,000 worth of that land were sold by auction in each year, and the proceeds devoted to public works, we would have in ten years £5,000,000 worth of work executed; and, however desirable it may be considered to allow a very large quantity of the public lands to remain open for selection, there would still be a very large choice for the selector, taking into account the enormous extent of our territory. It would in no degree cramp the operations of our selectors if a certain quantity of land (say 500,000 acres) should be realized in each year. But in order to be certain that we should really be able to realize in each year this £500,000 worth of land by auction, it would be necessary to adopt the system they have in Victoria, that when land is surveyed or proclaimed for auction it should not be open for selection until after it has passed the hammer. I think, moreover, that where lines of railway were projected there should be a mixture of the American and Victorian systems, allowing only a certain portion of the lands within a certain distance of the projected lines to be sold conditionally. I think if this were done it would be possible to supply the wants of those who wished to purchase large estates without interfering with the *bonâ fide* operations of free selectors.

1432. You are aware that under the present law not more than 320 acres can be conditionally purchased by more than one person? Yes.

1433. Do you think that a sufficient quantity to enable a sort of yeomanry to spring up here? I think the proposition made by the Riverina Association, that each person taking up 320 acres should have an indefeasible lease of 320 acres more, with the right of purchase—640 acres in all—would give a sufficient area for the *bonâ fide* selector.

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1434. Any additional acreage you would have him go to auction for? Yes. As a general principle, I presume, the lands of the Colony are let to the pastoral tenants for pastoral purposes until they can come into a more profitable form of occupation. The grazing right, which merely continues that form of occupation in other hands, is simply putting one pastoral lease on the top of another. I think any future settlement should proceed on a freehold basis.

1435. Do you think it desirable to extend the maximum area that may be taken up by selection beyond the 320 acres now allowed? I think it might be extended with advantage up to 640 acres. That would be more desirable than the present system of grazing rights, which is very unsatisfactory.

1436. *Mr. Stewart.*] You would increase the maximum to 640 acres, and do away with grazing rights? Yes. I may say that several selectors have told me they would be much better satisfied with a certainty of 640 acres than with a holding of 320 acres and the very intangible tenure they at present have of their grazing right.

1437. *Mr. Rodd.*] Would 640 acres satisfy selectors generally? Those with whom I have conversed have told me so; but it may be hard to say what would really satisfy them, for every man, no doubt, would like to get as much as he could. I am basing my observations on the principle that it is much better that settlement should proceed on a freehold basis than that one pastoral lease should be given on the top of another lease. I think the absolute holding of land is a great incentive to improving it. It is just the same with the squatter as with the selector. If the squatter is enabled to purchase a certain quantity of land he will not be afraid to spend money upon it; and a selector having absolute tenure of his land will be influenced by the same considerations. They would both spend money on a freehold that they would not on a grazing lease.

1438. With regard to the conditions of residence and improvement contained in the present law—do you think them advisable and wise—that a person must reside upon his land within a month, and improve it to the extent of £1 an acre within three years? I think they do not act uniformly well. There may be circumstances in which the land can be improved to that amount with justice to the interests of the persons holding it; but there are many cases in which it is not necessary to spend so much money. With regard to residence, I think, on the whole, that the proposition shadowed forth in the Land Bill laid upon the table of the House a couple of years ago, when Mr. Wilson was Minister for Lands, was a very good one, that persons not wishing to reside should pay a larger price for their land and make improvements to a larger amount, I think 50 per cent. more. The idea was to make the upset price of land lower, 5s. or 10s. an acre instead of £1, and that where persons resided they should have the benefit of the lower price, but that those who could not reside should pay the higher price and spend more money upon the land. The question of residence is undoubtedly a difficulty, and I think a concession is due to those who do reside. The fact of continuous residence for three years is to my mind a very important guarantee for the *bonâ fides* of the selector. At the same time many persons desiring to select find it impossible to perform the condition of residence, but they are persons who could afford to pay the difference in the price of the land; and although it is a rough way of settling the difficulty, it is the only feasible way I have heard proposed. It has always been suggested that if you get rid of the condition of residence altogether it may cut the other way, and persons in possession of runs may be the first to take advantage of it. I therefore look upon the plan as a very reasonable compromise of what is undoubtedly a very difficult subject.

1439. It has been stated to the Committee, and there seems to be an impression abroad, which has been given utterance to in certain portions of the press, that sales by auction are at present carried out and availed of more for the purpose of getting the key to the remaining part of the public estate than for the intrinsic value of the land applied for;—do you think there is any reason for this opinion? My experience is this: When I first began to purchase land on a run, I purchased what seemed to be the most valuable parts, with regard not to the intrinsic value of the land but with regard to its being conveniently situated for working the run.

1440. *Mr. Stewart.*] Preserving the rest of the run? Yes. But I found that, owing to the system of reserves for admission to natural water, it was more desirable to endeavour to get a block of land which could be worked as a separate estate, presuming the rest of the run were taken away, than to endeavour to dot small purchases over different parts of the run. In all new countries certain spots are first taken up, but the holders find that in order to sustain the value of these spots they must have the adjoining country.

1441. In other words, the Government does not allow you to purchase in freehold sufficient land for grazing stock? No. A man buying a piece of land takes into account his getting a grazing lease of three times the area. As a matter of fact the run on which I live has been nearly extinguished in that way. In proportion to the land I have bought I have taken up pre-emptive leases, but I now find I have to purchase these pre-emptive leases; and that has been the experience of all with whom I have conversed, that it is more advantageous to acquire a block of land, which may be held as an estate, than to dot the country, as it were, with smaller purchases. I speak of country where land is sold by auction. In the districts further out there is no attempt at acquiring land, because there is no temptation to do it. No person would buy land in the back country of the Darling or the Lachlan.

1442. *Chairman.*] Do you think 320 acres ought to be the maximum allowed to be put up in one block to auction, or would you extend that as you would the right to make additional selections? It would not matter much if the Victorian principle were adopted of not having land open to selection from the time it was surveyed for sale by auction. I know of a case where a block of about 2,000 acres, intended for sale by auction, was spoiled by one man taking up 320 acres in the middle of it. It was not on my run, but on open country not under lease. I would have bid £2,000 for the 2,000 acres if this allotment of 320 acres had not been taken up upon it under free selection. The consequence has been that the person who applied to have that land surveyed for auction has not taken up the whole of it to the present day. What I want to impress upon you is this: That it does not matter so much what is the size of portions measured for auction, provided they go to auction as applied for; if there is any uncertainty about their going to auction; if three or four small pieces are allowed to be taken out, it may vitiate the value of the whole block as applied for.

1443. With regard to the upset price of land sold by auction, would you classify the land, or would you have all lands good or bad put up at the same upset price? I think we alluded to that at our previous sitting. Classification is acknowledged to be a very difficult matter, although an undoubted difference exists. I do not know how you are to arrive at the value of land, except by first putting it up at the ordinary upset price, and reducing that upset price if the land is not sold. I am not prepared to suggest anything else.

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1444. *Mr. Stewart.*] If pastoral leaseholders were allowed to purchase blocks of 5,000 or 10,000 acres, would many take advantage of the opportunity? A great many would. But with regard to the area you mention, 5,000 or 10,000 acres, what would be an undoubted boon and sufficient acreage in one part of the country would not be, by any means, sufficient in another; for instance, in the Darling District. I do not know how you would get at it, except by classification.

1445. Do you think most of the pastoral tenants would prefer freehold to leasehold? I am quite sure the majority of the pastoral tenants would in the older and more settled parts of the country. I am aware that to many it would be a great inconvenience, and perhaps an impossibility to pay for the estate in cash; but I think they might manage it if an easy system of deferred payments were permitted.

1446. Do you see any good objection to allowing persons to purchase as much land as they require for grazing purposes? I know of no objection, except such as may be called theoretical objections—for instance, that it is undesirable that land should pass at all into freehold. I do not know of any practical objections, and I do not know how, in many cases, the pursuit is to be followed profitably, unless persons can buy enough land to work with the capital they have. If a man cannot get enough land to work as a pastoral estate he will simply take his money out of the pursuit.

1447. Would the possession of a large freehold be likely to tie the owner to the country? I think it would tie the owner and his family to the country. Of course there being no law of primogeniture and entail here, estates would not pass as they do at Home, but although they cannot be, as it were, shut up in that way, a feeling of affection for the birth-place and estate of a family would still remain.

1448. A good many of our leaseholders, finding it impossible to get the quantity of land they require, do not intend to settle permanently? No, a great many have that idea, and they refuse to spend a single shilling in improvements that can be avoided. The good really done to the country by a freehold system would be that the persons having the land would not be afraid of improving it.

1449. A good many might be tempted to stay in the country for good, if allowed to purchase the land they required? Yes, I think so. Attachment to the country where persons have been born or resided is an element which enters very largely into dealings with land.

1450. The only difference in that respect between squatters and selectors is that one has larger means than the other? Yes.

1451. The man of small means, being a man of limited aspirations, gets what he wants under the present system, while the man of larger means cannot get what he wants, and therefore will not stay in the colony? That is the practical effect. If our territorial area was so small as to make it undesirable to sell large quantities of land, I could understand our refusing to do so; but having so much land, and persons of all conditions being desirous of buying, I think it unwise to continue a system that drives people out of the country because they cannot get as much land as they require.

1452. Is there not a good deal of land altogether unoccupied? Yes, there are large runs open for lease at low prices. The ordinary price is £10 a year for 64,000 acres, in the back country.

1453. These lots are frequently put up to auction, and no person bids for them? Just so. We ourselves hold a number of runs in the back country of the Albert District with the idea of occupying them at some future time; but we have paid rent for them for a number of years without occupying them, because so far we have not been able to get fresh water upon them.

1454. Would it not be better for the country as a whole if this land were let, even at no rent at all, to persons who would occupy it with stock, than to be lying idle? It would be better; but to induce persons to make the improvements that would be necessary before it could be occupied, it would have to be let on some longer term of lease than that now allowed—say for fourteen or twenty-one years instead of five years. No person will spend much money on the improvement of that country on a five years' lease; but give him a twenty-one years' lease and he will do so, because then he would be able to borrow the money even if he had not got it himself.

1455. You are assuming that this back country could not be occupied without making improvements? Yes, that is the fact. It is a healthy country for sheep; but there is not a drop of natural water. I have travelled in the back country of the Albert and the Lachlan, and between the Barrier Ranges and Cooper's Creek, and even in a wet winter have had to carry water on my saddle for three days. The soil is so porous that even when rain falls it very quickly escapes through the surface. Wells would be the only reliable source of water supply in that country, and perhaps you may sink several at great expense. before you get one sufficiently free from salt to be of any use.

1456. Then, to cover the necessary expenditure, a longer lease than is now given would be requisite? Yes.

1457. *Mr. Rodd.*] Is there much land of that character lying unoccupied? I put a question on the subject to the Government in the House some three years ago; I speak from memory, but I think I am right in saying that there were fourteen or fifteen millions of acres of runs that had been taken up there and forfeited. A great many of these have been taken up speculatively since on account of the rise in the price of wool, with the idea of selling them. When there is a rise in pastoral produce all that country is taken up by pastoral speculators, as these back blocks then became of marketable value.

1458. *Mr. Stewart.*] But they are unfit for occupation unless money is spent in providing water? They cannot be occupied otherwise.

1459. *Mr. Rodd.*] If these lands were put in large blocks for sale by auction, what would you fix as the upset price? I do not think you could sell them at any price per acre now, when some of them are lying open to lease at a rental of £10 a year for 64,000 acres, being less than 4 per cent. on a penny an acre. I do not think that sort of country would be at all saleable now. The experience of most new countries is that the better class of lands lying nearer to the points of settlement get occupied and bought up first, and that as they get into private hands the outside country becomes saleable. I think you might put it down that at least one-third of the total area of our Colony would not find a sale at any price at which it would be for the good of the country to sell it. I do not know, for instance, what sum could represent the upset price of 64,000 acres for which an annual rent of £10 cannot be procured.

1460. *Mr. Stewart.*] That is on a five years' lease;—supposing the lease were extended to fifteen or twenty years, what rent could be got for it then? Then you might raise the rental in a much greater proportion. That applies to all pastoral properties. If the tenure were more secure the rentals could be raised in proportion, and would be willingly paid. The fact of the present short date of the lease, and the whole of the run, except the reserves, being liable to be taken up by free selection, debars any appraiser from putting a high rent upon the runs. A higher rent would go along with a longer and more secure tenure, and would be much cheaper for the occupier to pay.

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1461. *Chairman.*] Would you consider a ten years, subject to conditional purchase, a much better tenure than at present? If it were subject to conditional purchase you would not be able to exact a proportionately higher rental, but I think you could get something more.
1462. Would you not always expect a renewal of the lease? Yes; but that is a matter of custom rather than of law.
1463. It is never refused? I never knew one refused, but it is not distinctly stated by the law that leases are renewable, and therefore, *pro tanto*, a ten years' lease would be better than a five years' lease.
1464. *Mr. Stewart.*] You would know what you had to pay? Yes.
1465. *Chairman.*] What is your opinion of the present method of ascertaining the value of runs by appraisement? As far as I have seen it seems to have worked very fairly.
1466. Has it ever struck you that it varies very much at different times;—that the value set upon a particular run, or upon different runs in the same country is much higher in some cases than in others? I have noticed that. There is undoubtedly a difference. Of course something depends upon the time when the appraisement is made. Appraisements made in 1865, when wool and stock were at a good price, were of course higher than those made in 1869, when prices were lower.
1467. Prices in 1865 were not so good as they are now? No. In 1865 I had several runs appraised, and the rental determined at £2 10s. a mile; the price of greasy wool then was 11d., and of sheep in proportion. In 1870 I had the same runs appraised at the termination of the five years' lease; greasy wool was then 7d., and sheep at about half the price they were in 1865. I am carrying the same sort of wool all through, and now in 1873 it is worth 14d.; and the fat stock market is only bounded by the consumption. I paid the same rent in 1870 that I did in 1865 for several of the runs; but for the back country, which I had never been able to occupy, I obtained a reduction of rent in 1870. Without doubt there are many inequalities in adopting the mode of appraisement, owing to the different views men take, not alone of the country but of the circumstances affecting the laws of the country; but I have not seen any fairer mode all round of determining the rent to be paid. I think that anything that may be said to the detriment of the system of appraisement points rather to the fault of the persons that carry it out than to the system itself. I think that, if carried out by persons who have a full knowledge of their business and who are perfectly impartial, the system is a fair one.
1468. You could not suggest anything better? No, I do not know of any better system. It is like most other human institutions; it requires to be carried by good men.
1469. You are aware that in South Australia they adopted the system of appointing one appraiser, Mr. Goyder, the Surveyor General, for the whole country;—do you think that was any improvement upon our system? One objection to the South Australian system was that there was no appeal from Mr. Goyder's assessment. Any system in which there was a sufficient Court of Appeal would, of course, always carry a remedy for any injustice in its operation.
1470. Do you think that, under the present system of leasing the public estate, the land brings a reasonable return to the public Treasury, all things considered? I think, taking into account the fact that the law permits conditional purchase all over these runs, it does so. If it were not for that law, of course the rents would be much higher. A person is called upon to pay the rent of his run twelve months in advance, but he may lose one-fourth, one-third, or one-half, it may be, of that run by conditional purchase before the end of the year.
1471. *Mr. Stewart.*] Do you not think that the Crown tenants in some cases pay much more or much less than others for the same accommodation? There are undoubtedly those inequalities.
1472. There is considerable disparity in the valuation? Yes, I admit that.
1473. *Chairman.*] Have you had much personal experience in the local land offices in taking up land by auction or leasing? The only office I have had any great experience of is the Deniliquin land office. I have occasionally had transactions with some others, but very few.
1474. You are aware that the administration of the Land laws in the country districts is very nearly wholly carried out by the local land agents? Yes.
1475. Who are usually the Clerks of Petty Sessions also? As a rule they are.
1476. Do you think the Clerks of Petty Sessions are generally appointed because they know anything about the Land laws, or the mode of carrying them out, or simply because they are good deposition clerks? I think it is undoubtedly the case that they are appointed in the first place as Clerks of Petty Sessions, and as being capable of that duty. The duties of land agent, and other duties are tacked on to that, perhaps because they are the only officers there to do the work.
1477. Do you not think it would be wise, in a country where there is so enormous a public estate, that every person appointed as land agent should be appointed with a view to his fitness for dealing with so important a question? That is a proposition that no person could dispute. In the outlying districts, where there is perhaps a very fluctuating demand for land, I presume the Government find the Clerks of Petty Sessions in many cases can do the work under ordinary circumstances; but when any unusual press or strain comes upon them a system of that sort is tried in a degree never expected or intended.
1478. It has been stated to the Committee that there is a good deal of dissatisfaction with the manner in which the duties of land agent have lately been conducted at Deniliquin;—has anything come to your knowledge which would lead you to suppose complaints are well founded? I have never heard any complaint made.
1479. Have you been in the land office at Deniliquin on land sales' days? Yes, on the days for taking up conditional purchases. I had some land surveyed for auction sale there lately, and on three days of conditional purchase I was there.
1480. Did the business seem to be carried on in a regular and methodical manner? As far as I saw, yes.
1481. Did you notice how persons handed in their applications for conditional purchases—to whom they handed them? To the land agent, as far as I could see. I was there on only one occasion when there was any number of persons present.
1482. Did you ever hear the land agent, in any instance, after an application for a conditional purchase was handed to him, read the application in open Court? Yes.
1483. Did he ask if any other person present had an application for the same land? Yes. It may be as well to state the circumstances under which it was done.
1484. What were they? I may say, with regard to the land office at Deniliquin, that the business transacted there was of a very limited character until about the month of September last, I think, when there

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there was was a large quantity of land being measured for auction in the neighbourhood, and there was unusual publicity given by a local paper to the fact that this land was measured for auction, and recommending that those persons who with their families wanted to take up land could get this land already measured. There was also a very strong speculative feeling in Melbourne with regard to taking up the land round Deniliquin, and there was an unusual degree of excitement. I had about 5,000 acres of land, which I held under grazing rights in virtue of previous purchases, measured for sale by auction. (I am telling you this to explain the reason for my being at the land office.) This land I had endeavoured to get reserved, as it contained two cattle camps and an old sheep station; but the reserves were not allowed, and I got the land surveyed for auction. I was told by a gentleman, who had acted as superintendent of an adjoining run, that a sort of Joint Stock Company of about forty-seven persons had been formed in Melbourne, having taken some legal advice with regard to what could be done under our Land Act, and were coming to take up the whole of a run near Deniliquin, and I was also informed by another person of the fact of their noticing especially this proclamation of land for sale by auction on the run where I live—Warbreccan. My first informant said, moreover, that he had been offered £800 a year by these persons to manage for them. For those reasons I paid unusual attention at that time to the land office days; I attended, I think, on two or three of them running. One morning—I think it was the 25th September last—I went to the Deniliquin land office, and I found that at 10 o'clock it was filled with a number of people, who all laid down their applications at once before the land agent. This was a very unusual state of things.

1485. Did he not refuse to receive them all at once? No. The question was what should be done to settle the question of priority, and as they were all put in at the same time he undertook to treat them as concurrent. It then became a question whether any of these applications were for the same land.

1486. Who raised that question? The persons standing by.

1487. Any person that had selected? Several of the applicants. It was known beforehand that a lot of people were coming to select. It was suggested by three or four persons, some of whom had come up from Victoria, who were said to be land agents,* that the applications should be read, and that the land agent should ask if any person had put in a conflicting application for the same piece of land, in order that if it were so a ballot might take place. There were no conflicting applications for the greater number of the pieces, but I believe there was a ballot taken for some one or two. As far as I could learn, the reason why that course was taken—the reading out of the applications then before the land agent—was, that the persons who had put in applications for the same lots should have an opportunity of declaring that they had done so, in order that the ballot might be taken. That was the only time that I ever heard any application read out, and that was the reason. It was done, as far as I could learn, at the request of persons interested, who thought there might be conflicting applications for the same land. The selections for which there were no conflicting applications were of course granted, and those for which there were conflicting applications were balloted for afterwards. That was the only occasion on which I was present when there was any rush to the land office.

1488. Did you notice the land agent on that day hold up a piece of paper and ask if any person, in the room had anything to clash with it? As far as my memory serves me, the land agent read the description and asked if any other person had put in an application for the same land.

1489. Do you not think it was his duty to judge for himself whether the application clashed or not, without appealing to the public? There seemed to be a sort of agreement among the persons who had put in applications, as far as I could understand. There were a number of persons standing around, and there were some two or three persons present who said that their applications were for the same land, and it was suggested by some person that the applications should be read.

1490. And the clerk did as he was requested? Yes. As the whole of the applications came in directly the office was opened at 10 o'clock, it was decided to treat them as concurrent; and therefore it was necessary to ascertain if any of them were for the same land, in order that a ballot might take place. The whole of the circumstances were novel; I do not think anything of the same sort had occurred there before. The moment the office was opened all who had applications came and laid them down before the land agent at once, and as a matter of fair play they were treated as concurrent, and were read out in order to see whether any of them were for the same land.

1491. The land agent could have decided to receive them one at a time? As far as I could see he would then have been liable to the suspicion of favouring one against the other. As far as my knowledge of the Deniliquin land office goes, the land agent there takes up this position: If you came to him with an application, and he is not in a position to inform you whether the land can be so purchased, he says, "I receive this application, and if it be all right you will get the land; if there is anything wrong you will get the money returned."

1492. Could he not give the information whether it has been already applied for? He ought to be able to do so, but in many cases he is not.

1493. Does he keep no record? Yes, everything is recorded in a book as it comes in.

1494. Cannot he tell in ten minutes that land with a certain description has been purchased? Yes, I think as a rule he does; but it not unfrequently happens that persons who want to buy the same land do not describe it in the same way. The fact is he does not seem to be prepared to take the responsibility of not taking the money.

1495. Does he give information to intending selectors as to the land that is open for sale? I do not think he has any information, except laying the maps before people. Every person has the same facilities afforded to him; but with regard to special information he does not give it, and does not undertake to give it. He says in effect, "There are the maps, and as far as I know this land is open for conditional purchase."

1496. Does he not give any information as to lands that have been purchased but not charted—between the time of their being conditionally purchased and being charted? I think if he knew that an application for a conditional purchase was for the same piece of land as had been purchased before he would tell the applicant so.

1497. It has been given in evidence that in order to evade the law, or burke conditional purchasers, persons have been in the habit of having any sort of descriptions for land written out and putting them in at the same time as a conditional purchaser, in order to force a ballot, and thus have the chance of a ballot,

* N.B.—The meaning of land agent, as used here, is a person who assists the applications of conditional purchasers by preparing descriptions, &c.

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ballot, although they have no proper right? I think where two persons want to get the same land, and know there is likely to be a ballot, they often prepare descriptions in duplicate, in order to multiply their chances.

1498. Did you ever hear of any complaint in that district of what is called double-banking—one man by his agent putting in two or three applications for the same land that he knew a *bonâ fide* applicant wanted? I have heard of a ballot where they had on both sides two or three applications; but I never had any experience of the balloting system, for I never had recourse to it.

1499. As to dummyism in that district, what do you understand by a dummy, or what is locally understood by the term? It is a word I would be glad to have defined. I asked for a definition of it, and I understood that a dummy was a person who observed the condition of residence for a purchaser who wanted to buy land under the thirteenth clause—that is to say, a person whom another employed to get land for him.

1500. A person who cannot reside and fulfil the conditions himself uses another? Yes.

1501. It has been represented that in order to evade the law this has been done at the Deniliquin land office; that persons who wanted to purchase land at auction, owners of runs, knowing that between the time of their application to have it put up and the time of the sale it might be conditionally purchased, and in order to avoid that, have conditionally purchased it themselves through a dummy, so as to keep the land closed against *bonâ fide* applicants until they could purchase it at auction? I never knew any *bonâ fide* selector to be so forestalled. I have had a block of land put up for auction, and being informed that Victorian speculators were coming up to select it, I have assisted to forward the selection by another party.

1502. It has been stated that on Warbreccan Run six selections were made by dummies before the land was surveyed, and that the owner of the run, after the selection, had it sent to auction, and purchased the same land at auction, and thus shut it up between the time of survey and going to auction, by using a dummy;—is there any truth in that. In fact it has been said, respecting yourself, that you have used in that way a dummy by the name of Murray? Your question was as to shutting up the land from *bonâ fide* selectors. I will tell you the whole of the circumstances: I had 4 or 5,000 acres of land put up for auction, and a large Victorian freeholder, Mr. Octavius Palmer, came up with two of his servants—drovers—with the intention, as I was informed, of taking up (say) about one-third or one-half of this land, which was surveyed on my application, to make a fattening paddock of it. I was acquainted with a Mr. Murray, who had a family, and he took up the land just before Mr. Palmer.

1503. Did he take up nine blocks? Yes; I think about nine blocks. Mr. Murray made these applications about a fortnight before it was to be sold, and I facilitated his selections as a friendly selector rather than Mr. Palmer's, who could in no way be said to be a *bonâ fide* selector, and who stated to me personally that he had no idea of residing on the land; that his drovers had had information of the land from some persons in Deniliquin, and that he was going to supply the money for them to take it up. The circumstances in this case were peculiar. Mr. Palmer stated to me afterwards that he had been misinformed with regard to the provisions of the Act, and that he was very glad his servants or himself had not got the land, for he would have lost £700 by the transaction. With regard to selling by auction the same portions of land that had been previously selected, there was a land sale by auction on the 26th September, the day preceding that on which the lots selected by the Murrays were advertised to be offered, and I found that certain selectors of these lands had been permitted to withdraw their selections, and that the lands had been sold by auction upon their withdrawal. This was for the sale on the 26th. I thereupon telegraphed to know if withdrawals would be permitted at the sale of the following day, for which these lands selected by the Murrays had been proclaimed, presuming that what had been done on the preceding day would form a precedent. The withdrawal of the conditional purchase was allowed, and the lands were put up to auction and purchased by me.

1504. Then what position did Murray find himself in? I do not know; I have never asked. I asked him if he would consent to withdraw, and I have had no further knowledge of how his case stands.

1505. Are you aware whether he ever got a refund of his 5s. an acre? No, he has not got a refund, as far as I know.

1506. Did he apply to be allowed to select elsewhere? No, nor did he apply for a refund to my knowledge.

1507. Is that land in his possession or yours now? The land was knocked down to me at auction, and I presume for that reason it belongs to me on payment of the balance of the purchase money. I may further add, that this gentleman, Mr. Palmer, wrote to the Lands Department (so he told me) stating that he had interfered with the sale of the land under mis-information, and that so far from being aggrieved he was desirous that the sale should be allowed to go on. I may further say, perhaps as a matter of justification, that I could scarcely look upon an application proceeding from a gentleman in that position, by his servants, to select, as a *bonâ fide* application.

1508. Can you explain to the Committee how it was that the land agent, having received the money for this land from a conditional purchaser, afterwards put it up to auction and sold it to another? The land agent did so on the 26th. I presume he had received instructions;—that is to say, he put up lands that had been selected for sale on the 26th, and it was for that reason that I asked that the same thing should be done on the 27th.

1509. Do you not think that displayed great ignorance on his part—what he had been doing before? I do not think he did it without authority, as far as I know.

1510. Do you think he had authority? I think he was authorized.

1511. To sell by auction what had been already sold? Whether it is the system to allow withdrawals I do not know.

1512. The withdrawal had not been allowed on the day of the auction? Yes, before the day of auction. The land agent could not possibly sell without the withdrawal having taken place.

1513. Was that sanctioned by the Minister for Lands? I presume the auction sale will be sanctioned.

1514. Was the selector's withdrawal sanctioned—I want to get at why he should sell land under the 13th clause, and then sell the same land under the auction clause? I think he was authorized to sell the land which the selector withdrew from, on the 26th, and I, finding that, asked if he would sell land if the selectors withdrew on the following day, and I understood he was authorized to do it. These were the only two cases in which the necessity for it arose. I will not say specifically he told me he had been authorized on the 26th, but I think he did, and then I said if you permit the withdrawal of these selections why not allow it in other cases? The sale of the 27th was the one in which I was interested. Mr. Murray attended in person and withdrew in writing the applications of his family.

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1515. With regard to the carrying out of the conditions of residence and other conditions required under the law, do you think the appointment of an inspector of conditional purchases, well acquainted with the districts, and furnished with all information respecting lands purchased from the Survey Office, would have any effect in preventing dummy selections—the land being forfeited on the conditions not being complied with? I dare say it would cause a more speedy forfeiture of such lands.
1516. Do you think it would be desirable to appoint such an officer, whose duty it would be to visit the districts periodically and report upon all instances in which the law had not been fulfilled? I think, if selection goes on at the present rate, it will be necessary to have an officer of the kind. As long as the selections were comparatively few, the work might be done by the surveyors, but if they go on at the present ratio of progress the services of an officer such as you state will become necessary.
1517. It has been stated that Volunteer land orders have been used in a manner calculated to pick the eyes out of the country;—do you think that has been the case? If I were the holder of a Volunteer land order for 50 acres I should certainly take the best 50 acres I could get, and no doubt every other man would do the same. I never bought but one of these orders in my life. We have preferred in the course of our operations to purchase land by auction.
1518. As a general rule, what use are conditional purchasers making of land in Riverina? The class to whom I alluded the other day, teamsters and small selectors, combine a sufficient amount of agriculture—the growing of hay, and in some cases a little wheat—with grazing stock. The idea of the latter class of selectors is to go in for sheep farming. That is a feature which has turned up within the last few months.
1519. Are not many of the farmers in Victoria selling out in order to select in New South Wales? Yes, a great many in the western part of Victoria, who selected in 1865, have now got their titles; and others are coming from South Australia into Victoria, and moving on from Victoria into this country. It is a question with those who crop the land and try to grow wheat, whether it is not cheaper to work out the land, and then take up fresh country, than to endeavour to farm it highly.

TUESDAY, 9 DECEMBER, 1873.

Present:—

MR. CREED, | MR. STEWART.

JAMES AUGUSTINE CUNNEEN, ESQ., IN THE CHAIR.

Mr. Daniel M'Keown called in and examined:—

Mr. D. M'Keown. 9 Dec., 1873.

1520. *Chairman.*] You were employed in the Government service in the year 1866? I was.
1521. Under Mr. Commissioner Woore, Crown Lands Commissioner of the Albert District? Yes, I was.
1522. What were your duties? Acting as an attendant on the Commissioner of Crown Lands.
1523. In what way;—what had you to do? To attend on the Commissioner when he went out on his official business, and to carry out any orders he might give me.
1524. How long did you remain in the service? From July, 1866, to January, 1869,—in all two and a half years.
1525. Was there a Charles M'Keown employed in the service? There was.
1526. Were you in the service together—at the same time? We were.
1527. Were you employed generally as a public servant in performing the public duties appertaining to the Commissioner's office? No; I was employed most of the time in doing private work for Mr. Woore.
1528. What were the specific duties you had to perform as Mr. Woore's attendant? We used to have to attend him on his journeys when he went into the back country to define the boundaries of runs.
1529. Did you chain or mark the boundaries? No.
1530. How did you do it then? It was done with a machine called a perambulator.
1531. *Mr. Creed.*] Is it a pedometer you mean? No. We used to call it a perambulator.
1532. It is a machine which marks off the number of yards on a dial? Yes; exactly,—number of miles, chains, furlongs, and yards.
1533. *Chairman.*] Did you mark the boundaries at all? Yes; we run this machine all round it.
1534. But what I mean is did you mark any of the boundaries on the ground? Yes; we marked trees here and there.
1535. How many men went out with the Commissioner? Three on one occasion and two in 1867. We were out seven weeks in all in 1867.
1536. Do you mean that is the time you were out during the whole year? Yes.
1537. During the rest of the year what duties where you employed upon? I was employed in building out-houses, coach-houses, and such like, and in doing rough carpentering for Mr. Woore.
1538. Were these buildings that you were employed upon erected on Crown land, or on land belonging to Mr. Woore? On land belonging to Mr. Woore—land which he had conditionally purchased.
1539. Did Mr. Woore conditionally purchase land? Yes; he took up a free selection.
1540. Are you sure that this work was not performed for the Government? Yes; I am quite sure of that.
1541. Who then do you say it was performed for? For Mr. Woore.
1542. For his own private benefit? Yes.
1543. And do you mean to say that he kept you doing private work for himself instead of employing you upon public duty? Yes, I do.
1544. And that during the year 1867 he employed you only seven weeks out of the fifty-two upon Government work, and that during the other forty-five weeks he had you working for himself? Yes.
1545. Who paid you for all this time that you were employed upon the private work of Mr. Woore? I was paid out of the Public Treasury.
1546. In what way did you obtain your pay from the Treasury? We signed the usual monthly pay abstract, and that was forwarded down to Sydney to the Crown Lands Office. Then we gave Mr. Woore an authority to receive our pay for us, and the money was paid in to his account at the Bank, and he gave us cheques when we wanted money.
1547. It was the usual printed Government pay abstract that you signed? Yes.
1548. And you did this just the same when you were working for him as you did when you were doing your public duty? Yes.

1549.

1549. How were you engaged by Mr. Woore—by the day, or week, or year? Just from month to month. Mr. D. M'Keown.
1550. And at so much per month? Yes.
1551. How were you discharged—at Mr. Woore's will, or did it depend upon some other authority? No; he discharged at will, and at a moment's notice. 9 Dec., 1873.
1552. Were there any other men ostensibly engaged for the Public Service who were employed in the same manner as yourself? Yes.
1553. Who were they? They were Michael Garra, Chas. M'Keown, Thos. Kelly, James Baxter, and Saml. Hy. Vernon.
1554. *Mr. Creed.*] What was the greatest number of men you had employed there at any one time? Five.
1555. And what was the smallest number? The smallest number we ever had at one time during my period of service was four.
1556. At what time were the five men employed? In 1868.
1557. What were they employed at? They were all employed the same way for Mr. Woore's advantage—one was along with me building a coach-house, another was tailing horses, one was cooking, and the other man was gardening.
1558. Were you out in the field with the Commissioner during the time the five men were employed? Yes.
1559. How many times were you out in the field whilst you had the five men? Once we were out—that is all.
1560. And how long for? For six weeks.
1561. How long did Mr. Woore have these five men employed? I cannot say how long exactly.
1562. A year? No; I think not so long as a year.
1563. Was the extra man engaged just before you went with the Commissioner into the field, and for the purpose of going into the field? No; he was engaged to stay at home at Moorabin—that is the name of the Commissioner's residence.
1564. *Chairman.*] Was a new house erected there for Mr. Woore whilst you were there? Yes.
1565. Was there a mason employed there over the stonework? Yes, there was.
1566. Was he employed exclusively as a mason upon the erection of the house? He was.
1567. And do you know whether he like yourself was paid by the Government? I know that he was for a time.
1568. For how long? For about five months to my knowledge.
1569. Was his name down in the official pay abstract as for work done for the Government, and used he to sign it in the usual way? Yes, I saw him fill up one pay-sheet myself, and I know that he signed others; but he came there previous to me coming.
1570. Did he sign the pay abstract? Yes, he did.
1571. Just the same as yourselves? Just the same.
1572. Although he was employed specially in building a house? Yes, he was employed specially to build Mr. Woore's house. Mr. Woore brought him over from South Australia for the purpose.
1573. Then he was brought over from South Australia specially to build a house? Yes.
1574. That house being the private property of Mr. Commissioner Woore? Yes.
1575. And whilst so employed upon this private property of the Commissioner he was paid from the public funds? Yes.
1576. *Mr. Creed.*] Whereabouts is this residence of the Commissioner situated? It is about 3 miles from Wilcannia.
1577. Was it he who put up that monument which was erected to the memory of Allan Cunningham, who was somewhere out in that direction? No. I do not know of any monument in that neighbourhood, except the one that was put up on Mount Poole by Mr. Sturt's party.
1578. Is there any statement you would like to make, in addition to your evidence? No, I have no statement to make.

Mr. Charles M'Keown called in and examined:—

1579. *Chairman.*] I believe you gave evidence before this Committee in April last? I did. Mr. C. M'Keown.
1580. You have been resident in Melbourne since then? I have.
1581. Do you consider yourself to be now a resident in Melbourne? I do. I am only up in Sydney on a visit. 9 Dec., 1873.
1582. Have you attempted lately to conditionally purchase land in Riverina under the Crown Lands Alienation Act of this Colony? Last June I did; shortly after leaving Sydney, when I was here on my last visit.
1583. You went to Riverina, I believe? Yes; to Moama.
1584. With what object? I went for the purpose of conditionally purchasing land on the Moira Run.
1585. Who is the owner of that run? Mr. O'Shanassy is the lessee.
1586. What did you do? I went to the land office at Moama with a number of other persons who had the same intention as myself—to take up land on conditional purchase.
1587. Did these parties who went with you also come from Victoria for the purpose of selecting land? They did, every one of them.
1588. Proceed with what you were stating? I went to the land office at Moama, and saw the land agent there.
1589. Who is the gentleman who fills the office of land agent at Moama? Mr. Maunsell, who is also Police Magistrate there. I saw him, and told him what was my object and the object of the others who were with me—that we wanted to take up land on the Moira Run. He told me that it was not land office day, and that we could not take up land except upon land office days. I answered him that I was aware of that, and that all I wanted from him then was information as to what land was purchased and what land was available for purchase, if he could give it to me. His answer to this was—"This is not a land day, and I am not here to give information." I then told him that I had been in Sydney recently, and that I had understood from the authorities there that I could get such information as would enable me to know what land was available from any land office in the Colony—that every land officer could give me that information in regard to the respective district of each office. He then asked me what information I wanted, and

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I told him I wanted to see any tracings, charts, or maps he might have which would show me what land had been conditionally purchased in his district, and what land was available for purchase in it. He then said that he had nothing but one old map, but that if I would come in he would show me that. I went in with him, and he placed an old map before me, showing a number of conditional purchases marked down on it, but all of an old date. Being a part of the country that I was well acquainted with I was in a position to know that these were all old selections, and that none of any recent date were marked down on the map. I asked him if that was all the map or chart that he had, and if that was all the information he could give me. He said that it was; that that was all the Government supplied him with,—that he got no further information from the Government; and that his time was so much taken up, except on land days, that he was not able to bestow any spare time on the land business.

1590. Did he assist you in any way in ascertaining what land you could select? No, he did not, for he told me that to the best of his belief there was no land whatever on the Moira Run that was available for selection.

1591. That there was no available land? No available land on the Moira Run. I knew that run well, and was anxious to select upon it. I asked him if he could point me out any selections recently made on that run, and he stated that he could not. After this interview with Mr. Maunsell I left the office, and went on about 9 miles on the road to Deniliquin; this was all on the Moira Run, the township of Moama being on that run.

1592. Did you find yourself at all enlightened from the interview and the explanations you had with the land agent at Moama? On the contrary, I found myself in a greater mist than ever, and I told Mr. Maunsell so. I told him that I thought there was a good deal of mist hanging over this run, and that it wanted some lights thrown in upon it. He told me that he certainly did not know anything about it; that this was all the information he had. I then went as I said about 9 miles towards Deniliquin, following the main mail road. When we got thus far we came to the first good land that is to be found on the line of road after you leave Moama. Finding this good land I turned in off the road with the object of searching through the country for good land which might also be available for selection. With this object I left the main road, but shortly after leaving it one of Mr. O'Shanassy's men came riding very furiously up to me, and demanded of me what was my business there, and did I know I was trespassing. I asked him if he could tell me where a free selector named Joachim lived? He answered no, and that I would have to find him; and that he would summons me if I did not clear off out of that, and go back to the road again. I took no heed of his threats in any way, but continued on till I found Mr. Joachim's place. When I came to get into conversation with Mr. Joachim, I pointed out to him the spot where this conversation had taken place with Mr. O'Shanassy's man, and related to him all that had taken place, and he immediately exclaimed, "Why, you were on my land." Mr. Joachim then took out a tracing of his property and showed it to me, and I saw by that that the place where I had been spoken to was quite a mile in on his land.

1593. That was where this man challenged you and threatened to summons you? Yes. I remained with Mr. Joachim that day gathering what information I could from him.

1594. Information respecting what? Respecting land available for conditional purchase.

1595. Land where you might select? Yes. Next morning I started to search the run, and then this man who had challenged me the day before again appeared. He followed me and the others during the day, but this time he kept at a respectful distance, just within sight, and did not in any way interfere with us. That night when we camped he left us, and I suppose went home; we again saw him early the next morning, after saddling our horses and starting from camp. He followed us during the whole of that day also. I then returned to Mr. Joachim's camp, and determined to wait there the arrival of Mr. Finley, the Government surveyor, who was daily expected down from the adjoining run, Mathoura, where he had been engaged surveying a conditional purchase. I waited for two days till I saw Mr. Finley, and that gentleman then gave me information as to where there was some land open for selection, land of the description we required, being suitable for both agriculture and grazing; and from that information we got from Mr. Finley, three of my friends succeeded in getting a selection each of such land as they were looking for.

1596. Were these three of your friends who came from Victoria? Yes.

1597. What quantity of land did they each select? 320 acres. That is the limit they are allowed to take up. They would have taken more had they been able.

1598. Let me ask you now how long you were in search of available land before even these three could make sure of getting the land they required? We were ten days altogether.

1599. It took you all that time to make sure whether you were on Crown lands or not? Yes; and notwithstanding the very intimate knowledge I had of the run for many years.

1600. And you got no information from the local land office to aid you? No.

1601. *Mr. Creed.*] Do you recollect the dates of the selections shown to you by Mr. Maunsell? No; but I knew they were all old ones, and I called his attention to them, and showed him some that I recognized as having been made on the Perracoota, the Thoole, and another run. It was only when I met Mr. Finley that I got any information, and then three of the parties who were with me succeeded in getting selections for themselves. I may here state, however, that before I saw Mr. Finley, some of the selectors north of Mr. Joachim's purchase told me that if I wanted land my best plan would be to do as they had done, and that was to employ a licensed surveyor to go with me over the land, so that I could point out to him the land I desired to conditionally purchase, and then he would inform me whether I could go on to it or not—whether it was available for purchase.

1602. Did they tell you that that was how they had done? Yes; and they told me the price they paid. They said that they had the surveyor out with them for a week, and that it cost them thirty shillings per day each. They had him travelling about with them for a week, and when they come across a likely piece of land he told them whether it was available or not. I think that is all of any importance that I have to say on that matter.

1603. *Chairman.*] With regard to yourself—how was it that you did not take up a selection when your three friends took up one each? Because there was not room for me where these three selections were without going into bad country. What I call bad country is heavily timbered country which would have required a great deal of expenditure for clearing.

1604. Had you to return to Victoria without selecting? Yes.

1605. Could you have obtained land in New South Wales would you have returned to Victoria? Only to fetch my wife and family. I should have come back again within the month prescribed by law.

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1606. And are you now settled finally in Victoria? I am.
1607. Are you aware whether there are many persons who have been in the same position as yourself? Yes, I am; there are large numbers whom I myself have seen returning to Victoria because they could not get the land they wanted in this Colony.
1608. These persons were all Victorians? Yes.
1609. Who came over to New South Wales with a desire to settle down if they could obtain land? Yes.
1610. And why did they not settle down? Because they were unable to obtain the necessary information as to what land was available, and they were afraid to risk the money they had in hand upon land which after all might turn out to have been previously purchased. There were numbers whom I saw returning with the cattle which they had brought across the river with them—their milch cows and such like to form their home with, and their furniture and farming implements, and all they had. They could not find land that was available, and had to return to Victoria, many of them, quite disheartened.
1611. So that not only did we not sell our land but we also lost a valuable class of settlers to increase our population? Yes, I am aware of a good many—one of these persons I could mention in particular. He told me that he wanted to get possession of a large tract of country on which to work the steam plough.
1612. *Mr. Creed.*] Do you know his name? No, it has escaped my memory.
1613. Had he a steam plough, or was he going to get one? He had the plough; I forget his name just now, but he belongs to the Western Districts of Victoria. There were several spots where he was desirous of selecting, but he could get no accurate information respecting them, and did not like to risk the investment of his money.
1614. *Chairman.*] What spots were these? They were just beyond the 40 square miles of reserve on the Moira Run within which the town of Moama is situated, between the Yellow Waterholes and Mr. O'Shanassy's wool-shed. He was unable to ascertain whether these places were already purchased or whether they were within a reserve. And with regard to these reserves I would remark that on the Moira Run they cross the whole run from one boundary to another, and in every instance take up the best portions of the run.
1615. Are they not reserves for travelling stock to go to water? No, the road runs within a short distance of the water, so there is no difficulty about that; but these reserves cross the run from one boundary to the other and take up a great part of the good country; in fact it seems to me as if they have been taken up so as to reserve all the best of the run.
1616. How many of these reserves are there? There are five of them. They are each said to be 2 miles wide, though I find on measuring them on the map that they are a mile and a-half wide only, and they cross from one side of the run to the other, a distance of over 13 miles.
1617. With what intention were these reserves made? For various purposes—water reserves and such like; but the only one on the Moira Run of any use is the one on which Mr. O'Shanassy's wool-shed stands.
1618. The others are of no use as reserves? None whatever, except to keep off conditional purchasers from the run.
1619. And would these be free-selected if they were open to conditional purchase? Yes.
1620. Would the sale of these reserves be calculated to injure the back country by cutting off access to the water? Not in any way. If they were sold it would of course be with a provision for roads. Even as they are now they cut across the main road. They must of necessity do this, as they extend from one side of the run to the other, and there is no access to the public, except by the road.
1621. Are you aware whether these reserves are open to the public to graze travelling stock upon or to take stock to water? They are most decidedly not open to the public; for I have travelled with stock there myself, and I am therefore in a position to speak with certainty. Travelling stock can get to water, because, as I said, the road runs along only a short distance from the water; but then by law you are not allowed to feed your stock beyond a half-mile on either side of the road.
1622. Are the reserves so marked that you can tell when you are on them and when you are not? No. Decidedly not. When you get back off the road a bit you cannot tell whether you are on a reserve and when you are not. The only way to find it out is, if one is anything of a bushman, to run a line roughly for himself to get somewhere near the mark. There is a beautiful piece of country on the reserve at the back of Mr. O'Shanassy's wool-shed that would be taken up within a few days if it were open to purchase. There is a number of selectors settled down on the north of that reserve.
1623. Can these selectors graze their cattle on this reserve? No. If they attempt to do so the lessee of the run very soon impounds the cattle off it.
1624. But surely the Crown tenants should have no right to impound off these reserves? They ought not to have it, but they certainly exercise it. I asked the question myself from Mr. Maunsell, and said that I did not think the lessee had power to impound off reserves; he said that the lessee had, and that if Mr. O'Shanassy or his agent prosecuted me before him, that he should decide against me. There was a decision recently given by the Supreme Court on this subject. That decision was adverse to some person who brought up a squatter for damages for impounding stock off one of these reserves.
1625. With regard to Mr. Joachim, have you much knowledge of that gentleman? Yes. I have known him for many years as a cattle buyer, and as the owner of considerable property in Victoria.
1626. Do you know whether he has selected this land for himself, or whether he is only the dummy put forward by some large capitalist? From the best of my knowledge I should say that he is a *bonâ fide* free-selector on his own account. I know that when I was there he was carrying on more work and doing it in a more efficient manner than any other selector I met with. He was even ploughing when I was there; he had two teams engaged in ploughing.
1627. It has been stated to this Committee that Mr. Joachim was not a *bonâ fide* selector on his own account but that he was said to be the dummy of Mr. Fisher, of South Australia? I do not believe it. I believe that he is working for himself as I know he has been doing for many years. No doubt he may have acted as agent for Mr. Fisher in buying stock, but if he did so he also acted for himself at the same time, and bought largely both in Queensland and in various parts of this Colony. And in speaking of Mr. Joachim, I may say that I witnessed some very arbitrary conduct on the part of Mr. O'Shanassy's agent towards Mr. Joachim. I saw them drive their sheep up to the door of his dwelling-house, and dare the children to come outside, as they would startle the sheep.
1628. Did they use intimidation? All this was done to intimidate persons from taking up land on that run.

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1629. I suppose as a warning to you and other intruders what you would get if you came there? Yes, that was the idea.

1630. Who was the person who did this? I do not know the name of the person. He was a boundary-rider of Mr. O'Shanassy's I think. I afterwards saw Mr. O'Shanassy, junr., and Mr. Fitzgerald, the manager of the station. These two gentlemen followed me about one morning, but they did not come near or speak to me. I saw them also at the land office, but they did not say anything to me.

1631. Upon what station was it that your friends took up their selections? I forget the name of the run, but it was between the Mathoura and the Moira Runs. If we had not learnt the position from the surveyor we should never have been able to have picked out there ourselves. One selection was taken up on a plain outside the station fence, and two were taken up inside the fence. I believe that three more selections have been taken up there since by friends of the parties who first selected. In the first instance, we did not care about going on to the Mathoura Run, because people do not care about going further north than they can help, as they do not wish to get too far from the Echuca railway station. That is where Joachim is so well situated with his conditional purchase, being, as he is, within an easy distance of the Echuca station.

1632. How does he stand for water there? He was excavating some large tanks there for the storage of water. He had fourteen men at work upon them with tip-drays so as to secure a good supply. Besides that he had each child living on his own respective selection, so as to comply with the Act in all particulars; and yet, in spite of that, he has been told that his selections were forfeited.

1633. Who told him that—the persons who represented the lessee of the run? Yes.

1634. But in spite of that he still goes on with his improvements? Yes; and expressed his intention to me to go on unless the Government comes and turns him off. I advised him very strongly to stick to it as long as he could hold it, for I said I was sure if he went on honestly making his improvements the Government of New South Wales would stick to him.

1635. *Mr. Creed.*] There were three men who made selections on the Moira Run, on what was said to be a reserve;—do you know anything of them? Yes. Here are their selections marked on the map, though as they are charted they do not appear to be on a reserve. I was speaking to Mr. Maunsell about these men, and he said that they would have to shift, for that they were on land not open to selection. He said the same to me about Mr. Joachim, that he would have to shift. I was speaking to these three men about their selections, and about the difficulties which were being raised, and they all expressed their determination to stick to the land as long as they could, being assured that the Government would do them justice,

1636. Where are they situated? On the edge of reserve No. 91—on the north side of it.

1637. *Chairman.*] You found then that you could not get information at the land office at Moama because the land agent had not in his possession maps of a date to give you the information you required? Yes.

1638. You also experienced inconvenience from there being no marking on the ground of either reserves or conditional purchases? Yes.

1639. And you also complain of the undue interference of persons in the employment of the Crown lessees with people who are in search of selections? I do. I may also state here that what I consider to be a great grievance is that the paddock fence of the Moira Run comes down to just within a short distance of the dense forest that covers the flooded ground of the Murray River, and that the fence encloses all these reserves.

1640. You do not mean to say that the Crown lessee encloses these reserves? Yes. The fence runs in a straight line across them, just as if they were an ordinary portion of the run.

1641. So that these reserves for grass and water to travelling stock are fenced in in such a way that drovers cannot avail themselves of them? They cannot avail themselves of the back of them, but of the frontage to the water they can.

1642. So that fully one-half of the reserves is taken away from the use of the public? Much more than the half of them. The road runs down near the water, and stock are only allowed to feed within half a mile of the road.

1643. Then you have only the right of grazing that is given you under the Land Act? Yes, quite so; but when you are not allowed out on the back of the reserves where is the use of making them.

1644. And the more especially if they are fenced in? Exactly. It seems as if they were only reserved for the use of the Crown lessee, and to keep off the conditional purchaser.

1645. *Mr. Creed.*] The Crown land agent at Moama gave you all the information in his power? Yes, certainly he did.

1646. He did not attempt to thwart you in any way? No; but then, on the other hand, he did not offer to facilitate my object in any way. In fact he told me in the first instance that that was not a land day, evidently under the impression that I would leave when he said this, the same as others had done previously.

1647. How was that? He perhaps fancied that when I saw I should have some considerable difficulty over the matter that I should give it up as a bad job, as many others had done.

1648. How do you know that others had done so? Because they told me. They told me that when they went to the land office the land agent informed them that the office was not established there to give information but only to take money, and then only on land days, and that it was no use for them to go there upon any other day. I was told this by many parties whom I met returning from New South Wales after a vain attempt to conditionally purchase.

1649. *Chairman.*] After a vain endeavour to select such land as they wished to settle upon? The parties who spoke to me were quite disheartened at being able to obtain no information as to what land was available and what was not.

1650. Have you any statement you would desire to make in addition to the evidence you have already given? No, I do not think I require to say more than I have done. I would merely impress on the Committee that these reserves form the main ground of complaint, and that the way in which they have been made and are now managed seems to me to be a most scandalous affair altogether.

1651. And I suppose you do not see what object there can be in having them if they are to be fenced in? I can see no object at all, except to keep off the conditional purchaser.

Mr. Frederick William Rutter called in and examined :—

Mr. F. W. Rutter. 9 Dec., 1873.

1652. *Chairman.*] You produce a map of Moama and the surrounding country? Yes; I produce a map of Moama and the County of Cadell.
1653. Do you see the Moira Run marked there? Yes, I recognize the Moira Run on it.
1654. And the reserves? Yes, I recognize the reserves for water and for other purposes which have been made upon it.
1655. Will you give us a description of those reserves? The first is reserve No. 143 and its extension, reserve No. 89 and its extension, reserve No. 90 and its extension, reserve No. 91, the Murray River Forest reserve, reserve No. 95, and reserve No. 318, reserved from sale until surveyed. There are other *small* reserves on Moira not spoken of, and not shown to the Committee. I spoke from memory as to reserve No. 95 being within Moira Run. From search lately made I find it is not on that run, but just within the adjoining run of Tataila.
1656. Could you inform the Committee whether these reserves were made on the recommendation of some officer of your department, or whether they were made on the application of the lessee of the run? I could not say from whom it was that the recommendation first came—whether they were made on the recommendation of some officer of the department, or on the application of the lessee of the run; I cannot say who it was, but it must have been the one or the other. It must have been either the district surveyor or the Crown lessee; but I should rather think it must have been the district surveyor, though I will not be certain about this.
1657. Will you make inquiry, and when your evidence is sent to you, will you let us know who made the application for these reserves? I will. Reserve No. 143 was applied for by the lessee of the Moira Run—R. J. Glass. Its extension was recommended by the Surveyor General about the same time that Mr. O'Shanassy (the lessee of the run) applied for it. Reserves No. 89, 90, 91, were made on the recommendation of Acting Surveyor General Davidson, for the purposes mentioned, and their extensions were notified, it is believed (the papers 65/23,098, S.G., being missing), by the present Surveyor General, about the same time that Mr. O'Shanassy applied. Reserve No. 318 was made, it is believed, upon the recommendation of the present Surveyor General (papers 65/21,988, S.G., missing). The Forest reserve of 162 square miles, at Moira, was made upon the recommendation of District Surveyor Wood, subsequently supported by the then Member for the Murray—P. A. Jennings.

MONDAY, 22 *DECEMBER*, 1873.

Present :—

MR. MACLEAY, MR. J. ROBERTSON, | MR. RODD, MR. STEWART.

JAMES AUGUSTINE CUNNEEN, ESQ., IN THE CHAIR.

David Griffith Jones, Esq., called in and examined :—

D. G. Jones, Esq. 22 Dec., 1873.

1658. *Chairman.*] You have resided, I believe, for many years in the Riverine District? About eighteen years.
1659. During that time have you had much experience of the working of the Land laws in that locality? Yes, a good deal; I have made it my constant study for fifteen years.
1660. *Mr. J. Robertson.*] I would like to know what you mean by the Riverine District? I do not call it the Riverine District; I call it the south and south-western districts of New South Wales. They generally go by the name of the Riverine Districts; but my evidence applies to that part of the territory west of the mountains, which is commonly called the salt bush country—between the rivers Murray, Murrumbidgee, Lachlan, and Darling.
1661. Have not these places names, for instance Deniliquin? There is the Police District of Deniliquin, which is included in the country I refer to.
1662. Do you include Albury? No, Albury is on the east side of the country to which my evidence will refer.
1663. Do you include Wagga Wagga? No.
1664. Or the district about Hay? Yes.
1665. And the Darling? Yes.
1666. What Police District is that? I do not know that they call them Police Districts; but the districts I refer to are the squatting districts, called on the maps of the Colony, Darling, Murrumbidgee, Lachlan, and Albert. What is termed the Riverine District has no specific boundary in law; but it is generally recognized as lying between the Murray and the boundary of Queensland and the boundary of South Australia, and on the east by about the 147th parallel.
1667. Are you aware who gave it the name of Riverina? I believe it was Dr. Lang, some ten or twelve years ago.
1668. *Chairman.*] Will you be good enough to state to the Committee the opinion you have formed as to the working and administration of the Land law in the districts you refer to? I have had upwards of sixteen years experience of the operation of the Land laws of this Colony, namely, about nine years before the present Land law was applied to the southern district in 1866, and about seven years since that period. During all this time I have been connected with the Press, and for fourteen years, excepting about eight months, I have been proprietor and editor of the *Pastoral Times* newspaper, published at Deniliquin. The operation of the present Land law has been with me a special study. I consider that on the whole the present Land law worked moderately well for settlers, great and small, until the decision of the Supreme Court, which was given, I believe, a little more than two years ago, pronounced that minors and persons of tender age could take up land. I except the commendation in this respect, that by permitting selectors to take up land over all the unalienated Crown lands, the principle has been opposed to education for secular and for religious purposes. I think that to a very large extent the freedom thus given to select has tended to promote crime and to increase the cost of governing the districts to which I wish my evidence

to

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to apply, namely, the south and south-western districts of the Colony. Since it became known that minors could select, or that an opinion to that effect, by a majority of the Supreme Court, had been given, the effect on these districts has been adverse to settlement there on a large scale, where the climate and peculiar physical features of the country demand large outlays of capital. The great areas are unwatered from natural causes; consequently large sums have to be laid out to supply the defects of nature. The absence of and irregular supply of rain, the dry and arid nature of the climate generally, and the fact that the indigenous grasses and herbage are peculiar in themselves, the result of the soil being thoroughly impregnated with salt, all point to improvements, to become effective, as very costly and demanding large outlay. The capitalist's protection consisted mainly in the general unfitness of the soil and climate for land improvements by men of small pecuniary resources. I think the districts specially referred to would have been more rapidly improved, and more generally improved, if the principle of free selection had not been applied to them for five years subsequent to 1866. I am of opinion that had a proper fencing measure been passed when the Land Act became law, it would have been of immense service to the country at large, and to the south and south-western districts in particular. Until within the last six months the operation of the Land law was exemplifying itself in one particular way, in a manner mostly advantageous to the permanent settlement of the country. The Government had been asked to measure off considerable portions of the runs between the Rivers Murray and Murrumbidgee in blocks for sale by auction, and the leaseholders there were becoming large freeholders, especially the leaseholders who had large families, most of the members of which had been born and bred there. But this has at length had a disastrous effect on their interests, as the Government permitted the land so measured to be taken up by selectors and speculators in land. The result has been to alarm the leaseholders who, from having resided in the country for so many years, have given proof of their permanent attachment to it, and a desire to live with their families there. The consequence is, that they are offering their leaseholds for sale in every direction. I am now referring particularly to the country between the Murray and the Murrumbidgee. I consider it absolutely necessary for the general as well as for the individual interest, that land so measured for sale by auction should be reserved specially for that purpose—the Executive having, I presume, the power to do so by the Land Act. I consider it is of permanent importance to the country that the following should be encouraged:—Capitalists on a large scale to redeem Crown waste lands; that the large leaseholders should be allowed to become freeholders in proportion to their means; and that medium and small freeholders should have all reasonable facilities granted to them. It is an abuse of the Land law which has produced most of the evils. People had got on very well with the present Land law for many years.

1669. Have any abuses come under your notice? Yes. The principal abuses have been in shutting up the high roads to market, by allowing selectors to take up land on the reserves for stock travelling to market. A very large quantity of travelling stock pass from Queensland to Victoria through the southern districts of New South Wales, and by the Land law a reserve has been proclaimed on the main roads of a mile in width for the accommodation of travelling stock. On these reserves Government has permitted settlement in almost every instance where it has been applied for. That applies principally to the Murrumbidgee down to the Murray.

1670. Are there any particular lines of road that you could indicate? From Hay to Moama; that is the principal road leading into the interior from Victoria.

1671. How was it that the officer in charge in the localities where these lands were selected did not inform the selectors that they were selecting on reserves? The officer in charge has generally been a mere Clerk of Petty Sessions who did not understand the maps and had no knowledge of the country, I presume, and he generally accepted from the applicant the description of the land and the money, and sent them to head quarters. I have no remembrance of a case where the Government have refused land when applied for on these reserves.

1672. Do they allow a selector to remain on a reserve;—would they not cancel the selection? They do not do so. It is a constant cause of irritation between those who are travelling with stock and those who have selected on the highways. Many of the selectors have levied black mail on the travellers. I should think more than half the land lying between the Edward and the Murray, an extent of 50 miles, has been shut up in this way—that is, the highway to market for 50 miles.

1673. What uses do the selectors put the land to? They fence it in and use it as paddocks. Some occasionally carry on a little agriculture, but generally the land is used as paddocks, and persons in charge of travelling sheep or cattle have to pay these persons who have settled on these reserved areas for allowing the cattle or sheep to locate in the paddocks.

1674. *Mr. Stewart.*] Are these reserves let? They have been conditionally taken up.

1675. Then of course the reserves must have been revoked? The reserve was first proclaimed, and I do not remember any revocation.

1676. Were they allowed to be taken up before being revoked? I think so. One man at South Deniliquin has taken up 3,000 acres, which has been the means of half ruining the town.

1677. *Chairman.*] What might be his name? Taylor; he has taken up 3,000 acres south of Deniliquin.

1678. What reserve did he take up? On the line from Deniliquin to Moama. He took it up for miles; and the consequence is there is only a narrow fenced road for all the travelling cattle and sheep to go down. The Government has tried to make the road through, or on the side of Taylor's selections, at an expense of something like £1,000 a mile.

1679. Are you aware whether these reserves have been charted? (*Map laid on the table.*) This, the road leading from Deniliquin to Moama, is one along which more than half a million of sheep, and perhaps 20,000 head of cattle have to go every year.

1680. *Mr. Stewart.*] What is the width of that road? About as wide as from here to the houses on the other side of Macquarie-street. The reserve should be a mile wide. At one place, the Yellow Waterholes, the mail coach has to come through the paddocks of one of the selectors, and has to pay continually, and so do other people. In some cases the squatter has fenced in the reserve, and the road there is a mile in width, but the selector has come between the squatter's fences.

1681. I do not see how anybody can settle upon a reserve that has not been cancelled? It has been done.

1682. *Mr. Macleay.*] Are these selections along the road taken up with a view of making charges upon travelling stock? Yes, some of them.

1683. Then, in reality, the only people who suffer are those who are travelling with stock. It does no injury to the district of Deniliquin? Yes, because the road gets very bad, and all the coaches and private vehicles have either to go through all the dangerous places, or pay for going through the paddocks. It increases

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increases the cost of carriage very much. For a distance of 40 or 50 miles the cost of carriage is in winter £3 or £3 10s. a ton.

1684. You say the squatters used to fence up to the road before the selectors came there? The squatter left a mile wide, but the selector came in between the squatter's fences. The squatter fenced for his own protection when so much travelling stock were passing through his run, giving them the mile in width which they were entitled to. It has been the principle down there for the land agents to take the money whenever they could get it. The Government do not seem to exercise any check or control.

1685. *Chairman.*] I suppose the land agents are generally Clerks of Petty Sessions? Yes.

1686. And they are appointed more with the view of being good deposition-takers than with any view of understanding the maps, charts, or Land laws or regulations? I do not think they know anything about the charts or maps or surveying.

1687. Is not a good deal of difficulty likely to arise under these circumstances? Yes; they do not exercise any discretion; they send the application and the money to head quarters, as a rule, leaving it for the principal officer to do what he thinks fit.

1688. And the parties interested to fight it out? Just so. It generally ends in the selector getting the land.

1689. *Mr. Rodd.*] Has this been the case during the last twelve months? I am speaking of the last seven years, since free selection has been applied to the south-western district. If the land had been open along the road, we should not have required the railway to Deniliquin; but the high road is blocked up in many cases for miles. The narrow passes that are left are in many places so cut up in wet weather that cattle get bogged, and persons in charge of them have to apply to the selectors on either side to go through their paddocks, and of course they expect something for it. The result of this abuse of the Land law has been a good deal of demoralization; grog-shops have been established all along the road at different distances, and they have been a centre for a good deal of the crime that has been committed there.

1690. *Mr. Macleay.*] Within the last few months has there been in that part of the country a system of squatting upon squatters? Yes.

1691. Have you considered what the effect of that is likely to be on the revenue? It will reduce it very considerably.

1692. Is there not one way in which it immediately becomes detrimental. Is not the charge made for taking up land under pre-emptive lease—three times the quantity purchased—only £2 a section,—a great deal of the land, previously in the hands of the squatters, having been leased to them at a much higher rate? Yes; some of the runs have been paid for at the rate of 2d. or 3d. an acre. The selector has not only taken his *quasi* freehold of 320 acres, but he has taken up three times that area, under pre-emptive lease, at £2 a section, for which the squatter pays a much higher rental than the selector. For instance, the selector pays three farthings an acre where the squatter pays 2d. or 3d. an acre.

1693. So that the revenue must be suffering very much? Yes. I may say the selector takes up this land at 5s. an acre, after it has been measured off, for which the squatter is ready to pay at least £1, which is a great injustice and has evoked much bitterness among the leaseholders. Some twelve months ago a number of the leaseholders, having had good times and having accumulated money, were anxious to become freeholders, and they applied to the Government to have blocks of land measured off on their stations, with the view, I believe, of settling these lands on their children. They paid 6d. an acre as a test of their *bonâ fides*, that they would buy the land when offered at auction, or if they did not buy it then the Government would charge the 6d. an acre for the survey. A large quantity (say), scores of thousands of acres, were measured off by the Government and some of them have been put up at auction, but some have not, because they have been taken up by conditional purchasers in their measured condition at 5s. an acre, whereas if put up to auction they would have fetched at least 20s., that being the minimum; so that the Government is losing in that way 15s. an acre. Of course, I am aware that the conditional purchaser, if he fulfils the law, has to pay £1 an acre before he can get his title, but he need never do it, unless he chooses, so long as he pays 5 per cent. interest. He has also to expend £1 an acre on improvements; but all that the State receives at once, or may ever receive, for the land it parts with, is the 5s. an acre, paid when it is taken up.

1694. *Chairman.*] You are aware that under the Land Alienation Act the maximum quantity allowed to be conditionally purchased is 320 acres? Yes.

1695. There is a wide difference of opinion as to whether the maximum ought to be increased or not;—what is your opinion on that matter? I think it would be better to do away with the grazing right and give liberty to select a square mile—640 acres—on condition that it was fenced in. I think fencing would be the preservation of the Crown property.

1696. Do persons generally avail themselves of the grazing right so far as it has come under your knowledge? Yes; they never fence in their grazing right, and it has been a constant source of irritation between the leaseholder and the conditional purchaser, which has been more than any other matter the cause of the ill-feeling that has been so general between the two classes.

1697. With regard to conditional purchase by minors, do you think that is very often because the parent of the minor cannot legally purchase as much land as he wants, and therefore he, as some people think illegally, uses his children's names. Have you formed any opinion whether increasing the minimum that could be conditionally purchased would check the purchase by minors,—that is, if persons could take as much land as they wanted themselves under the law, would they cease to avail themselves of subterfuges by dummying and selecting by minors? It might in cases of non-speculators; but I think a considerable portion of the new-comers are come to speculate in land. I can give you an instance which occurred a month or six weeks ago, which is strongly illustrative of that: A certain person on the Murray has been for years engaged in "felling" timber on the Murray, and had some saw-mills there. He had cut all the timber he could get, and took up selections along the river for nothing but the timber, and eventually he cleared a good deal of the river of the fine timber belonging to this Colony, and sent it to Victoria. Some of the Crown tenants applied to the Government to stop what they called this spoliation of the public estate. On one person in particular, a leaseholder, the owner of these saw-mills thought he would revenge himself, and about six weeks ago he took up about 4,000 acres of the run of this leaseholder, who had complained to the Government. This land had been measured for sale by the Government, and the Government had received the six-pence an acre deposit. Just before the auction day the saw-mill man came and took up these 4,000 acres, and as soon as he could consistently he went (within a week or two) to the leaseholder, and offered to retire from the land if he would give him, the selector, 2,000 guineas.

The

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The leaseholder said, "No, I will not give you 2,000 guineas, but if you get the land at auction, which I have paid the Government for measuring, I will give you £100 for your trouble." The consequence has been that the leaseholder has completely hemmed him in on these 4,000 acres. The leaseholder has taken up, as I am informed, in the names of minors and others, the whole surrounding country, so that the grass rights are gone. That is the constant practice that is going on. One man selects in the names of minors and what they call dummies, and the other selects in the same way to circumvent him (the speculating selector). There is constant war between them. I wish to impress upon the Committee that it is very desirable to put a stop to this, because the Crown is losing its revenue, and there are an unlimited number of law suits hanging to these cases. The case I have mentioned may be an extreme one, because it is on a large scale, but the same thing is constantly taking place.

1698. *Mr. Macleay.*] When persons take up land in the names of minors and dummies how are they able to make a claim to the land two years afterwards, as having fulfilled the conditions of residence? Many of the nominal selectors are children in arms, and they are carted from one selection to another to sleep there. They are carted wholesale, and a tent put up on each selection, and the children are taken there in charge of the mother, or the father sometimes. They are, in fact, perambulating families. They do that in order to try to respond to the law.

1699. They must improve to the extent of £1 an acre? I consider it never could pay them to improve to that extent in our pastoral country.

1700. *Chairman.*] With regard to improvements, have you considered whether the law should continue as it is or not? I think there ought to be improvements, but I think £1 an acre an absurdity in a pastoral country. I may tell you that the cost of an outer fence of large stations would be about 1s. an acre, and the subdivisions altogether would perhaps bring it to 3s. an acre. I am speaking of station property. I may state, for the information of the Committee, that I have taken great pains in ascertaining what are the improvements on some millions of acres of squatting runs in the southern districts, and I find they range from 2s. 6d. to 5s. an acre between the Murrumbidgee and the Murray. At 5s. an acre a station would be very highly improved. I will give you the cost of improvements on some stations from memory. On Illiliwa, Messrs. M'Culloch, Sellar, & Co.'s station on the Murrumbidgee, £40,000 have been spent on improvements. Of course it is a large station. On Togalmain, of late belonging to Mr. George Macleay, about £35,000. On Warbreccan (Shanahan and Jennings' station), which is one of the most highly improved stations in our district, the improvements have been at the rate of 4s. 6d. to 4s. 9d. an acre. Messrs. Landale Brothers have spent about £40,000 in improvements;—this includes sums spent by their predecessors, from whom Messrs. Landale bought. These sums do not include the purchase of land, but merely the cost of improvements—fencing, wells, reservoirs, stockyards, woolsheds, and all things that go to make up a station. As an average of squatting property in this district, for every 100,000 acres £10,000 have been spent in improvements. I want to impress upon the Committee how unfairly selection by minors and dummies acts in the case of men who have made these large outlays for improvements. When a swarm of these persons comes upon a run, who will not pay a tenth of the value of the improvements, a station is ruined, perhaps in one day; but the country is not benefited either by *bonâ fide* settlement or by an adequate payment into the Treasury for the land taken up. That is where the shoe pinches so much when the system of selecting by dummies and minors is resorted to.

1701. Could you inform the Committee what is understood in the district, among practical people, by a dummy? All persons whose names are used to improperly alienate, or try to alienate Crown property, are dummies.

1702. With reference to improvements under the Alienation Act, do you think it advisable they should be enforced or not, under the 13th clause? I do not think £1 per acre could be advantageously spent in improvements in the country to which I refer, on pastoral areas. The large leaseholders, who are generally wealthy men, improve as far as they can, and they find 5s. an acre as much as they can use. If the land were freehold perhaps they might increase the amount spent in improvements to 10s. an acre as a maximum.

1703. With regard to the condition of residence, do you think it still advisable to enforce that on those who purchase under the conditional purchase clause, or to make improvements alone satisfy the requirements? I should prefer improvements to residence, because it is so easy to evade the residence clause. I look upon improvements as the best test of *bonâ fides*. Improvements would be certain; you can always find them if you appoint a proper man to inspect this property. That would put a check to a vast amount of the speculation in land which is now going on by persons who desire to evade the improvement and residence clauses, as well as to a great deal of false swearing in making declarations. People go and swear they have improved property to the extent of £1 an acre, when in some cases scarcely any improvement at all has been carried out.

1704. Do you think it would be for the public interest that an inspector of conditional purchases should be appointed, whose duty it should be to periodically visit and report upon selections, specifying particularly those who had not fulfilled the conditions? I think such an appointment would be of immense service to the country, and would check much of the speculation in land which is now going on. I do not know of anything that would be of greater service to the public interest than to have every selection examined.

1705. Do you think the expense of the office would be fully warranted in the interest of the public? Certainly. I do not know an appointment more to be desired in connection with the Lands Department, I am certain, because I have witnessed it, that in scores of instances people have taken up land and have not improved it according to the Act.

1706. With regard to that part of the Act under which sales by auction are permitted at an upset price of not less than £1 an acre, do you think all lands ought to be put up for the same upset price, or should a difference be made between inferior lands and superior ones in classification? The land has improved so much from stocking, between the Murrumbidgee and the Murray, that I hardly think the Government would be justified in lowering there the price of land; but in the Darling District I do not think half, or a fourth of the land, would reach 10s. an acre. In the Lachlan and Lower Darling Districts there is a smaller rain-fall, and the land is more in a state of nature. It takes a larger area to keep a sheep. I think the land between the Murrumbidgee and Murray would fetch £1 an acre; but the country between the Lachlan and Lower Darling would be well sold at 10s. an acre. But inferior lands, by stocking, become

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become greatly improved. The land between the Murray and Murrumbidgee fifteen years ago would not have fetched 5s. an acre, but now I believe it would be sold at 20s.

1707. It has been represented to this Committee by some witnesses that at present the auction system is calculated to injure the remaining portion of the public estate, because the land is bought in such positions as to give the key to the surrounding country;—has anything of that sort come under your notice? I did notice that at first, but it has been checked by the Government, and now they will only measure off land in such forms as are approved of by the Surveyor General. The Act will not allow them to sell more than 320 acres at one fall of the hammer, but they will measure off 5,000 or 10,000 acres on a station, and they leave roads all through these blocks to protect the public interest; so that nothing of the kind you speak of is done now; but sometime ago it was done.

1708. Do you think any larger blocks than 320 acres should be allowed to be sold under the auction clause? I think the limit might very well be increased to 1,000 acres. I wish to impress upon the Committee—and in fact it was my main reason for coming here to give evidence—that I think it would be of the greatest benefit to the country to allow the leaseholders to buy very largely, which could be done without injury to the public interests. I would let them buy as much as their own interests or their means would dictate. I know a gentleman whose sons and daughters want to settle in the district where they were born, and who is willing to buy land for them as a freehold to enable them to do so, but they cannot live and utilise profitably their capital on 320 acres. I conceive that there can be no more legitimate object in a Land Act than settling such persons on a freehold. It is an absurdity to restrict them. They have lived there, and have been excellent colonists for very many years, and they naturally want to buy as much land as will enable them to live upon it, by the pastoral pursuits they have been accustomed to; but they cannot get it under the conditional purchase clause; and if they cause large blocks to be measured for auction they are invaded by speculators before the day of sale. If you could settle such persons on the land in freehold occupation the Land Act would confer an immense benefit on the country. In some cases which have come under my notice within the last six months, some leaseholders, who have redeemed their holdings from a state of nature, are in perfect terror of their prospects now. They ask to have certain areas measured off on their stations, and as soon as they are measured off speculators and others come in upon these lands, and the station is virtually ruined.

1709. You are aware that at present the annual value of runs is ascertained periodically by appraisers appointed for the purpose? Yes.

1710. Is that method of arriving at the rental to be paid generally satisfactory? I do not think so.

1711. You are aware the estimates of different appraisers vary very much? Yes. I do not think it is a safe guide. I think it is next to impossible that the principle can be carried out.

1712. Could you suggest any improvement upon it? If it were possible to begin again I should fix upon a minimum rent when a Crown leaseholder takes up land in a state of nature, and add 10 per cent. periodically (say) every three years. That is a principle he would thoroughly understand, and it would enable him to make his improvements year by year. It appears to me that the principle of appraisement is wrong altogether. The more a leaseholder now improves the more attractive he makes his run for other persons to jump the land.

1713. Have you noticed the state of the maps and charts in the local land offices—whether they are such as give the public all the information they might expect? No, they are very defective. They cannot make them out. Within the last few months there have been added to the Deniliquin land office, which selectors have been crowding into lately, a surveyor and a draftsman. It is much better now than it was before, but even now the difficulties are considerable in consequence of the back work not having been yet brought up. Selections taken up for the last five or six years up to August last were not marked on the maps. The result is that two or three persons may have taken up the same selections, and it has led to a great many disputes between selectors and leaseholders.

1714. We have been given to understand that in many cases different persons are paying rent for the same leased land? Yes; that is done in a great many cases. The leaseholders suffer a great deal in that way.

1715. It has been complained that the local offices generally have no printed forms for the use of persons who want to lease or purchase land? There have been complaints at Deniliquin, but I believe that was in consequence of the supply of forms being exhausted by the rush in August last.

1716. With regard to a Fencing Bill, do you think it would be advisable to make some provision for fencing in any improvement of our Land laws? Yes, decidedly.

1717. Would you insist upon all persons who purchased land fencing it? Yes, every one of them. I think a man has no right to have land unless he fences it in—that is a freeholder, or a person trying to make a freehold, should fence it. He kills the squatter by not doing so. As an instance of that, a man went into a paddock of 10,000 acres the other day and took up a selection in the centre of it, which made the whole paddock of no use to the leaseholder. If he (the selector) had dummies or minors in whose names he could select, he could take up the whole paddock already fenced in for him.

1718. You are aware that a Fencing Bill was formerly brought under the notice of the Legislature? Yes. Why it was not passed I could not understand. It would have averted an immense amount of evil from the country—crime and everything else.

1719. You are aware that under that Bill fencing was not compulsory, except upon notice from one party to the other? Yes. I would make a man fence in his land within a given time of taking it up. That would put an end to dummies and minors selecting.

1720. You would make it one of the conditions of purchase? Yes. I think fencing would have the most conservative and beneficial influence with regard to land. It is ruinous to the squatter, and not productive of benefit to the country, to allow land to be taken up in the way it is by dummies and minors for speculative purposes without being fenced. Fencing would prevent all such violations of the law, because they could not afford to take up large areas for such purposes if they were obliged to fence.

John Wolsten Ellis, Esq., called in and examined:—

J. W. Ellis, Esq. 22 Dec., 1873.

1721. *Chairman.*] You are an officer in the Survey Department? Yes.
1722. Do you produce a map showing the country on the main road between Moama, on the Murray, and Deniliquin? I produce a map of the county of Townsend, which shows the main road from Deniliquin to Mathoura.*
1723. Are there any reserves proclaimed on that line for the use of travelling stock? Yes.
1724. To what extent? ½ a mile on each side of the road—from Deniliquin *viâ* Mathoura to Moama. The reserve was notified in the *Gazette* of 2nd December, this month.
1725. There was no reserve there before? Not for travelling stock. There are other reserves for water supply, for the beneficial occupation of the back country, in that part of the country.
1726. Is the main road from Deniliquin to Wanganilla shown on any of the charts before you? Yes—county of Townsend. *(The witness produced several charts.)*
1727. What extent of reserve was made there? ½ a mile on each side of that road (the *Gazette* notice of the 2nd of December reserves ½ a mile on each side of the road), from Deniliquin *viâ* Wanganilla, Thirty-mile Pines, and Hay, to Booligal, on the Lachlan—counties of Townsend and Waradgery.
1728. Were any other reserves made? As given in former part of evidence that reserve extends to Moama. There is a stock reserve proclaimed on the road from Deniliquin by Conargo, up the Billabong, *viâ* Urana, and on to Wagga Wagga, ½ a mile on each side of the road.
1729. Was that also proclaimed in this month? Yes, 2nd December.

* The map of the country between Mathoura and Moama was with the Select Committee during the evidence.—J.W.E.

FRIDAY, 16 *JANUARY*, 1874.

Present:—

MR. LUCAS, | MR. STEWART.

JAMES AUGUSTINE CUNNEEN, ESQ., IN THE CHAIR.

Philip Francis Adams, Esq., Surveyor General, called in and further examined:—

P. F. Adams, Esq. 16 Jan., 1874.

1730. *Chairman.*] I believe you wish to make some statement respecting the evidence given before the Committee by Mr. Mayger, in reference to the survey of land in the Riverine District, as to the quantities surveyed in particular blocks? Yes, I have been told that a witness has stated that two of the surveyors have been influenced by the squatters in getting the measurements made to suit their own purposes, to the evasion of the Act.
1731. *Mr. Lucas.*] Are you referring to that portion of the evidence which says that blocks are surveyed in portions of 161, 162, or 163 acres, so that two of them will just exceed the quantity, 320 acres, allowed to be taken up by free selection? Yes, that is the statement that has been made, I believe. I do not so much object to that as that the witness has attributed impure motives in a case in which I am convinced there was nothing of the sort, as the matter has been explained to my satisfaction.
1732. *Chairman.*] Are you aware whether it is a fact that blocks in any great number have been measured in such quantities? Very few. When Mr. Mayger called upon me and read an extract from a letter he had received, he supplied me with the information he was in possession of. I had the plans brought in and showed him every plan that was in the office touching the locality he referred to, and we could only find two portions that could be brought in that category at all.
1733. *Mr. Lucas.*] Out of some thousands that have been measured? Some hundreds, perhaps.
1734. *Chairman.*] He could not point them out to you? We could not find any more than two portions so measured in the locality indicated in your question. I sent for and questioned Mr. Donkin, whose name has been used as one of the surveyors who have been guilty of this sort of thing, and he told me there was a block of five or six portions which had been subdivided by his direction. A design was prepared by him, and he had sketched four or five lines across the vacant block, and directed the surveyor to cut it up in that way. The surveyor was Mr. Burgess. It was the first work he had had. He had recently come from Tasmania, and being unaware of the construction that might be put upon it, measured the block in portions of from about 170 to 200 acres, just dividing the block in the way sketched out by Mr. Donkin. That is the case that Mr. Mayger referred to, but the plan had not then arrived in Sydney. I am certain there was no impure influence or anything of the kind. It was purely accidental. Such a thing is likely to occur in any large subdivision; but as a rule the surveyors are very careful not to make the measurements in such a way. I think out of all the measurements that have been made in that district not more than seven or eight portions so measured could be found, and many of them are unavoidable.
1735. In these cases do the surveyors survey the blocks because the Government wish to sell them, or on the application of some person who wished to purchase at auction? On application to purchase at auction.
1736. If a person wishing to purchase at auction applied to have blocks of 161, 162, or 163 acres measured for sale, would your surveyors, as a matter of course, measure them in the quantities required? Certainly not. We do not refuse to do so in every case, but we are very careful not to allow such a thing to prevail, because it would be an evident evasion of the Act.
1737. Are you aware whether many persons have applied to have blocks surveyed in these quantities? No; but they would very likely try to induce the surveyors to do so. The area of each individual portion is not expressed in the application. The areas of individual portions rests generally with the surveyor.
1738. But suppose a Crown tenant or anybody else on a particular creek applies in either contiguous or different parts of it, to have several portions of (say) 162 acres measured, unless it interfered with water-rights or privileges would the surveyor refuse to measure it in that way? He would, because it would show an evident wish to evade the Act, in order to obtain a monopoly, which is quite against our method of administration.
1739. *Mr. Lucas.*] Is there not great difficulty with reference to the descriptions given by the selectors as a rule. Are not a great many mistakes made for want of knowledge how to describe the land they wish to take up? Yes; and it is not as well understood by the land agents as it ought to be. The land agents are not, as a rule, sufficiently trained in their business to know when a description is definite or not.
1740. Supposing that instead of requiring the selector to give a definite description, as is now the case, he was compelled to place four posts as corner-posts of sufficient size, say 6 or 8 inches square at the corners of his selection, and when making his application merely to mention the locality, and state that he had placed

placed four corner-posts on the piece of land which he intended to take up—of course these corner-posts to be moved when the surveyor goes to survey the land in accordance with the Act, as to the points of the compass, and to bring them within the proper area and the regulations;—do you not think that would be far better than asking persons who can have no idea of giving a definite description; and also would it not meet your objection to the present land agents not knowing how to assist in giving a definite description? It is, I believe, the original intention of the Act. If the Act had been rigidly administered, these marks on the part of the selector might have been insisted upon, and would have saved a very great deal of difficulty. Certainly the difficulty in the early part of the working of the Land Act through that cause was not serious; but within the last few years, since the evasion of the Land Act has become so prevalent, it is matter of regret that the Act had not been more strictly administered from the first. A regulation made under the Act as it stands would carry out what you suggest. P. F. Adams, Esq. 16 Jan., 1874.

1741. You think it would be an improvement on the present system? A very great improvement. What is required really to make the Act work almost perfectly is a technical description, but that is a thing we never have been able to demand, from the difficulty the selectors have in getting professional assistance.

1742. The class of persons who select could not possibly get a technical description? I think if it had been insisted upon at first a class of people would have sprung up in different parts of the country with sufficient education to have gone out on the ground and given technical descriptions that would have avoided a good deal of the annoyance that has followed.

1743. Nevertheless, now, this plan I propose would counteract a great many of the difficulties that now arise from want of definite descriptions? Yes, that have lately arisen. I have another suggestion—a revival of an old proposition of Mr. Robertson's, about two years after the Land Act came into operation—to have an officer well up in the matter appointed as Inspector of Land Offices. That fell through through some misunderstanding in the Assembly as to the nature of the office, and no officer of that kind was ever appointed. It is matter of great regret that that has never been done. There should now be two inspectors; and they ought to be constantly travelling. Their duty would be to instruct, and, as it were, drill the land agents thoroughly in their business. The Treasury and the Post Office each have inspectors; and with the enormous interests and revenue at stake under the Land Act, the public inconvenience caused by the want of direct supervision, and the want of knowledge on the part of the land agents, I think such officers would be extremely valuable.

1744. With reference to the grazing right, are there not frequent difficulties as to how that is to be taken? Yes, it is an undefined quantity.

1745. Do you not think there should be some regulation showing how this land should be taken up. For instance, supposing a man takes up 40 acres fronting a road or creek, do you not think he should be compelled to take his grazing right round it, to form a square, if possible. Say he has 20 chains frontage to a creek by 20 chains back, do you not think it would be advisable, where there are available Crown lands, to make him take another block of the like quantity behind, and then a block on each side of half the frontage, 10 chains by 40 chains back, which would give him 3 acres of grazing right for 1 acre of free selection, and that would throw his holding into a square. On the north of his selection he would have a piece 40 chains deep by 10 chains frontage; on the south, 40 chains deep by 10 chains frontage; and at the back of his land another block 20 chains square—which would throw it into a square as nearly as possible. Do you think some regulation of that sort should be made to apply where there is Crown land on each side? It would be better to have a regulation, no doubt, because then, if the usual complaint is made that we have not located the grazing right as the selector wanted it, we can meet it at once by the regulations.

1746. Where there is not land all round, could not the regulation go on to state that the grazing right should be selected so as to form a square as near as possible? Yes. In fact, 99 out of 100 are provided in that way, but it is not a matter of regulation or law, and if the selector makes his complaint, and is able to support it, we often alter his lease. I think it would be better to have a regulation.

1747. There would be no difficulty, you think? No.

1748. If that were the rule, directly a free selection was surveyed then any person could measure the grazing right, and show where the proper boundaries were? Yes. The regulation might be made to limit the distance to which a grazing right should extend from the conditional purchase in any one direction, as long as there is vacant land round it.

1749. Do you not think it would also be advisable to make a regulation that when a free selector takes up his free selection he should also take possession of the grazing right by marking it in the same way as I propose he should mark his selection. Where is the necessity for applying to the head office, in Sydney, for a grazing right, seeing that he takes up the fee simple at the local office. If there were proper regulations, why could he not take up his grazing right at the same time by paying the required rent. Would not that save a great deal of professional difficulty and trouble in sending backwards and forwards from your office to the local land offices? I think that while the grazing right is such an indefinite quantity as it is, and liable to be invaded at any time by another conditional purchase, any special rule for marking it would not be desirable, because it could not be adhered to. If it was a definite fixed quantity and indefeasible for a certain period, as a squatting lease or any other lease it would then be desirable not only for the selector to mark it but for the surveyor to mark it as well in laying out the conditional purchase.

1750. Do you not think it would be desirable to allow the selector, if he chose, to pay the surveyor a certain fee for surveying his grazing right at the same time as he was surveying his conditional purchase? That would require some consideration; I have never considered it.

1751. At the present time many free selectors complain that they cannot get possession of their grazing rights for twelve or eighteen months after they take up their selections. What I propose is, that directly a man takes up his conditional purchase he should also pay a fee at the land office and have the same right to take up his grazing right, and that when the surveyor comes to measure his conditional purchase, by paying him a fee he should be able to get him to measure his grazing right according to the regulations passed by your Department? No conditional purchase is certain till it is charted.

1752. Is there any greater difficulty in taking up a grazing right than in taking up a conditional purchase? The difference is that the conditional purchase is indefeasible from the first and the grazing right is not; and the grazing right is made to depend upon many other conditions when the survey of the conditional purchase comes to be charted.

1753. *Chairman.*] Is there anything else you wish to refer to? I have been told that a witness or witnesses have recommended the extension of the limit from 320 acres to 640 acres as the maximum area attainable under

P. F. Adams, Esq. 16 Jan., 1874.

under the Land Act. That principle would apply to the salt-bush or purely pastoral country, but as far as my experience goes I should not recommend the increase in a purely agricultural country.
1754. For what reason? I think for agriculture 320 acres are sufficient for the requirements of the Act.
1755. Do you not think that now, because they cannot legitimately take up a larger quantity than 320 acres, many persons evade the law by taking up land in the names of minors and dummies? Certainly they do. But the limit I think should apply in its present form to purely agricultural lands, where I do not think it is desirable they shall be liable to any greater monopoly than at present. Where the country is more suited for pasture than agriculture, and where the two can be combined together, I think the present area is too small. If the limit were extended throughout the Colony I think it would be the means of monopolising a larger portion of the truly agricultural land than would be desirable.
1756. Do you not think it a desirable thing in a country like this to have a class something between the very small freeholder and the very large squatter—a yeomanry class? Decidedly.
1757. Do you not think that if persons were allowed to possess themselves of farms of a section or two, we should be likely to get that class, which are now remarkable for their absence in this country? Yes, certainly. It would be advantageous both in the agricultural and in the pastoral country, especially in the pastoral country.
1758. Is there anything else? It has been stated that the lithographs have not been supplied at Deniliquin, where the pressure has been so great by the land being selected almost before it is measured, and during the measurement that we have for the present abandoned sending lithographs, in many cases, because of the delay in lithographing. We cannot make the lithographs fast enough.
1759. Could not lithographs be got ready in time for all auction sales? As a rule they are; but sometimes the land is taken up by conditional purchasers, after being measured, before the lithographs can be prepared; sometimes even before the measurement is completed. And frequently land surveyed for auction sale is so urgently required, either by the applicant or by the public as conditional purchasers, that we do not delay the necessary fortnight or three weeks for the preparation of the lithographs.
1760. How many lithographs are generally sent up? I think about fifty. There is always the sale tracing in the land agent's office.
1761. It has been stated to the Committee that those who apply to have the lands offered at auction have all the information as to where it is situated and so forth, but the public, who might wish to compete with them, can get no information? If the lithographs are not there the sale tracing is open to every one.
1762. Do you distribute the lithographs? They are sold for 1s. each.
1763. It is complained that lately some of them did not arrive till a day or two before the sale? I believe in one case, through some mistake in sending it away, the sale tracing did not arrive until only one land office day before the sale. They generally arrive two or three land office days before the sale. Of course, if we delayed the day of sale we could have plenty of lithographs, but if we did that the land would be all selected, and there would be nothing to sell.
1764. That would be all the better, would it not? Not the better for the revenue. The sales by auction bring in the most money.
1765. *Mr. Lucas.*] What is the cost of lithographs to show (say) 2,000 acres of land for sale? About £6 or £7 would supply 250 copies.

TUESDAY, 3 FEBRUARY, 1874.

Present:—

MR. CUNNEEN, | MR. J. ROBERTSON.
MR. STEWART.

JAMES AUGUSTINE CUNNEEN, ESQ., IN THE CHAIR.

John Archer Broughton, Esq., called in and examined:—

J. A. Broughton, Esq. 3 Feb., 1874.

1766. *Chairman.*] You are land agent at Deniliquin? Yes.
1767. You have requested to be examined before this Committee? I have.
1768. You have come all the way from Deniliquin for that purpose? Yes.
1769. What object have you in being examined? Self-justification. I wish to speak to the evidence of the two gentlemen who came as delegates from Deniliquin, so far as it contains what seem to be charges against me. I am prepared to admit the truth where I know their evidence to be true, but to deny what I know to be false.
1770. The Committee will be glad to hear your statement? The first charge made against me is that I went home to dinner on a land office day, and stayed away two hours, and that during those two hours something took place at the land office that ought not to have taken place. I did go home to dinner, but a mistake in the time has arisen in this way: I went at nearer 2 o'clock than 1, and I returned at nearer 3 o'clock than 2; I have been in the habit of going home to dinner every day for eight years, and I did so on this day in perfect good faith, and as a matter of course.
1771. *Mr. Stewart.*] Without any purpose of serving any party? Yes.
1772. *Mr. Robertson.*] Was there any pressure of business at the land office when you went away that day? No. The insinuation was, that during that hour there had been collusion between Mr. Jennings and myself; and that Mr. Jennings was enabled through that collusion to come into the land office before some other man with applications for conditional purchase. The facts are these: I got back to the office and proceeded, as usual, to write out receipts and attend to other matters between one selection and another, and while I was so employed Mr. Jennings put in his applications. While putting in his applications—he put them in one at a time—some man, I believe of the name of Palmer, came out from an adjoining room and said, "You are a smart fellow, Jennings—you have bested me." The second charge is with regard to a case of clash, that went to a ballot. It is stated that the descriptions were so distinctly different that there was no necessity for a ballot. In the hurry of business that day I could not see the difference, and I deemed it the safest plan to put it to the ballot, because in any case it could injure no one. The descriptions are in existence and will speak for themselves if necessary. 1773.

J. A. Broughton, Esq.

3 Feb., 1874.

1773. Have you brought them here? No; I suppose they are in the Survey Office. It resulted in this way, I believe, since—that each man got his own. It has since been found that the applications did not clash.

1774. You mean that each man has got the piece he applied for? Yes. That was suggested to me at the time; but I cannot say by whom—some one who kindly helped me in a time of great difficulty. There was something said about the way I balloted,—that I drew out the cards myself. I was quite justified in that. The parties were shown the cards with their names written on them, and were invited to put them into the box themselves; but they did not put them in; I think I put them in.

1775. That was wrong? No; if they did not chose to come forward and put them in I was obliged to do it.

1776. The same person may not put them in and take them out too? I think you will find that if the parties themselves do not put them in the Land Agent must do so. How else are they to be got in?

1777. You mean that they refused to put them into the box? Yes; they had the option, and certainly they had no right to put their hands in the box afterwards. It appears to have been said, with regard to the ballot, that I drew out on two occasions for the squatters. Now, there has been only one case during the period referred to, and there have been only two cases of balloting for the eight years I have been there. Then it has been said that on the day of this great crush in the land office (the 25th September), I held up a paper to Mr. Landale. Now it would be impossible in the crowded state of the room, for if I held it up, Mr. Landale could no more have seen into the paper than any other person, and there were some forty or fifty present, perhaps. The fact is that there were a great number of applications that had come in simultaneously, and I was about to read them out, so that it might be seen whether any of them clashed; and if I held up any paper at all, it was with the object of announcing that I was going to read it for that purpose, as it was my intention to do with all the rest, in order that the persons who were present and had put in applications, might be able to say whether they had applied for the same piece of land.

1778. *Chairman.*] Under what regulation are you bound to read out the descriptions publicly? I do not know that there is any regulation, but it was by the Surveyor General's directions.

1779. Had you any written instructions? No, it was a verbal direction. It was insinuated that some gentlemen present had papers in their hands, or in their pockets, with a view of putting them in that they might clash. That is false. It could not have been done, because such applications could not have been treated as simultaneous with those that preceded them. But the same witness (Mr. Jameson) also says: "All applications are laid upon the table, and the land agent takes them up one by one, and reads the description." That is true. Here he says: "Squatters packed the room, bringing out applications at any time." That is untrue; it never was done. No application was ever entertained that was not on the table simultaneously with the others. They may have had applications in their hands, waiting to put them in when those that came in at sharp 10 o'clock were disposed of; but they could not come into competition with those last-mentioned.

1780. *Mr. J. Robertson.*] You transmit these applications as a record to head quarters in Sydney? Yes. There is a statement that there is a constant patrolling of Justices of the Peace through and through the land office, and a packing of squatters. No doubt the squatters help to pack the room on all occasions; but there are three times as many people there who are not squatters.

1781. You mean that the squatters are there the same as other people? Yes; they are no more packed in the room than other people. As far as I am concerned they are just as the others are. With regard to the patrolling that Mr. Mayger complains of, they were no more patrolling on that occasion than Mr. Mayger and his people; he passed through and through from one room to another, looking at maps, and writing out descriptions, and the squatters did the same. There is a complaint about Mr. Rose's conditional purchase having been sold by auction—that having taken the man's money as a conditional purchaser I afterwards sold the same blocks by auction. In that case they were on a reserve, and I got a telegram giving full authority to sell these pieces. It is said I told some one to mind his own business. I do not think I did; that is not my habit; I may have said I knew my own business, and knew what I was doing. It is also complained that I did not give explanations of everything I was doing. I do not think I was called upon to do so; it would only have led to discussion, and perhaps to unpleasantness. Perhaps I was a little irritated from the hints thrown out, and I may have given shorter answers than usual.

1782. You mean that the lands you have just referred to were ordered for sale by auction by telegram? Yes; they could not be taken by conditional purchase in consequence of being on a reserve, I believe; but I am not sure about the reason; and having been advertised for sale by auction they were sold in that way. Then there is a statement that a Mr. Robertson conditionally purchased some pieces of land, and that I sold them by auction because they were together over the quantity of 320 acres. It is asked, how was it the land agent did not know this man was applying for more than the law allowed? It was in this way: His application stated that he wished to conditionally purchase numbers 11 and 12 to be offered at auction on such a day; but he put in the wrong quantities. The quantities stated in his application did not amount to more than 320 acres, or I would not have accepted it. It was only when the land sale map came up afterwards, and I was going over it in order to mark off any pieces conditionally purchased that I came across these lots, and found that the man had selected the wrong quantities. There was no such acreage as that stated by him upon the map. I do not think the map was in the office more than a day before—it may have been the very morning of the sale.

1783. You took upon yourself to do this? Yes; I saw there was no such quantity upon the map. His application was for less than 320 acres, and the map showed that the lots he applied for were together more than 320 acres. Then there is a statement that I showed free selectors' papers to Mr. Landale and Mr. Peppin. That I have no remembrance of; but I think that if any one had come in and asked me to let him see the descriptions before they were entered in the book, I would have shown them; in another hour they would have been written in the book and open to the public.

1784. *Chairman.*] When persons apply at the office in your charge to conditionally purchase lands, are you in a position to point out the land that is open to conditional purchase? No, not thoroughly. In fact until a surveyor has been there and the maps have been charted up no one could do it.

1785. You cannot assist them in any way by indicating what land is open and what is not? No, except by referring to the register and reading over the descriptions, which I have occasionally done; but no one but a surveyor could plot off the selections. I can show them where the reserves are if they have been charted.

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1786. Can you point out the reserves to them directly they have been proclaimed in the *Gazette?* No; only as they appear on the maps sent up to me. I may say that I am now better able than before to point out what lands are open for conditional purchase, for within the last three or four months the land office at Deniliquin has been provided with a surveyor, who attends every Thursday, and there is also a draftsman in the map office, where the selections taken up are plotted off, and all old selections are plotted off also. That was not the case previously.
1787. There are but few land offices that have a surveyor attached to them? None but mine, that I know of.
1788. Has the surveyor to assist in the administration of the Land law? When I read the descriptions he undertakes to decide what clashes and what does not—a thing which no one but a surveyor could do thoroughly. That is the principal help I receive from him, except that he keeps the land office open when I take the money to the Bank in the middle of the day, if I have more than I like to keep in the office.
1789. Then the fact is, that your maps and charts are in such a state that no person going to the office can ascertain from them where the lands are situated that are actually open to conditional purchase? They were in that state previously; I should not like to say that is so now, because I believe that with the assistance of the surveyor and draftsman, all new reserves and fresh selections are plotted off as they are taken up.
1790. Does it ever happen in your office that the same land has been sold to different parties—conditionally purchased, and afterwards sold by auction or otherwise—the land being sold twice, in fact;—has any case of that kind occurred? Yes, the land was conditionally purchased by Mr. Landale and Mr. Jennings, as agents for others.
1791. Do you think it was a case of dummying? I could not undertake to say. They were living individuals, at any rate.
1792. Mr. Landale and Mr. Jennings acted as agents for others, you say? Yes.
1793. Is that their business;—do they keep an agency for others? No. Any one can act as an agent. They either sign the applications as agents, or the principals sign them, and the agents put them in.
1794. What did they do in this case where the land was sold by auction after having been conditionally purchased? They bought the same land at auction.
1795. How did it come to be put up to auction after being conditionally purchased? The instructions of the Minister to me, by telegram, were, that upon receiving the written request of the conditional purchasers desiring to forfeit their selections, I could carry that land to auction, as advertised.
1796. Could you state about the time this land was conditionally purchased? I think about the 25th September. It may have been the 18th.
1797. *Mr. J. Robertson.*] Were you instructed to sell the land without its being advertised again? There was nothing said about that.
1798. You acted upon advertisements already published? Yes, and on the written statement of the free selectors that they desired to forfeit the land.
1799. Are you quite sure you had instructions to that effect? Yes, quite sure.
1800. Have you brought these instructions with you? No.
1801. *Chairman.*] Is the case you refer to that in which a family named Murray conditionally purchased nine blocks which were afterwards sold by auction? Yes, that was one case.
1802. Are you aware of another case in which a man named Rose conditionally purchased five blocks, and two of those blocks afterwards went to auction? Yes; I had instructions to sell these in the same way. I think because they were on a reserve.
1803. *Mr. J. Robertson.*] Because they were on a reserve? I am not quite clear whether that was the reason.
1804. *Chairman.*] Are you certain these lots went to auction after having been conditionally purchased? Yes, according to instructions I received.
1805. *Mr. Stewart.*] Was the deposit money returned? I do not know. It was forwarded by me to the Treasury.
1806. If these parties did not get back the deposit money, they paid, in addition to the upset price of £1 per acre, 5s. per acre for the free selection, so that the Government got 25s. an acre for the land? Yes.
Chairman.] Has any case of this sort happened at your office, after land has been measured and passed at auction, and then been conditionally purchased, has it after being conditionally purchased been sold to another party, and a deed issued as land that had passed at £1 an acre at auction, and taken from the possession of the conditional purchaser and handed over to the second buyer? I am not aware of it.
1807. With regard to applications that clash, it has been stated that when *bonâ fide* selectors put in applications, you encourage the Crown tenants to put in applications to clash with these, and that you do it in this way: That when applications from selectors go in by reading them publicly in the room, you invite squatters to put in applications to clash, and you take their word that they do clash? That could not be the case. Applications cannot clash unless they are put in simultaneously. As a matter of fact there have only been two clashings in eight years; so that the encouragement I am said to have given the squatters could not have had much effect. One of these was four or five years ago.
1808. Did you ever hold up an application in the land office, and ask Mr. Landale if he had an application to clash with it? No; I have explained that. The thing is done in this way:—I am sitting with perhaps 20 or 30 applications before me, which have all come in as soon as the land office was open, and I announce that I am about to read them. I take up one of them folded, and with the money inside, just as it came in, and say, I am going to read this description. Neither Mr. Landale nor any other man could tell what the description was, and no application could clash with it unless it was already on the table.
1809. Do you judge for yourself from the applications before you, whether they clash, or do you take the word of others if they state that they clash? I judge for myself. As I have stated, there have been only two instances.
1810. You do not allow others to influence you? No; the statement is absurd, for only in two instances, one of which happened several years ago, has there been a ballot. If, when applications are read, the parties state that they clash, I decide after reading and comparing the two descriptions. They must first of all intimate that they clash.
1811. Would you not ascertain that for yourself? They do not give me time; the applications are read out one after the other.

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1812. Did you ever send applications to the ballot where one applied to purchase land on the east side of a reserve and the other on the west side? This is the same case as we have before spoken of. I think you will find that one of the applicants himself admits that both applications were east of a reserve. (*Vide* Mr. Mayger's evidence.) The applications themselves do not say one was on the east and the other on the west of the reserve, but that both were on the east. The applications are in existence, and can be referred to. The descriptions being vague, and there being a distinct statement that they did clash, I was obliged to take a ballot. This was the only case of late years.
1813. Are you quite sure you did not send a case to ballot where the land was described in one application as being on the east of a reserve, and in the other on the west? I am certain that did not appear distinctly in the descriptions.
1814. However, you state it as a fact that there have been only two ballots in eight years? Yes; one four or five years ago, and this one which has been spoken of. In some instances where there was a clash—I think in one or two perhaps, one of the parties withdrew; of course they can do that.
1815. With regard to Volunteer land orders, is there much land taken up in your office by means of Volunteer land orders? Yes, a good deal.
1816. They can take 50 acres for each order? Yes.
1817. After that, do they apply for additional quantities under the 22nd clause, treating the 50 acres as a freehold, so that they can actually take up 320 acres on account of each land order? Yes.
1818. They must reside on the land if they do so? Yes, I believe so; but I cannot say whether they do so or not.
1819. If you became aware that they did not would it not be your duty to inform the Minister? It would. That rests more with the surveyor.
1820. If you had a suspicion that a person who had taken up land in this way was not residing upon it, would it not be your duty to point it out to the surveyor in your office? He would be in a better position to know it than I.
1821. *Mr. J. Robertson.*] Could you tell us who have taken up land in this way? Mr. Peppin is one; he has taken up land by means of Volunteer land orders at different times; I think he has taken up as many as six lots in one day.
1822. Has he taken up additional land for any of them? For some of them he has.
1823. How many? About half.
1824. You must have known it was impossible he could reside on them all? I felt that he could not.
1825. Did you write to the Minister about it? No.
1826. Did you not feel it to be your duty to do so? No, I did not think so.
1827. *Chairman.*] You have had very large quantities of land put up to auction? Yes.
1828. Before the land goes to auction, have you any tracings in the office to distribute to the public? No, only one map.
1829. Do you not think it would facilitate business if there were tracings to distribute, the same as private proprietors have of their estates? Certainly it would.
1830. Have you had complaints that the tracings have not been at the office in time? Yes, frequently.
1831. Where does the blame lie? I suppose in the Survey Office or the Lands Office. They usually come up a very short time before the days of sale—sometimes within a single day.
1832. Have you in your office blank forms for sale, so that persons may fill them up under the different clauses of the Act? Yes. During the rush that took place recently I ran out of them on one or two occasions, but I got one of the newspaper offices to print me some more.
1833. Had you any suspicion that there was a run made upon them on purpose to clear you out? Yes, I had; people came who wanted six for use, and for some reason asked for twenty. I know three times as many papers went out as came in.

WEDNESDAY, 4 FEBRUARY, 1874.

Present:—

MR. GARRETT, | MR. STEWART.

JAMES AUGUSTINE CUNNEEN, ESQ., IN THE CHAIR.

Mr. James Litchfield called in and examined:—

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1834. *Chairman.*] You are resident in the Maneroo District? Yes.
1835. Have you been long residing there? Twenty-one years.
1836. Have you availed yourself of the present Land Act by purchasing under it in any shape? Yes.
1837. Under what particular clause? Both under the conditional purchase and auction clauses.
1838. What is your opinion of the policy of the present Act? My opinion is that the area of land for conditional purchase is not sufficient.
1839. You believe in the principle, but the area allowed is not sufficient? Just so.
1840. Do you think that the limitation of the area induces people to evade the Act by taking up land in the names of their servants and children, whereas if the area were greater they would take it up legitimately? They have been compelled to do so, because they cannot take sufficient under the Act.
1841. This requirement is from *bonâ fide* settlers, who wish to take more? Yes.
1842. You would simply extend the area that might be taken, maintaining the same conditions of improvement as at present? Yes; but owing to persons being deprived of their grass rights I believe the improvements ought to be reduced to 10s. per acre.
1843. Are you in favour of enforcing residence, or do you think it would be better to insist only upon improvement, and not enforce residence? I am of opinion that there ought to be residence to settle the country.
1844. *Mr. Stewart.*] In what way do conditional purchasers now obtain more than 320 acres? With their families; they obtain more by taking up 320 acres in each child's name.

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1845. That is the only way in which they get more in your locality? Yes. There are times when we have opportunities of purchasing land by auction, or selecting after it has passed the hammer, by paying down £1 an acre.
1846. Has the Lands Office generally required that the residence of these minors should be attested in any way? A declaration is made at the Lands Office and accepted.
1847. *Chairman.*] By whom is the declaration made? By the agent of the child, or on some occasions by the child itself.
1848. *Mr. Stewart.*] That has been accepted as sufficient? Yes. I do not recollect any investigation being made respecting the declaration of a minor.
1849. You are one of a deputation that came from Maneroo to wait on the Minister for Lands? Yes, from the Free Selectors' Association.
1850. What is the object aimed at by the association? Complaining of the forfeiting of selections made by minors and adults.
1851. On what grounds? Respecting residence.
1852. The non-residence of most of these minors, I suppose? Yes.
1853. Are they not as much resident now as they were for years back? Precisely the same.
1854. But the administration of the Act is different now? Yes, more stringent.
1855. When did the change in the administration take place? We first discovered it about the 12th December last; at all events my selections in my child's name were forfeited at that time.
1856. *Chairman.*] I understood you to say you were in favour of residence? In favour of residence with the area extended, so as to allow the parents to take up sufficient without using the names of their children.
1857. Do you complain of the land being forfeited because they do not reside? I complain of that certainly. I complain of the land being forfeited because they *do* reside, not because they do *not*, because they perform the conditions of residence to that extent which has apparently been recognized by the Government as sufficient, and accepted by them in all cases.
1858. Still you are in favour of residence? In favour of residence with larger areas.
1859. Why do you complain of forfeiture because they do not reside? They do reside as they have done hitherto, but that is not sufficient for the present Minister for Lands.
1860. Has any land been declared forfeited where they have resided? They have resided, but not continually.
1861. Have they resided according to the law? Not as Mr. Farnell lays it down, they have not. It has never been carried out in the way Mr. Farnell lays down the law to us.
1862. You are aware that dummyism has been very prevalent of late? There is a wide difference between dummyism and minors' selections; one is taken up to obstruct settlement—the other to settle the country.
1863. Are not infants used sometimes as dummies? They are on some occasions.
1864. *Mr. Garrett.*] If I understand you, a stricter interpretation of the term "residence" is being required now than previously? Yes, stricter than there has been heretofore.
1865. Before the last few months an ordinary residence by a child upon the ground has been considered sufficient to entitle them to have a conditional purchase granted? Yes, it has been accepted in former years—in fact from 1861 up to the 12th December last—by the Lands Department. We have laid the present cases before Mr. Farnell.
1866. Have you ascertained upon what grounds the Minister has proceeded to make these forfeitures? Upon the report of the surveyor.
1867. Do you know of any cases where the selectors have tendered statutory declarations from themselves or others, to the effect that the conditions of improvement and residence have been fulfilled, and the Minister has refused to revoke these forfeitures? In my own case I resided on the ground sometimes a week at a time, but was often called away elsewhere to erect improvements. Last winter, for instance, I could not get men to erect a paddock, and I had to do it myself with my children. Of course we could not be on the ground during the whole time. We could not get men, owing to the gold, tin, and copper mines. We had the material on the ground, wire and wood, but could not get any one to put the fence up.
1868. When the surveyor came, what condition was the land in? He reported that there was a place there worth £10—a residence.
1869. Did he make any report as to fencing? The fencing was not on that ground; it was on the ground in my daughter's name.
1870. What was the nature of the improvement? Wire sheep-proof fencing, and a residence to the value of, I think, £10. I am not certain that was the surveyor's report, but something like that.
1871. How was the residence fulfilled? Her residence was not continual.
1872. How did she perform the act of residence? By going on the ground occasionally.
1873. What do you mean by occasionally? Perhaps once or twice in a month.
1874. Did she stop there all night? Yes. That is the way residence for minors has been hitherto fulfilled, and that has been accepted.
1875. Is your daughter at school? She is at home; her mother is her teacher.
1876. How long had this been going on—when was the selection first taken up? On the 23rd May, 1872, 11th July, 1872, and 11th July, 1872,—three selections of 320 acres.
1877. These were recommended for forfeiture by the surveyor, and notified as forfeited by the Minister? Yes.
1878. What was the nature of the improvements? Sheep-proof fencing.
1879. Was it all enclosed? Yes.
1880. The whole 320 acres? Yes; although the fence was not on the boundary as measured by the surveyor, 320 acres were enclosed in a paddock.
1881. What was the value of the fencing? It cost me from £95 to £100 a mile.
1882. How many miles? Somewhere about 3 miles; I should say rather more.
1883. £300 worth of fencing? Yes, quite that.
1884. No other improvement? No; excepting the hut that I mentioned before, which appears to be omitted in this answer.
1885. *Chairman.*] Was the fencing put up after the land was conditionally purchased, or before? Afterwards.

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1886. You did not purchase with a fence? No.
1887. *Mr. Garrett.*] It was done in the name of your daughter? Yes.
1888. Had you any previous selections in the names of minors? Yes.
1889. Have any of them completed their three years? Yes.
1890. In this case did your daughter perform as much residence as was performed in the other cases where you got the purchases granted? Yes, equally the same; and that has been the guide for us since 1861.
1891. These had been accepted without any question or doubt whatever? Without any question whatever, except that in some cases the surveyor reported non-residence.
1892. And still the selections were granted? Yes.
1893. This having been the administration before, you took up the selections, thinking they would be allowed in the same way as the others? Yes, by any Minister for Lands; we had no reason to doubt it.
1894. You think that has created an impression amongst the selectors that so strict an application of the law would not be enforced as regards minors' selections as for those made by adults? Yes, that has been the general impression. I cannot say we have any reason to think that the Government have been more lenient to minors than to adults. The general impression was that the forms of proof of residence were sent by the Government merely to ascertain whether the land was taken for *bonâ fide* settlement or not, and when the condition of residence was reasonably carried out the form was filled in as required, and returned. This has been the guidance both for minors and adults.
1895. Under that impression a great many selections have been made in the names of minors? Yes. I would not have made mine had the present ideas been stated by the land agent to every person that took a selection for a minor. They could not perform the residence as now required. It would have been gross cruelty to leave a child three-quarters of a mile away from her parents' home.
1896. Do you think there are many cases similar to your own daughter's case? I should say about eighteen out of twenty. There may be exceptions where perhaps the parents have taken a selection and are living on the ground with the child; otherwise, I should say eighteen out of twenty have acted as I describe.
1897. In eighteen cases out of twenty of the selections by minors the conditions are fulfilled in the way you endeavoured to fulfil them in your daughter's case? Yes. From what I have heard I am led to believe the same. The general opinion is, and has been, that once a month is sufficient for residence; it has been customary since 1861.
1898. *Mr. Stewart.*] And never questioned? And never questioned, except by sending the forms to be signed by two respectable persons.
1899. *Mr. Garrett.*] Under this system people thought themselves safe in selecting by minors? Yes, and also adults.
1900. The improvements have always been made to the full extent, as far as you can speak? Yes, I can speak for some but not for all; but it is a very hard struggle for any one when the grass right is taken from them.
1901. You have a pretty extensive knowledge of the district? Yes. I may tell you that the Government have been in the habit of sending forms to be signed by two respectable persons, and they have been signed, and accepted by the Government as a proof of residence.
1902. *Mr. Stewart.*] What is the nature of the form;—does it certify that the selectors have resided? A letter comes to the selector worded to the effect that the Government have reason to believe that the person named has not complied with the conditions of residence, and requesting that the enclosed form may be signed by two respectable people as evidence that the conditions have been fulfilled; and when that has been done it has been accepted.
1903. Although, in point of fact, it is mere matter of form? Yes.
1904. The persons who sign know that the child has not resided? I do not see how it is possible for them to know; they do not live near enough to know whether the residence has been continuous. In fact it has been considered a matter of form.
1905. There is no difficulty in getting this form signed? There has been no difficulty.
1906. *Mr. Garrett.*] Has the Minister declared all these selections forfeited in which there has been non-residence? All those complained of by the deputation, with the exception of one or two. All of them where he has received a report from the surveyor as to non-residence. There was one case—Sherren's case—where he was on the ground drawing fencing when the surveyor was measuring the ground, but the surveyor reported him non-resident. He resided on the ground occasionally, and was drawing fencing stuff from the bush. The material has to be got from some distance, perhaps 20 or 30 miles, where selections are on the open plains of Maneroo. I have to go now 10 or 15 miles. How then is it possible for a man to be on his land every night? At all events this man was there when the surveyor was there.
1907. Was there a residence on the ground? Yes, it cost £6 or £10.
1908. What took place when the surveyor came there that day? He measured the ground.
1909. Did he see anybody there? He must have seen him there—he could not have escaped seeing him.
1910. Do you know whether he spoke to him? I cannot say.
1911. Have you been in the residence yourself? Yes.
1912. Is it a good ordinary bush residence? Yes, habitable at any time.
1913. What quantity of fencing was he preparing to put up? He was putting up sheep yards at the time.
1914. Was there any fencing up at the time? No, he was getting it ready.
1915. The surveyor reported non-residence? Yes.
1916. Had that been the man's ordinary residence since he selected? Occasionally; he was not always there; he was drawing stuff for improvements on the land.
1917. And except at the times he was so occupied it was his residence? Not at all times.
1918. *Chairman.*] Had he a wife and family? No, he was a single man.
1919. Where did he reside generally? He was working at my place.
1920. Is he a relation of yours? Yes—brother-in-law.
1921. He had no other abode of his own but that one? No, except that he was at my place. As I said before, he was residing on the ground as the generality of selectors there resided on it.
1922. How many nights in a month would he reside and sleep at your place? I could not say.
1923. Did he oftener reside at your place than on his selection? Yes; but when I consider the past

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administration of the law I cannot see why his selection should be forfeited; it has for the past eight months been continually resided on; this has been since the land was surveyed. The cottage and improvements are worth eighty pounds (£80).

1924. *Mr. Garrett.*] The selection was not ready for permanent residence? No.

1925. Did he reside on the selection in the ordinary way of which you have spoken within a month? Yes, and resided on it occasionally afterwards.

1926. He had no other selection, had he? No.

1927. Was he your servant? Yes.

1928. Was he your servant after he took his selection? Yes.

1929. Did he take it in his own interest or in yours? In mine, I believe.

1930. Was there an arrangement that he should give it up to you? Yes, at the expiration of three years, if I required it.

1931. *Chairman.*] That was very much like a dummy, was it not? We have been compelled to select in that way to secure the grass rights.

1932. *Mr. Stewart.*] And you have hitherto been allowed to do so? Yes, we have not been pushed so sharply.

1933. *Chairman.*] The Government are trying to prevent dummyism? We are told such-and-such a person is going to take up our grass right, and we try and secure it with any name we can get.

1934. *Mr. Garrett.*] What has been the practice with regard to grass rights in Maneroo up to the present time? They were not acknowledged for a long time, until Macaulay and Chisholm's case.

1935. After that? We held them by paying £2 per section.

1936. Were you interfered with? No, except in the way of selections being taken on them. I believe some have had a great deal of trouble with their grass rights in regard to their not being acknowledged by the lessee.

1937. What was the nature of the selections taken on your grass rights? Similar to those I am taking now; and when a residence has been erected and improvements made the declaration has been tendered to the land agent and accepted.

1938. In whose interest? We could not tell.

1939. Did the parties generally take possession and go on improving? Shepherds have generally taken selections out of the grass rights, and we cannot tell whether they are for themselves or for the lessee of the run.

1940. Are these selections generally improved and resided on? No—forfeited.

1941. Are they taken with that intention? Yes.

1942. To drive you off the grass right? Yes.

1943. In order to meet that, as I understand you, you have had to resort to selection by minors? And any person we could get.

1944. So as to retain sufficient land to support your families? Yes.

1945. That is, you have had to meet this real dummyism by a species of dummyism under which more improvement is done than by the other? Yes, but I do not consider any selection a dummy where it has been resided on and improved, whether taken by a selector or a squatter in the name of a minor or an adult. The generality of the *bonâ fide* selectors have taken up the land to improve it, but a shepherd makes his selection, and it is reported he has taken it for himself;—how do we know otherwise? There is a selection taken there in the name of Freebody; I asked that man if he ever resided on the ground, and he said no, and the land is forfeited; that selection was not taken with the intention of settlement.

1946. It was taken to frustrate settlement? Yes, certainly, to withhold the land from settlement. There are several cases of that kind, where the land has been taken up and forfeited. That is what we have to contend with and fight against; in fact since the year 1861. I may state that when the surveyor made the first report as to the residence condition not having been complied with in the early cases, we were rather astonished at the report not being taken into consideration by the then Minister for Lands, or by the Government, and of course that was what we have been guided by since that time.

1947. The Minister not having strictly enforced the law then, you thought you could take it for granted that the same sort of residence as had been performed then would be accepted in future? Certainly; that has been our guide since the year 1861, as to residence. We would not have taken up the land if we had known otherwise.

1948. What will be the effect of this indiscriminate forfeiture of selections made by minors, under this new interpretation of the residence condition? The ground will have to be given up; people will have to abandon their homes.

1949. Because the land the parents hold themselves will not be sufficient to maintain sufficient stock to support themselves and their families? It does not now; if it was not for carrying and working for different parties they would not be able to live upon the ground.

1950. What will become of the selections? Of course the lessees of runs will purchase them.

1951. I mean the *bonâ fide* selections, resided on by the parents? Of course they will not give them up until they are compelled.

1952. Do you think the effect of this sudden change in the administration of the Land law will be to induce people to abandon their real *bonâ fide* holdings? I do not see how they can live upon them. Owing to the great panic they have had to take up this land to secure their homes. They have a very hard struggle now to improve their selections.

1953. With the aid of these additional selections? Yes, because they are on the grass right. Perhaps a selector has taken up 320 acres, and in virtue of that he is allowed three times the area for a grass right; that grass right is no sooner granted than it is pounced upon by some one and destroyed; there is only the bare 320 acres left, and that, if the conditions of the Act are fulfilled, costs the purchaser £640 at least, at the rate of £2 an acre—£1 per acre more than the land is really worth without the grass right; so that he could not make a livelihood from the land, if he was depending upon the land alone.

1954. *Chairman.*] You think he ought to be allowed to take more land? Yes, and do away with the selections by minors. I would allow the parents to select up to eight sections, or 2,560 acres, and not permit them to make another selection for ten or twelve years, to prevent monopoly; and not to sell or transfer to any person until the expiration of the said term or terms, which would prevent dummyism. I am of opinion that this system would encourage the *bonâ fide* settler.

Mr. J. Litchfield. 4 Feb., 1874.

1955. Would you insist upon the conditions of residence and improvement as now? Yes.
1956. If the conditional purchases made by minors were permitted, by an alteration of the law, to be amalgamated with those made by the parents, and required te be improved to the extent of £1 an acre, do you think that would cure the evils that have grown up under the present system? I think it would.
1957. Do you think that would in any way play into the hands of monopolists? I think not; the improvement required would prevent that.
1958. Do you think persons other than real *bonâ fide* selectors have done any selectors in the names of minors on Maneroo? There are some who have taken up selections merely to make something out of them; they have taken them up in certain spots where they know they can prevent the stock of those who have settled down from feeding, and they know they must be eventually bought out.
1959. Have these people used the names of children to do it? Not that I know of.
1960. Are you aware whether there is wide spread dissatisfaction on account of Crown tenants dummying with their shepherds and other servants, in order to obstruct *bonâ fide* settlers? I am.
1961. *Mr. Stewart.*] Are there any licensed surveyors resident in your neighbourhood? Yes, there are three.
1962. Do you know whether any of them are conditional purchasers of Crown Lands? Yes.
1963. Which of them? Mr. Haylock and Mr. Balmain, I believe.
1964. Any other? I do not know of any other.
1965. Do they reside on their conditional purchases? I could not say; Mr. Haylock is living 10 miles from where I am.
1966. Is he living on his conditional purchase? I do not know.
1967. *Mr. Garrett.*] Where is his conditional purchase? On Mr. Ryrie's run.
1968. *Mr. Stewart.*] Is he a married man? Yes.
1969. Where does his wife live? In Cooma.
1970. Is his conditional purchase far from Cooma? About 5 miles.
1971. Do you know what he does with it? He is improving it—fencing it.
1972. Do you know how long it is since he made that selection? I do not; I do not think it is two years, but I could not say.
1973. *Mr. Garrett.*] Where is Mr. Balmain's conditional purchase? On the Cooma Creek Run.
1974. Does he live there? Occasionally; he is all over the country.
1975. Is he a married man? No.
1976. How long has he had his conditional purchase? Somewhere about twelve months I think. As to a surveyor residing upon his land, as is now required, it is an impossibility.
1977. Are many selectors in your district carriers? Yes, a great many.
1978. And they have to be away for months' at a time? Yes, three months, sometimes.
1979. Are their selections forfeited because they are not there when the surveyor goes? Certainly not.
1980. *Chairman.*] Are the conditional purchasers generally in favour of pre-leases? Yes.
1981. Are they satisfied with their tenure of them? They would rather have a fixed tenure with the option of purchase at a fixed price, (say) 10s. an acre, so that they might purchase the back land and improve it.
1982. *Mr. Garrett.*] If they had an increased area they would not want any pre-lease? No. May I state that if these selections are forfeited and abandoned those who may buy them afterwards will be able to command a great deal of the back land which has no water upon it, so that the Government for years would not be able to sell it. It will be of very little use to any other than the parties that own these different selections. They command hundreds of thousands of acres of back land.
1983. If these selections were abandoned and afterwards bought by capitalists the Government would not be able to sell the back land? No, they would be the property of the capitalists as long as they like to hold them. These parts are useless, except as shelter for stock and camping-places on dry ground. I mean in some localities. If the area was increased the present holders would buy the back land.

THURSDAY, 4 JUNE, 1874.

Present:—

MR. STEWART, | MR. TUNKS.

JAMES AUGUSTINE CUNNEEN, ESQ., IN THE CHAIR.

William Blackman, Esq., called in and examined:—

W. Blackman, Esq. 4 June, 1874.

1984. *Chairman.*] In July, 1872, you were requested to furnish the Committee with certain returns about pre-leases;—are you now in a position to furnish them? The returns will be completed in about a fortnight from the present time. Perhaps you will allow me to explain how it is they are not ready now: After the Committee asked me for the returns, I informed the Under Secretary for Lands that it would be impossible to prepare them without extra clerical assistance. There was a great rush of work at that time in the department, and assistance could not then be given; but it was given as soon as it could be spared, and the returns are now in hand. They are not completed, and it will take quite a fortnight to complete them. At the time I speak of, the rush of work in the department was in fact so great that it was found absolutely necessary to put the Leasing branch entirely under the control of a single individual; and that gentleman is now preparing the returns which this Committee asked for. I thought they would have been ready three weeks ago; but when some of the items came to be examined, it was found that additional work would be required to be done; and that will occupy about a fortnight from the present time.
1985. After the lapse of nearly two years since the returns were asked for? Not two years, I think.
1986. Two years within a month; they were asked for on the 24th July, 1872? The facts are as I have stated them.
1987. They were asked for again on the 27th of January, 1873. Is it impossible that they could be furnished to the Committee within a week? Well, I will endeavour to get them ready in that time, if it is a matter of great importance. By making extra exertions the returns might be ready in a week's time.
1988. You are aware of the precise nature of the returns required? Oh yes—quite aware.
1989. I may mention that it is highly desirable that the returns should be completed and furnished within a week? If it is possible by any means to prepare them in that time I have no doubt they will be prepared.

ADMINISTRATION OF THE LAND LAW.

APPENDIX.

(A.)

[*Handed in by Mr. Broadribb, 9 October*, 1873.]

W. A. Broadribb and others to The Secretary for Lands, Sydney.

September, 1873.

We the undersigned, Licensees of Crown Lands in the Colony of New South Wales, are desirous respectfully to draw your attention to certain abuses connected with the operation of the "Crown Lands Alienation Act of 1861," which are highly prejudicial to public interests and to the equitable rights of the pastoral tenants of the Crown :—

1st. Dummyism. 2nd. Conditional selections in the names of minors. 3rd. The permission of selection upon Crown Lands, the survey of which has been directed in consequence of special application or of selection during the period of advertisement for sale by auction, viz., for one to three months, in accordance with clause 23, the survey of such land having been actually obtained by the deposit of sixpence per acre several months previously by the person applying to have said lands brought to auction.

Dummyism, or selection by agents who do not comply with the conditions of residence and improvements, has been practised to an alarming extent; indeed, it is well known that organizations are being set on foot to free-select the entire of certain runs in Riverina for speculative purposes and not for *bonâ fide* settlement; we would beg leave earnestly to urge upon the Government the necessity of a searching investigation into all suspicious cases, and where the conditions of improvement and residence (see clause 18) have not been complied with, would submit that the land should be declared absolutely forfeited and brought to auction. The present practice of allowing the forfeited lots, after having been advertised for sale by auction, to be conditionally selected again up to the day of sale by the friends or agents of the former applicant, only perpetuates the original sham selections.

In cases where selections have been made in the names of minors we would also urge the adoption of a similar course to that recommended in the case of dummies, and an actual sale by auction of the forfeited lots, without any right of re-selection, prior to such sale.

Permitting conditional selection up to the day of sale upon country lands advertised to be sold by auction is a very serious hardship to the applicant, who deposited in advance sixpence per acre for having such lands surveyed, and thus gave a guarantee of his intention to pay at least the upset price of £1 per acre if brought to the hammer. The public Treasury is also in the meantime a loser to the extent of 15s. per acre, when one man is permitted to select surveyed land at 5s. per acre for which another is willing to pay 20s. per acre. If both parties are desirous to get the same area the Government should let them decide the matter in the auction-room.

The privilege of re-selecting forfeited country, or of selecting up to day of sale country lands surveyed and advertised to be sold by auction, is not provided for in the Act of 1861, or in the Regulations of 1st November, 1861, framed for carrying that Act into effect, but arises from a subsequent modification which does not appear to have been originally contemplated in the scope of the Act.

This being at the utmost only a "regulation," it is to be hoped you will see the justice and expediency of causing it to be speedily cancelled.

We have, &c.,

W. A. Broadribb, Lachlan.
James Cochran, Widgiewa, Murrumbidgee District.
George Dill, Eli Elwah, do.
W. B. Lorker, Burragorang, do.
James Osbourne, Momalong, do.
H. Creswick, Diewah, do.
Walter Williamson, Yanga, do.
J. R. Godfray, Pervency, do.
Wm. Peterson, Jerilderie, do.
J. M. Gibbs, Cobran, do.
George Williamson, O'Brien's Creek, do.
William Williamson, Gunabil, do.
Henry Osbourne, Momalong, do.
For F. & J. Learmonth, G. Mair, Gungal, do.
W. R. Virgo, Mathoura, do.
John Blyth, Tuppal, do.
M'Farland Brothers, Barago, do.
John Cochran, Burrabogie, do.
R. & A. M'Farland, Melangerin, Lachlan.
John Hore, Albury or Hume District.
J. F. Jeffray, Murrumbidgee.
William Sloane, do.
M. Loughnan, do.
James Blackwood and Charles Ibbotson, Wanganella North.
Samuel Wilson, Yanco.
Thomas Jillott, Lachlan District.
Hebden & Sons, Murrumbidgee District.
G. Macleay, Togamain, do.
John O'Shannassy, Moira.

[*Handed*

[*Handed in by the Hon. John O'Shanassy, 16 October, 1873.*]

B.

SCHEDULE A.

Application for License under Part II of "The Land Act, 1869."

I, of* do hereby solemnly and sincerely declare, on oath, that on the day of at o'clock, I placed conspicuous posts or cairns of stones, with notices thereon, at the corners of the allotment for which I hereby make application, under Part II of the Land Act, 1869, as more particularly described hereunder; that I have not taken up a pre-emptive right; that I have not selected under any previous Land Act or Acts the maximum number of acres allowed by this Act; that no selection made by me under any previous Land Act or Acts has been forfeited or cancelled for the evasion of the provisions of any such Land Act or Acts; and that the area I now desire to obtain would not, if added to the area already selected by me under any previous Land Act or Acts, exceed 320 acres; that I am not under eighteen years of age: †

And I further declare as aforesaid that, with respect to this application, I am not an agent, or a servant of, or a trustee for any other person; that I have not entered into any agreement to permit any other person to acquire, by purchase or otherwise, the allotment in respect of which this application is made, or any part thereof, or my interest therein, or the usufruct thereof; that it is my intention to reside thereon if the allotment be granted to me.

And I make this solemn declaration, on oath, conscientiously believing the same to be true, by virtue of the provisions of the Land Act, 1869, and of the provisions of an Act of the Parliament of Victoria, rendering persons making a false declaration punishable for wilful and corrupt perjury.

Signature .....

Occupation .....

Address .....

Solemnly and sincerely declared, on oath, at in the Colony of Victoria, this day of one thousand eight hundred and seventy- before me, one of Her Majesty's Justices of the Peace in the Colony of Victoria.

Situation and area of allotment applied for, if previously surveyed.	Description of the land applied for, if previously surveyed, or forming part only of a surveyed allotment.	Report of Land Officer.	Report by District Surveyor.
County		Date and hour of receipt of application	Date when received from Land Officer.
Parish		£ s. d. Amount of fees deposited ...	Report:
Allotment		Date of transmission of application to District Surveyor.	
Section			
Extent		Land Officer.	District Surveyor.

Office hours from 11 a.m. to 2 p.m.; Saturdays, 11 a.m. to 12 noon.

No. 24.

No. 7 /

LAND ACT, 1869—(Section 19, part II).

Date

Received

applies for acres roods perches, allotment section parish of

District Surveyor's Report.

Questions :— Report.

1. Is the land applied for, or any portion thereof, within the areas shown on plans as probably auriferous? .....

2. Has the land, or any part of it, been previously selected under sections 7, 12, or 42 of the Amending Land Act, 1865, or any other Land Act? If so, give particulars? .....

3. Has the land, or any part of it, been at any time offered for sale at auction? .....

4. Is it now, or any part of it, reserved, or has it been reserved at any time? If so, for what purpose? .....

Circular No.

Considered by the Local Land Board, held at on 187 and recommended that this application be

Licensed No.
Issued

[*Handed*

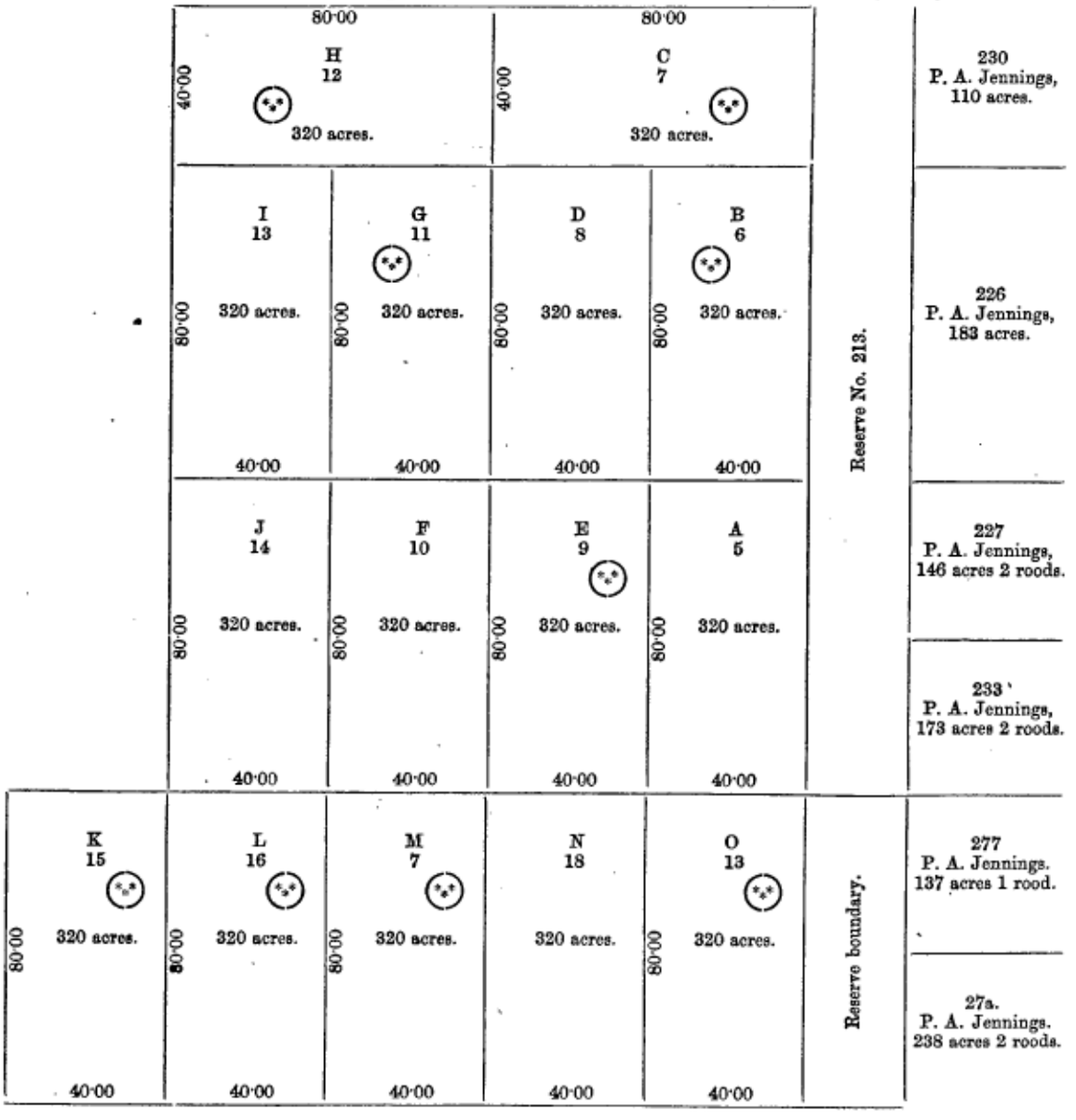
* Here state fully the place of abode and the occupation of the applicant.

† If the applicant be a female insert (as the case may be) the words "That I am not a married woman," or "That I am a married woman, but that I have obtained a decree of judicial separation."

[*Handed in by Mr. Jameson*, 20 *November*, 1873.]

C.

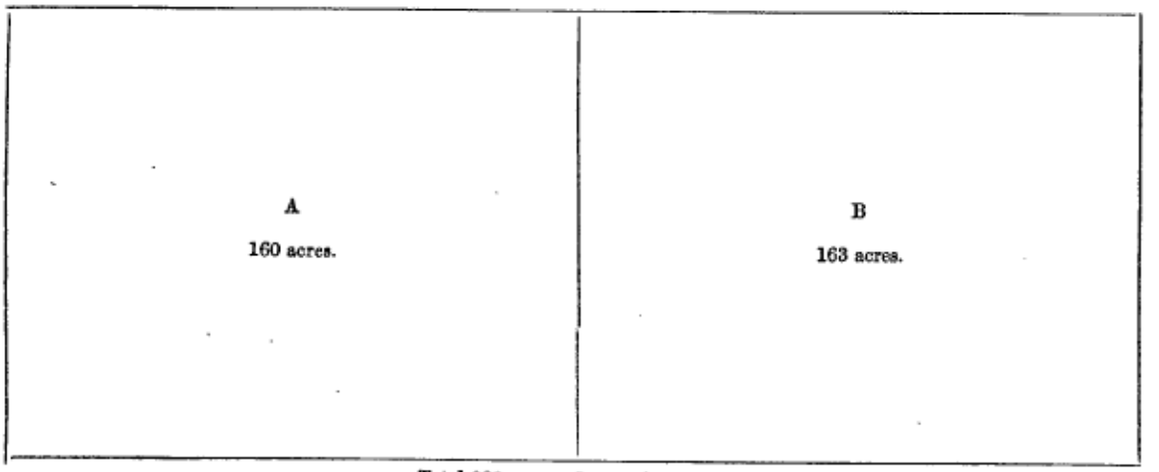
Parishes of Warbrecan and Citgathen.—Plan A, showing 9 blocks taken up by the Murray family.



[*Handed in by Mr. Mayger*, 24 *November*, 1873.]

D 3.

Surveying Process.

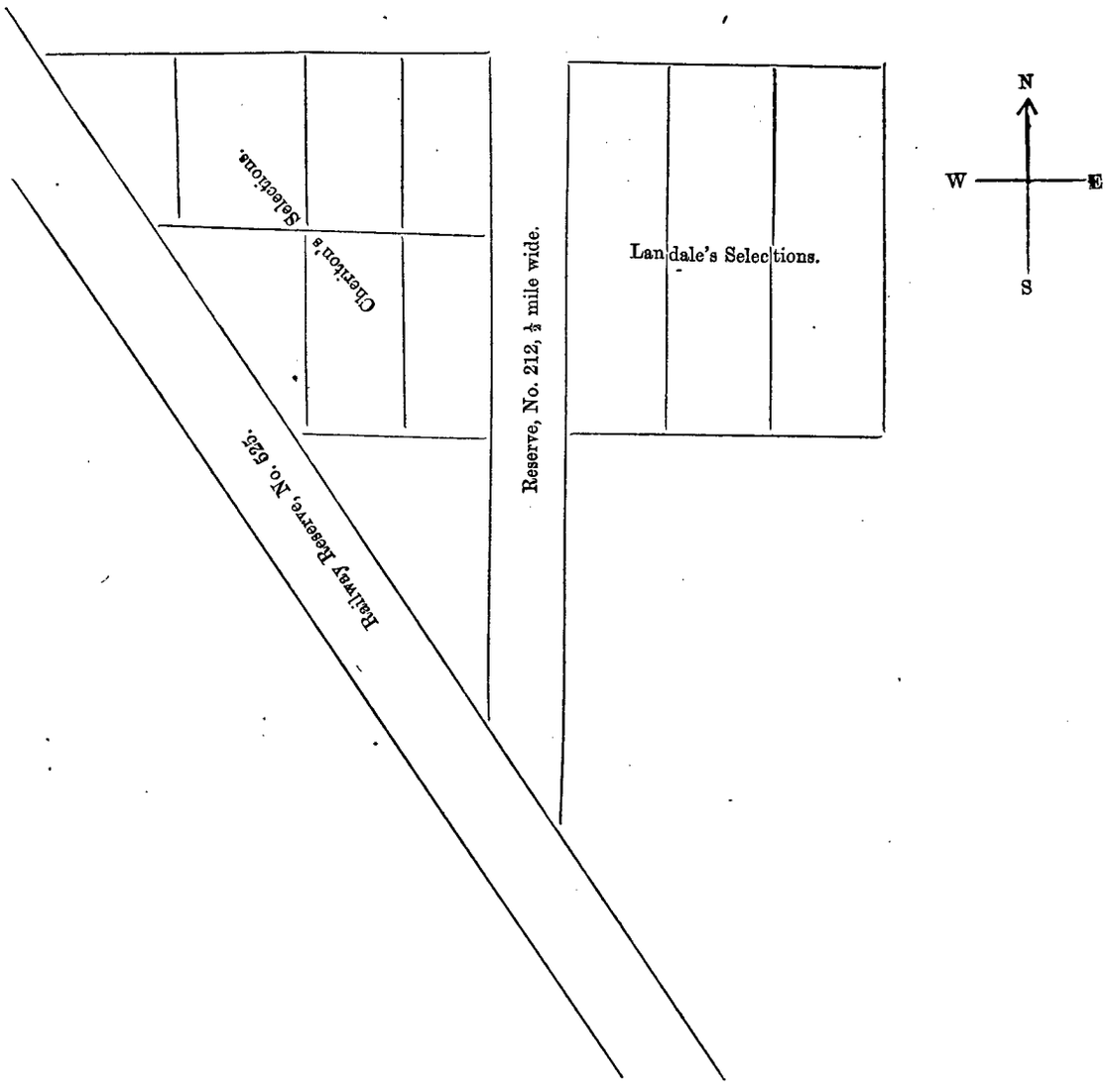


Total 323 acres—3 acres in excess.

Reported style of surveying on Mathoura and on Boonook Runs, Nov. 15, 1873.

[*Handed in by Mr. Mayger, 25 November*, 1873.]

D 4.



Plan to illustrate alleged "clashing" between Cheriton and Landale's selections.

D 5.

STYLE OF GRASS RIGHTS.—(To illustrate Rogers's case.)

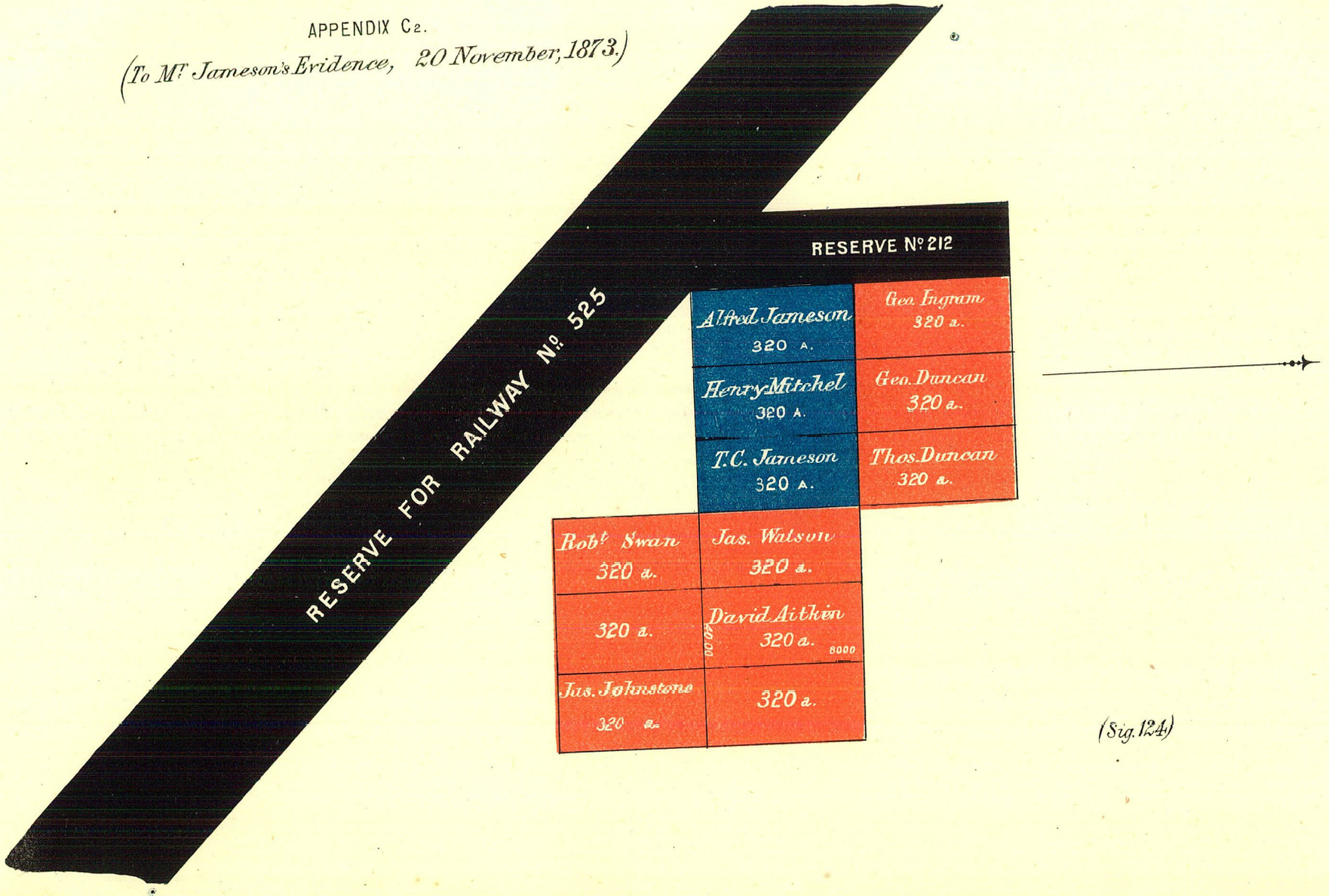
Grass right. *c*	Grass right. *b*	Grass right. *a*	Cond. Purchase. *a*
			Cond. Purchase. *b*
			Cond. Purchase. *c*

[PLANS.]

Sydney: Thomas Richards, Government Printer.—1874.

APPENDIX C2.

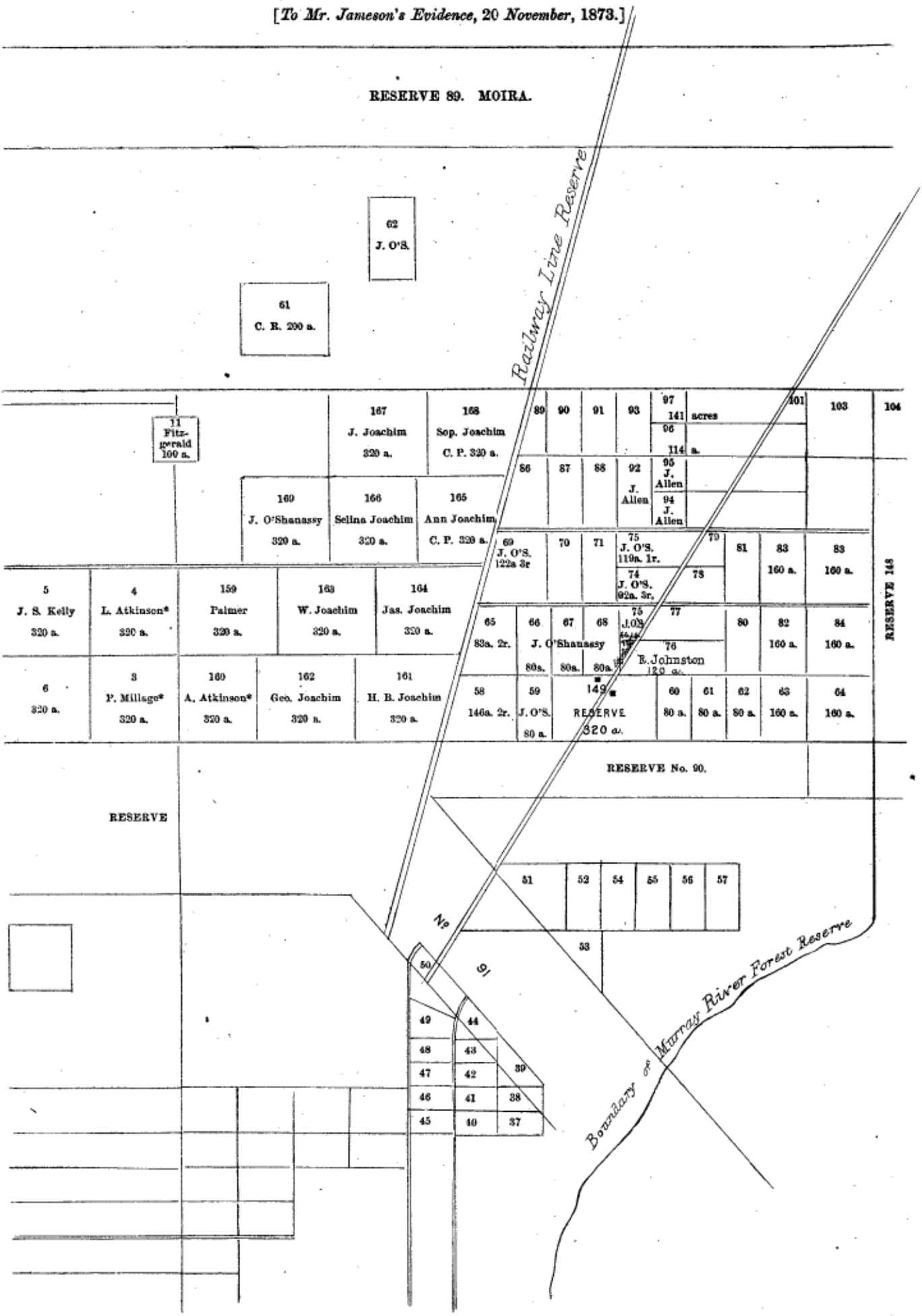
(To Mr Jameson's Evidence, 20 November, 1873.)



(Sig. 124)

C 3.

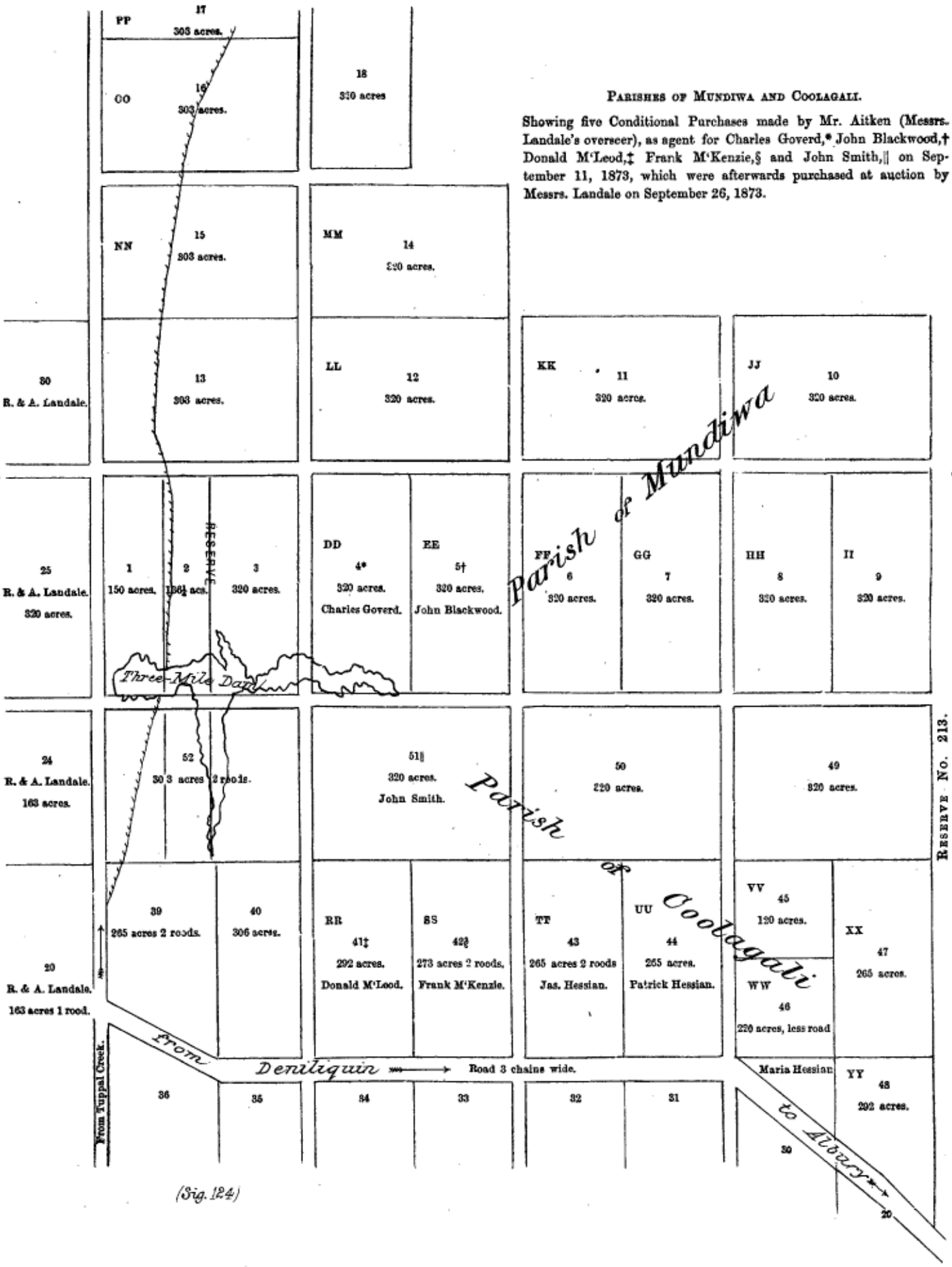
[To Mr. Jameson's Evidence, 20 November, 1873.]



Tracing of Joachim's selections and three others (marked *). On the latter, huts similar to illustration were found on 10 November, 1873.

D 1.

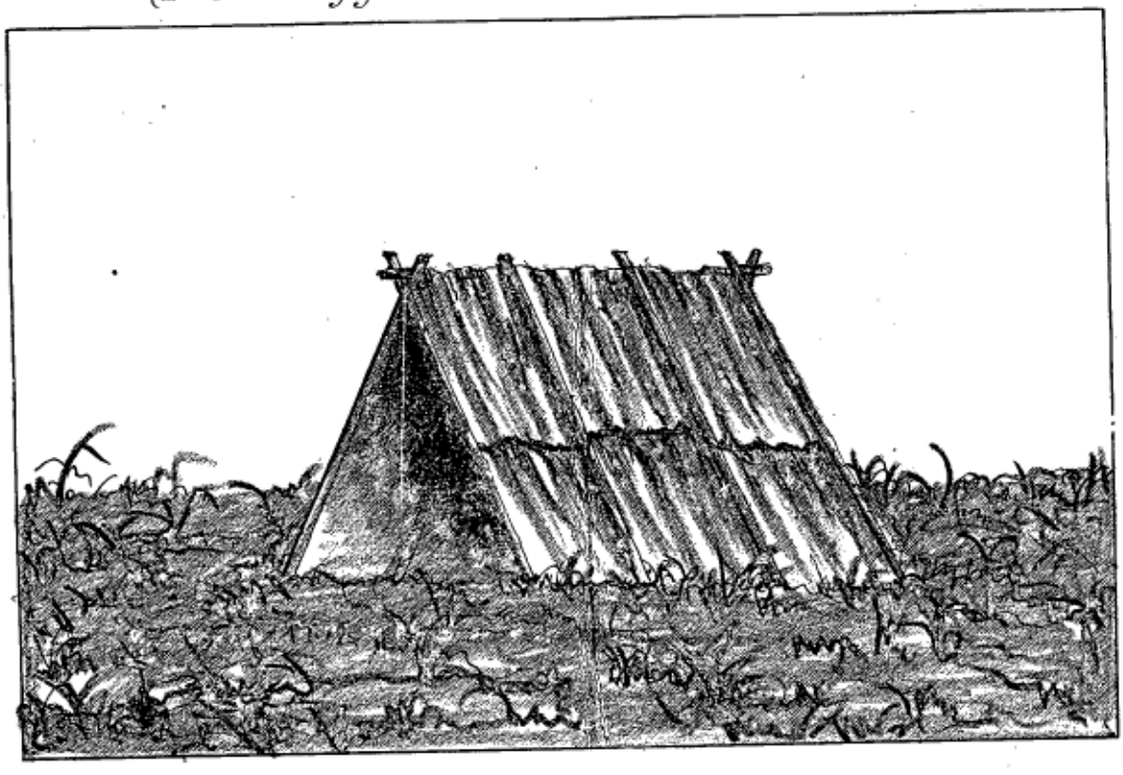
(To Mr Mayger's Evidence, 24 Novr, 1873)



(Sig. 124)

No 2

(To Mr Marger's Evidence 24 Nov., 1873.)

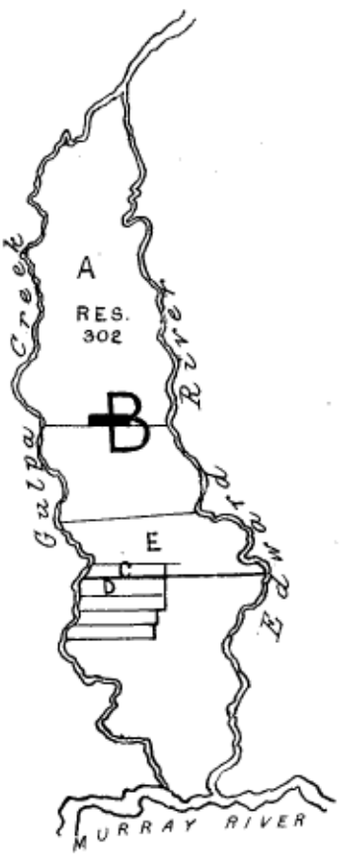


Residence on one of four Conditional Purchases on Mr O'Shanassy's Moira Run.

(Sig. 124.)

D6.

(To Mr Mayger's Evidence, 25 Nov., 1873)



A. Reserve 302 as shown on Crown Lands Agent's Plan.
B. Is the whole Island described as Reserve 302 in Gazette referred to.
C. Is Guyder's 80 acre Selection, said by the Government to be on Reserve 302.
D Is Harding's Selection which is allowed as correct.
E. Is the new addition marked "Part of Reserve 302" as lately made on the New Plan in the Lands Office, and which was not shown upon the Plan Guyder selected from.

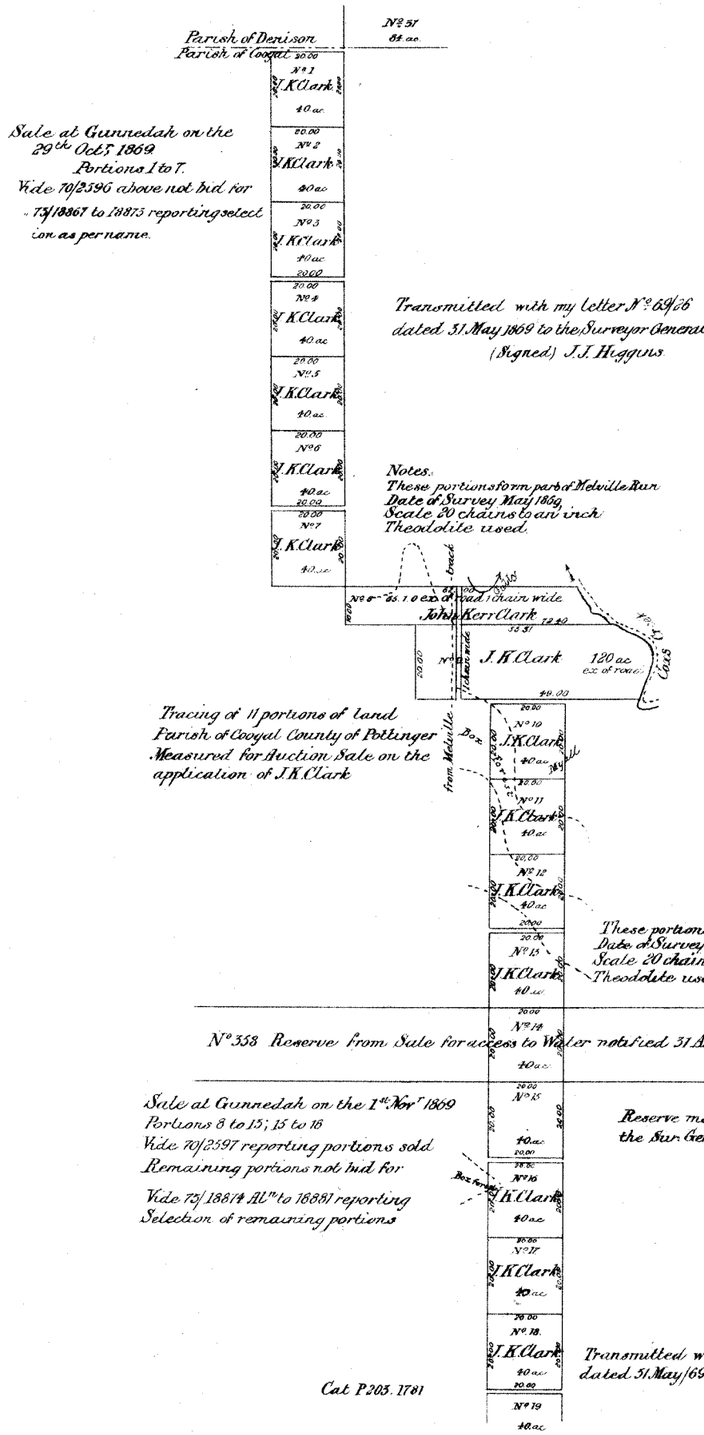
(Sig. 124)

APPENDIX E.

69/6725 Alt^n

To Mr Rutter's Evidence 5 December 1875

Tracing of 7 portions of land Parish of Coogal County of Pottinger Measured for Auction Sale on the application of J.K.Clark



Sale at Gunnedah on the 29th Octr 1869
Portions 1 to 7.
Vide 70/2596 above not bid for
73/18867 to 18873 reporting selection as per name.

Transmitted with my letter Nº 69/26 dated 31 May 1869 to the Surveyor General.
(Signed) J.J. Higgins

Notes.
These portions form part of Melville Run
Date of Survey May 1869
Scale 20 chains to an inch
Theodolite used.

Tracing of 11 portions of land Parish of Coogal County of Pottinger Measured for Auction Sale on the application of J.K.Clark

These portions form part of Melville Run
Date of Survey May 1869
Scale 20 chains to an inch
Theodolite used

Nº 358 Reserve from Sale for access to Water notified 31 Augt 1869

Sale at Gunnedah on the 1st Novr 1869
Portions 8 to 15; 15 to 16
Vide 70/2597 reporting portions sold
Remaining portions not bid for
Vide 73/18814 Alt^n to 18881 reporting
Selection of remaining portions

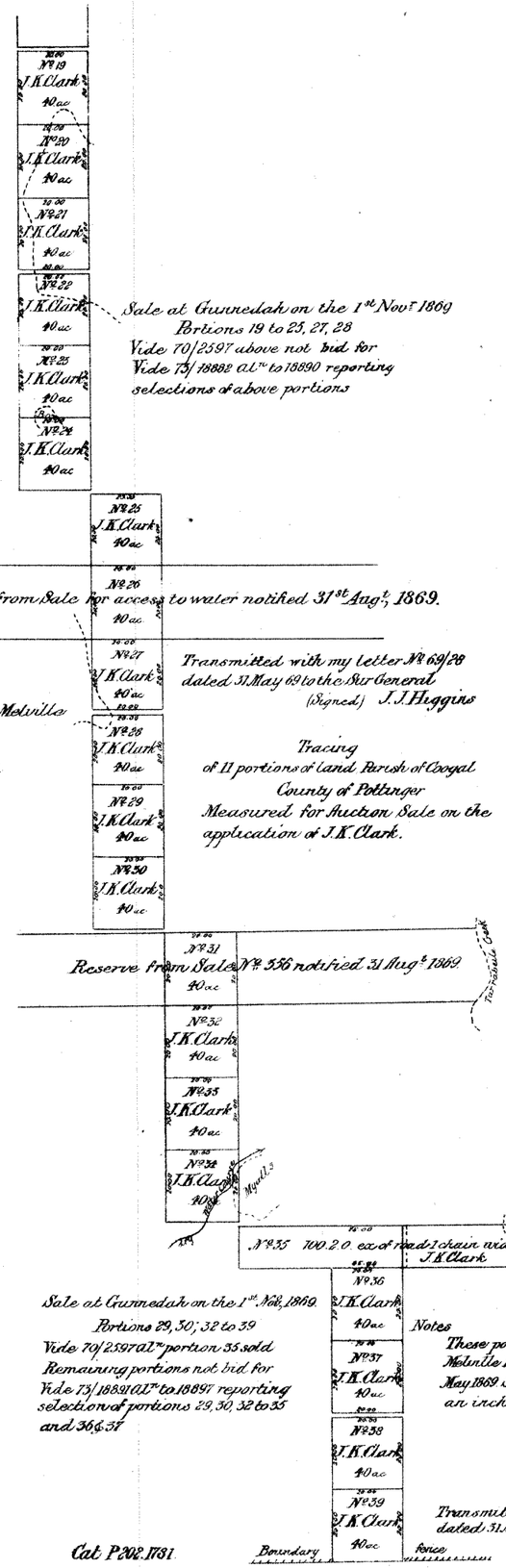
Reserve made by order of the Sur General.

Transmitted with my letter Nº 69/27 dated 31 May/69 to the Sur Genl
(Signed) J.J. Higgins.

Cat P 203. 1781

69/6727 Alt^n

Tracing of 10 portions of land Parish of Coogal County of Pottinger Measured for Auction Sale on the application of J.K.Clark



Sale at Gunnedah on the 1st Novr 1869
Portions 19 to 25, 27, 28
Vide 70/2597 above not bid for
Vide 73/18882 Alt^n to 18890 reporting selections of above portions

Nº 357 Reserve from Sale for access to water notified 31st Aug^t, 1869.

These portions form part of Melville Run,
Date of Survey May 1869.
Scale 20 chains to an inch
Theodolite used

Cat P 205. 1781

Transmitted with my letter Nº 69/28 dated 31 May 69 to the Sur General
(Signed) J.J. Higgins

Tracing of 11 portions of land Parish of Coogal County of Pottinger Measured for Auction Sale on the application of J.K.Clark.

Reserve from Sale Nº 356 notified 31 Augt 1869

Sale at Gunnedah on the 1st Novr 1869
Portions 29, 30, 32 to 39
Vide 70/2597 Alt^n portion 35 sold
Remaining portions not bid for
Vide 73/18891 Alt^n to 18897 reporting selection of portions 29, 30, 32 to 35 and 36 & 37

Notes
These portions form part of Melville Run, Date of Survey May 1869 Scale 20 chains to an inch. Theodolite used

Transmitted with my letter Nº 69/29 dated 31 May 1869 to the Sur. Genl
(Sig^d) J.J. Higgins.

Cat P 202. 1781

NOMBI RUN

(Sig 124)

PHOTO-LITHOGRAPHED AT THE GOVT. PRINTING OFFICE, SYDNEY, N.S. WALES.

1873–4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

EAST MAITLAND RESERVE.

(RECEIPTS AND EXPENDITURE OF TRUSTEES FOR.)

Ordered by the Legislative Assembly to be printed, 29 January, 1874.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 14 November, 1873, That there be laid upon the Table of this House,—

"Copies of the Accounts of the Trustees of the East Maitland Reserve, "from 1st January, 1861, to 1st November, 1873, showing in detail the "Receipts and Expenditure of the Trustees."

(Mr. Scholey.)

EAST MAITLAND RESERVE.

A Detailed Account of the Receipts and Expenditure of the East Maitland Park Reserve, to 1st November, 1873.

Dr. Cr.

		£ s. d.			£ s. d.
1861.			1861.		
31 Dec. ...	To Balance	265 14 10	4 Nov. ...	By Fencing	164 12 10
			24 „ ...	„ Clearing ground	100 0 0
			31 Dec. ...	„ Interest	1 2 0
	£	265 14 10		£	265 14 10
1862.			1862.		
31 Dec. ...	To Rent	40 0 0	1 Jan. ...	By Balance	265 14 10
31 „ ...	„ Balance	245 12 10	31 Dec. ...	„ Interest	19 18 0
	£	285 12 10		£	285 12 10
1863.			1863.		
31 Dec. ...	To Rent	36 0 0	1 Jan. ...	By Balance	245 12 10
31 „ ...	„ Balance	231 6 6	31 Dec. ...	„ Interest	21 13 8
	£	267 6 6		£	267 6 6
1864.			1864.		
28 Oct. ...	To Rent	2 2 6	1 Jan. ...	By Balance	231 6 6
2 Dec. ...	„ „	2 0 0	21 June ...	„ Advertising	1 5 0
24 „ ...	„ „	35 0 0	11 Aug. ...	„ „	1 6 3
31 „ ...	„ Balance	232 0 3		„ Fencing	15 0 0
				„ Advertising	0 15 0
			31 Dec. ...	„ Interest	21 10 0
	£	271 2 9		£	271 2 9
1865.			1865.		
3 Jan. ...	To Rent	2 1 6	1 Jan. ...	By Balance	232 0 3
Feb. ...	„ „	2 0 0		„ Gates	20 0 0
8 May ...	„ „	2 2 6		„ Advertising	0 14 3
8 June ...	„ „	2 0 0		„ Locks	0 4 6
4 July ...	„ „	2 0 0		„ Repairing road	6 5 0
21 Nov. ...	„ „	0 18 0	31 Dec. ...	„ Legal expenses	9 15 6
31 Dec. ...	„ „	9 15 6	31 „ ...	„ Interest	24 14 0
31 „ ...	„ Balance	272 16 0			
	£	293 13 6		£	293 13 6
1866.			1866.		
1 Jan. ...	To Rent	25 0 0	1 Jan. ...	By Balance	272 16 0
2 Feb. ...	„ „	1 5 0	1 „ ...	„ Allowance to tenant for floods	12 10 0
10 Mar. ...	„ „	1 5 0	31 Dec. ...	„ Interest	20 18 0
1 May ...	„ „	15 0 0			
7 „ ...	„ „	2 10 0			
4 June ...	„ „	1 5 0			
1 July ...	„ „	12 10 0			
10 „ ...	„ „	1 5 0			
8 Aug. ...	„ „	1 5 0			
10 Sept. ...	„ „	1 5 0			
8 Oct. ...	„ „	1 5 0			
8 Nov. ...	„ „	1 5 0			
1 Dec. ...	„ „	7 10 0			
10 „ ...	„ „	1 5 0			
31 „ ...	„ „	232 9 0			
	£	306 4 0		£	306 4 0
1867.			1867.		
1 Jan. ...	To Rent	12 10 0	1 Jan. ...	By Balance	232 9 0
7 „ ...	„ „	1 5 0		„ Advertising	0 12 0
6 Feb. ...	„ „	1 3 4	Mar. ...	„ Making dam	11 4 3
4 Mar. ...	„ „	1 3 4	June ...	„ Repairing fence	1 0 0
8 April ...	„ „	1 3 4	9 Nov. ...	„ Fencing	39 3 5
1 May ...	„ „	15 0 0	31 Dec. ...	„ Interest	20 6 0
6 „ ...	„ „	1 3 4			
11 June ...	„ „	1 3 4			
1 July ...	„ „	8 10 0			
1 „ ...	„ „	15 0 0			
9 „ ...	„ „	1 3 4			
12 Aug. ...	„ „	1 3 4			
19 Sept. ...	„ „	1 3 4			
12 Oct. ...	„ „	1 3 4			
1 Nov. ...	„ „	7 10 0			
9 „ ...	„ „	5 0 0			
9 „ ...	„ „	1 3 4			
23 Dec. ...	„ „	1 3 4			
31 „ ...	„ Balance	227 3 0			
	£	304 14 8		£	304 14 8

Dr. Cr.

1868.		£ s. d.	1868.		£ s. d.
1 Jan. ...	To Rent	8 10 0	1 Jan. ...	By Balance	227 3 0
11 Feb. ...	„ „	2 6 8	31 Dec. ...	„ Interest	19 14 0
11 April ...	„ „	2 6 8			
8 May ...	„ „	20 0 0			
12 June ...	„ „	2 6 8			
4 July ...	„ „	1 3 4			
16 „ ...	„ „	7 10 0			
16 „ ...	„ „	15 0 0			
5 August ...	„ „	1 3 4			
2 Sept. ...	„ „	7 10 0			
10 „ ...	„ „	1 3 4			
13 Oct. ...	„ „	1 3 4			
10 Nov. ...	„ „	1 3 4			
14 „ ...	„ „	7 10 0			
31 Dec. ...	„ „	168 0 4			
	£	246 17 0		£	246 17 0
1869.			1869.		
4 Jan. ...	To Rent	2 6 8	1 Jan. ...	By Balance	168 0 4
5 „ ...	„ „	8 0 0	8 March ...	„ Repairing fence	1 10 0
25 „ ...	„ „	7 10 0	31 Dec. ...	„ Interest	11 11 0
9 Feb. ...	„ „	1 3 4			
8 March ...	„ „	1 3 4			
17 April ...	„ „	1 3 4			
21 May ...	„ „	1 3 4			
16 June ...	„ „	7 10 0			
17 „ ...	„ „	1 3 0			
23 „ ...	„ „	7 10 0			
5 July ...	„ „	7 0 0			
12 „ ...	„ „	20 0 0			
22 „ ...	„ „	1 3 4			
13 Sept. ...	„ „	2 6 8			
15 „ ...	„ „	12 0 0			
17 Nov. ...	„ „	2 6 8			
18 Dec. ...	„ „	7 10 0			
31 „ ...	„ Balance	90 1 8			
	£	181 1 4		£	181 1 4
1870.			1870.		
3 Jan. ...	To Rent	15 0 0	1 Jan. ...	By Balance	90 1 8
13 „ ...	„ „	2 6 8	31 May ...	„ Interest	6 10 8
1 March ...	„ „	7 10 0	31 Dec. ...	„ Balance	2 1 0
28 „ ...	„ „	2 6 8			
9 May ...	„ „	12 0 0			
9 „ ...	„ „	10 0 0			
9 „ ...	„ „	7 0 0			
6 June ...	„ „	20 0 0			
27 Sept. ...	„ „	7 10 0			
19 Dec. ...	„ „	7 10 0			
27 „ ...	„ „	7 10 0			
	£	98 13 4		£	98 13 4
1871.			1871.		
1 Jan. ...	To Balance	2 1 0	7 March ...	By Slabbing dam	5 0 0
9 „ ...	„ Rent	7 0 0	1 July ...	„ Allowance to tenant for floods	7 0 0
7 Mar. ...	„ „	15 0 0	14 Aug. ...	„ Commission	3 11 6
26 May ...	„ „	7 10 0	31 Dec. ...	„ Balance	53 9 6
12 Aug. ...	„ „	15 0 0			
12 „ ...	„ „	7 10 0			
4 Nov. ...	„ „	7 10 0			
1 Dec. ...	„ „	7 10 0			
	£	69 1 0		£	69 1 0
1872.			1872.		
1 Jan. ...	To Balance	53 9 6	8 Jan. ...	By Commission	0 7 6
8 „ ...	„ Rent	14 0 0	9 „ ...	„ Legal expenses	1 1 0
14 „ ...	„ „	5 0 0	1 May ...	„ Commission	1 10 0
19 March ...	„ „	25 0 0	2 Oct. ...	„ Fencing	21 5 0
18 June ...	„ „	7 10 0	4 Dec. ...	„ „	33 5 0
20 Aug. ...	„ „	7 10 0	31 „ ...	„ Balance	62 11 0
11 Dec. ...	„ „	7 10 0			
	£	119 19 6		£	119 19 6

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Dr. Cr.

1873.		£ s. d.	1873.		£ s. d.
1 Jan. ...	To Balance.....	62 11 0	4 Feb. ...	By Gate posts	1 10 0
14 Feb. ...	„ Rent	14 0 0	8 April ...	„ Improving ground	20 0 0
28 April ...	„ „	6 15 0	9 „ ...	„ Fencing	21 13 4
5 May ...	„ „	13 0 0	7 May ...	„ Gates.....	3 0 0
11 „ ...	„ Agistment.....	3 12 9	9 „ ...	„ Fencing.....	27 3 0
23 „ ...	„ Rent	7 10 0	12 „ ...	„ Improving ground	12 7 0
15 July ...	„ „	6 0 0	26 „ ...	„ Accountant	11 12 3
17 „ ...	„ „	12 0 0	2 Aug. ...	„ Legal expenses.....	16 14 4
			1 Nov. ...	„ Balance.....	11 8 10
	£	125 8 9		£	125 8 9
1873.					
1 Nov. ...	To Balance.....	11 8 10			

Sydney: Thomas Richards, Government Printer.—1874.

[3*d*.]

1873–4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

RESERVE ON BYRON RUN.

(PETITION RESPECTING—FARMERS OF INVERELL.)

Ordered by the Legislative Assembly to be printed, 31 *March*, 1874.

To the Honorable the Legislative Assembly of New South Wales, in Parliament assembled.

The Petition of Farmers and others, resident in the district of Inverell, in the Colony of New South Wales,—

HUMBLY SHOWETH:—

That it is the intention of the Government to subdivide and alienate the Reserve number 123, situate on the Byron Run, in the district of New England.

That a large number of conditional purchasers selected land on the north and west sides of the town of Inverell, adjacent to and adjoining the said Reserve, mainly for the purpose of securing a right-of-way to water through, and grazing their stock upon, the said Reserve.

That owing to the fact of the whole of the vacant Crown Lands adjoining the said Reserve having been sold, if the intention of the Government is carried out the residents adjacent to the said Reserve for some considerable distance will have no turn out whatever for their stock, and the continued enclosures will prevent them from having any access to water.

Your Petitioners would therefore humbly pray that your Honorable House will be pleased to cause the said Reserve to be proclaimed a permanent Common, or that such steps may be taken in the premises as to your Honorable House may seem expedient.

And your Petitioners, as in duty bound, will ever pray, &c.

[*Here follow* 116 *Signatures.*]

1873.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

CROWN LANDS.

(RESERVES ON ROAD FROM WILLOW-TREE TO NARRABRI.)

Ordered by the Legislative Assembly to be printed, 12 November, 1873.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 28th October, 1873, That there be laid upon the Table of this House,—

"A Return showing the number of Reserves on the Road from Willow-tree "to Narrabri, the extent of each Reserve, where situated, the date of "proclamation, and the purpose for which dedicated."

(Mr. Dangar.)

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CROWN LANDS.

RESERVES on Road from Willow-tree to Narrabri, Pastoral District of Liverpool Plains.

Gazette No. of Reserve.		Area.	Situation.	Date of Notification.	Purpose.
		acres			
County of Buckland	47	640	Boramble Creek, Dury Run	22 Dec., 1865	Water supply, under sec. 4, C. L. A. Act.
	40	640	Coeypolly Creek, Dury Run	22 Dec., 1865	do.
	41	640	Quirindi Creek, Dury Run.....	22 Dec., 1865	do.
	*3	3,840	Nicholas Lagoon, junction of Quirindi and Coeypolly Creeks.	24 Dec., 1861	do.
	44	320	Dirty Lagoon, Walhollow Run	22 Dec., 1865	do.
	464	940	Breeza and Coeypolly Road, 8 chains wide	21 Nov., 1871	Drift way for stock.
	*9	1,430	Mooki River and Breeza, and Coeypolly Road, adjoining S. Clift's 390 acres.	24 Dec., 1861 and 20 Dec., 1872	Travelling stock.
County of Pottinger	455	12,800	Breeza and Gunnedah Road, 42 chains wide	18 April, 1871, and 7 June, 1872	Drift way for stock.
	292	640	Mooki River, Breeza Run (West and East)	11 Mar., 1868	Water supply.
	35	1,920	Mooki River, Longpoint West Run	22 Dec., 1865	do.
	330	1,920	Mooki River, Battery Reserve, Pullaming Run.	8 May, 1868	do.
	4	4,960	Mooki River, at Pullaming; this reserve crosses the river.	24 Dec., 1861	do.
	184	320	Mooki River, Gunnedah West Run	3 Aug., 1866	do.
		Population reserve—27½ square miles, temporary commonage, Gunnedah, Counties of Pottinger and Nandewar; notified 16 June, 1868, under Crown Lands Occupation Act.			
	502	1,304	Namoi River, Cowmore Run	10 Oct., 1868, and 1 Aug., 1873	Water supply, under 4 section C. L. A. Act.
	501	1,430	Namoi River, Dubbledah	31 May, 1870, and 1 Aug., 1873	Refuge and water supply.
	*1	720	Gulligal, part of Town Reserve	24 Dec., 1861	Extension of town and water supply.
	350	575	At 18-mile tree, Gunnedah and Narribri Road, Namoi River, Milchengourie Run.	29 June, 1869	Water supply.
	417	629	Namoi River, at boundary dividing Namoi Hut and Milchengourie Run.	31 May, 1870	do.
	351	800	Namoi River and Cox Creek, adjoining southern boundary of Bogabri, Michengourie Run.	29 June, 1869	do.
	423	665	At Bogabri	31 May, 1870	Pending appropriation for commonage, Bogabri
	352	274	Namoi River, between Bogabri and Ingelow, and Halloway's 639 acres, Namoi Hut Run	29 June, 1869	Water supply.
	104	2,560	Namoi River, near Rock Inn, Namoi Hut Run.	26 Nov., 1867	do.
	337	472	Namoi River, between 7 and 8-mile tree from Bogabri to Turrawan, Henryandic Run.	10 Oct., 1868	do.
	336	374	Namoi River, at 10-mile tree, Bogabri and Turrawan Road, Henryandic Run.	10 Oct., 1868	do.
	332	758	Namoi River, at Oaky Point, Baam Ba South Run.	10 Oct., 1868	Water supply, under 4 sec. C. L. A. Act.
	333	190	Namoi River, at 17-mile tree, Bogabri and Turrawan Road.	10 Oct., 1868	do.
County of White ...	11	960	Turrawan, Namoi River, Turrawan Run ...	24 Dec., 1861	Town and water supply.
	424	711	Adjoining southern boundary of Turrawan, Namoi River.	31 May, 1870	Pending appropriation of commonage.
	341	850	Namoi River, at the northern end of the Broadwater, Turrawan Run.	10 Oct., 1868	Water supply.
	418	590	Namoi River, at the bridge crossing of Gunnedah and Narrabri Road, Turrawan Run.	31 May, 1870	do.
County of Nandewar	259	80	Namoi River, at the bridge crossing of Gunnedah and Narribri Road, Turrawan Run, Terriaro Run.	5 July, 1867	do.
	340	326	Namoi River, at the junction of Bullewa Creek, Tiberenah Run.	10 Oct., 1868	do.
	...	5,000	Temporary Common, Narribri	7 Aug., 1873	Temporary common, Crown Lands Oc. Act.
	384	960	Adjoining Narribri population reserve, Namoi River, Tiberenah Run.	1 Oct., 1869	Water supply, C. L. A. Act, 4 sec.
County of Pottinger	468	4,800	Curlewis Swamp, Gunnedah and Breeza Road.	19 Dec., 1870	do.
	478	280	Between Breeza and Gunnedah new Road and Mooki River.	12 Nov., 1873	Access to water.

NOTE.—The reserves in the above schedule have been made under the provisions of the 4th section of the Crown Lands Alienation Act of 1861 only, and, with the exception of those marked *, are still under pastoral lease.

The reserves marked * have been withdrawn from pastoral lease, but not permanently dedicated under the provisions of the 5th section of the Crown Lands Alienation Act.

Temporary commons have been notified under the provisions of the Crown Lands Occupation Act.

[3d.]

Sydney: Thomas Richards, Government Printer.—1873.

1873.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

CROWN LANDS.

(RESERVES ON ROAD BETWEEN WOLLOMBI AND WISEMAN'S FERRY.)

Ordered by the Legislative Assembly to be printed, 17 *December*, 1873.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 5 December, 1873, That there be laid upon the Table of this House,—

"A Return showing the number of Reserves on the road from Wollombi "to Wiseman's Ferry, the extent of each Reserve, and where situated."

(Mr. Cunneen.)

Reserve.	Extent.	Situation.
	acres	
No. 12 Reserve	1,400	Mount Manning.
Reserve	40	For approach to Wiseman's Ferry.
Village Reserve	160	Adjoining north boundary of M'Donald's northern portion of 100 acres.
Do.	160	Mount M'Quoid.
Do.	160	About 1 mile northerly of Mount Lockyer.
Do.	160	About 1 mile southerly of Mount Lockyer.
Do.	160	About ½ a mile northerly of ridge, easterly from Mount M'Leod.
Do.	160	Snodgrass Valley.

1873.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

PARRAMATTA PARK.

(RECEIPTS AND EXPENDITURE FROM 1865 TO 1872, INCLUSIVE.)

Ordered by the Legislative Assembly to be printed, 11 *September*, 1873.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 2 April, 1873, That there be laid upon the Table of this House,—

"(1.) A Return showing the amount of Rent and Agistment Fees or "Charges received by the Trustees of the Parramatta Park, in each year, "from the 1st January, 1865, to the 31st December, 1872, distinguishing "the amount received for rent from that of agistment.

"(2.) A Return showing the expenditure by the said Trustees during the "above-mentioned period.

"(3.) A Return showing the number of Meetings called and held during the "years 1871 and 1872, and the names of the Trustees who attended the "same."

(*Mr. Taylor.*)

PARRAMATTA PARK.

No. 1.

STATEMENT of Receipts of the Parramatta Park.

		£	s.	d.
From Aug. 1865,	Received for agistment	202	14	5
	„ Rent of Old Government House	25	0	0
up to	„ from Racecourse	2	0	0
Jan. 1866...	„ from Acclimatisation Society	2	15	0
	„ for agistment	226	11	6
to July, 1866	„ Rent from stalls and booths, £4 3s.; Government House, £25	29	3	0
	„ for agistment	129	17	8
up to	„ from Racecourse Committee	2	5	0
Jan., 1867	„ Rent from Old Government House	25	0	0
to	„ for agistment	89	11	0
July, 1867	„ Rent from Old Govt. House	25	0	0
to	„ for agistment	93	19	9
Jan., 1868	„ Rent from Old Govt. House	25	0	0
	„ for agistment	123	2	2½
to	„ Rent from Old Govt. House	31	5	0
July, 1868	„ Rent from stalls	1	2	6
	„ for agistment	43	1	0
	„ Rent from Old Govt. House	37	10	0
	„ By Govt. grant	100	0	0
up to	„ Rent of Cricket ground	8	3	0
	„ Rent of Racecourse	3	2	0
	„ Rent from stalls	0	14	10
Jan., 1869	„ Rent from Race Committee	6	0	0
	„ for agistment	97	19	2
up to	„ Rent from Old Govt. House	42	10	0
	„ Rent from Race Committee	6	0	0
	„ from Mr. Giles	11	5	0
July, 1869	„ Rent from stalls	2	5	0
	„ for agistment	77	7	4
	„ By Govt. grant	100	0	0
up to	„ Rent of Old Govt. House	51	10	0
	„ Rent from Race Committee	6	0	0
Jan., 1870	„ from Mr. Carter, for 1 ton 7 cwt. of old lead	20	6	8
up to	„ from Mr. Sheldon, for 1 ton 10 cwt. of old lead	22	3	0
July, 1870	Received Rent of stalls	0	15	0
	„ for agistment	92	16	2
	„ by Govt. grant	100	0	0
	„ from stalls	1	17	0
up to	„ Rent from Race Committee	6	0	0
	„ Rent from Old Govt. House	48	15	0
Jan., 1871	„ for agistment	110	10	11
	„ Rent from Old Govt. House	50	0	0
up to	„ by Mr. Walch	0	3	0
	„ Rent from Race Committee	6	0	0
July, 1871	„ for agistment	98	8	11
	„ Rent from old Govt. House	45	0	0
up to	„ Rent from Race Committee	6	0	0
	„ from schools and stalls	0	15	0
Jan., 1872	„ for agistment	122	7	10
	„ Rent from old Govt. House	40	0	0
	„ Rent from Race Committee	6	0	0
up to	„ by Govt. grant	100	0	0
	„ Rent from Cricket Club	5	0	0
	„ for training horses	1	10	0
	„ fruit stalls, &c.	1	10	0
July, 1872	„ for agistment	122	0	3
	„ Rent from Old Govt. House	40	0	0
	„ Rent from Race Committee	6	0	0
up to	„ Mr. W. Carey, for 17 cwt. 1 qr. 14 lbs. of lead	13	19	6
	„ from stalls, &c.	2	7	6
	„ by Govt. grant	100	0	0
Jan., 1873	„ for agistment	168	11	7
	„ from schools and stalls	1	5	0
	„ by Govt. grant	100	0	0
up to	„ Rent from Old Govt. House	40	0	0
	„ Rent from Race Committee	6	0	0
	„ from fruit stalls	0	15	6
July, 1873	„ for agistment	189	1	10
	£	3,297	14	0½

Summary of Receipts and Disbursements from August, 1865, up to July, 1873 :—

	£	s.	d.	£	s.	d.
Amount of Receipts	3,297	14	0½			
„ Disbursements	2,886	16	3			
Balance in the Treasurer's hands up to date	£ 410	17	9½			
With the following Contracts now in hands :—						
For new Pavilion, &c.				75	0	0
Fencing, &c., in connection therewith				75	0	0
For new Lodge on the western side of the Park, and fencing therewith				150	0	0
For new causeway across the creek and approaches, and cutting escape drain for surplus water				50	0	0
				£ 350	0	0
Balance in hands	410	17	9½			
Amount of Contracts	350	0	0			
	£ 60	17	9½			

No. 2.

STATEMENT of Disbursements of the Parramatta Park.

		£	s.	d.
From Aug. 1865,	Paid account book and stamped cheque book	0	13	4
	„ Mr. Ring, timber-merchant	29	12	0
	„ Mr. Burmingham, surveyor, expenses	1	5	0
	„ Mr. Ring, for fencing	7	0	0
	„ Cambell, Sainty, Sparks, and Dougherty	2	1	0
up to	„ Mr. Gorden (Aslem's acct.)	1	8	0
	„ J. Rutter, for meat, Acclimatisation Society	2	2	9
	„ Mr. Booker, painter	35	0	0
	„ Mr. Wm. Roberts, solicitor	15	15	0
	„ Municipal rates	7	4	0
Jan., 1866	„ Labour from August, 1865, to January, 1866	65	14	6
up to	„ Acclimatisation Society a/c	22	13	2
	„ Municipal rates	7	4	0
July, 1866	„ Labour from January, 1866, to July, 1866	99	14	7
	„ Mr. Ring, for fencing	70	0	0
up to	„ Acclimatisation Society	14	14	5
	„ Hill, Maloney, and Rutter	2	11	8
	„ Denning, for shearing alpacas	0	7	0
Jan., 1867	„ Labour from July, 1866, to January, 1867	79	11	7
	„ Mr. Dare, for maize & sharps	5	8	0
	„ Mr. Pass, 14s. 10½d.; Cambell, 7s. 6d	1	2	4½
	„ Mr. Isaac Ring, for fencing	6	8	0
	„ Acclimatisation Society, £5 2s. 6d.; Brewer, for bull, £2 5s.	7	7	6
July, 1867	„ Labour from January, 1867, to July, 1867	109	11	6½
up to	„ for Acclimatisation Society	9	5	9
Jan., 1868	„ Labour from July, 1867, up to January, 1868	107	17	2½
	„ Mr. Ring, for fencing and timber	60	4	0
	„ James Williams, allowance for fencing on Racecourse	14	0	0
up to	„ Mr. Elphinston, for repairing Bridge	20	0	0
	„ by error into Commercial Bank	10	0	0
	„ Mr. Reid, for 20¾ bushels of corn	2	16	7
July, 1868	„ Labour from January 1868, up to July, 1868	124	14	0½
	„ Mr. Chapman, for repairing fences	7	10	0
	„ for Acclimatisation Society	2	10	0
	„ Mr. Chapman, for fencing	10	19	5½
up to	„ Mr. Coates, for palisading	30	0	0
	„ Cash advanced by Treasurer	20	16	0
	„ Mr. Eastway, for fish-trap, £1; stationery, 5s.	1	5	0
	„ Rochester, for corn, £4 6s.; Baker, for bills, &c., £2 15s.	7	1	0
	„ Mr. Eastway, for wire, &c.	3	15	7
Jan., 1869	„ Labour from July, 1868, up to January, 1869	137	2	0
	„ Mr. Carman, painter, £14 12s., Acclimatisation Society, &c., £8 6s.	22	18	0
	„ by Treasurer to Park credit (advanced)	11	0	0
up to	„ Acclimatisation Society	4	8	0
	„ Stamped cheque book, 8s. 4d.; Rochester's a/c. £5 11s. 9d.	6	0	1
	„ Mr. John Pass, for ironmongery, &c.	6	13	7
July, 1869	„ Labour from January, 1869, up to July, 1869	102	4	3½
	Paid Mr. Coates, balance of acct. for palisading	12	0	0
	„ Goodlet & Smith, for galvanized iron	15	1	8
up to	„ Interest to Commercial Bank, for overdraft	0	3	3
	„ John Fraser, for putting on iron	3	6	0
Jan., 1870	„ Labour from July, 1869, up to January, 1870	113	16	8
	„ Mr. Hart, for building pavilion	132	0	0
	„ Mr. Houison, for specification, &c., of pavilion	6	12	0
up to	„ for capping iron	4	0	9
	„ Mr. Coates, £74 2s. 6d.; Mr. Houison, inspection, £3 10s.	77	12	6
July, 1870	„ Labour from January, 1870, up to July, 1870	140	0	11
	„ Mr. Chapman, for pulling down and putting up fences	7	9	4
	„ Mr. G. E. Crane, for drain-pipes	3	0	0
up to	„ Mr. Beaumont, for roofing iron	18	5	0
	„ Mr. Cambell, for Deers and Angora goats	20	0	0
	„ Chapman, for paling fence, £31 12s.; for plough, £2 10s.	34	3	0
Jan., 1871	„ Labour from July, 1870, up to January, 1871	111	9	6
up to	„ for Acclimatisation Society	2	7	6
	„ Mr. J. P. Mackenzie	4	0	0
July, 1871	„ Labour from January, 1871, up to July, 1871	242	5	0½
	„ Stamp cheque book, 8s. 4d.; interest on overdraft at Bank, 11s.	0	19	4
	„ M'Come, for saplings, £2 2s.; wood commission, £1 12s.	3	14	0
	„ W. S. Friend & Co., for paint, brushes, &c.	26	7	3
up to	„ Mr. Ritchie, £4 7s. 3d.; Byrnes' a/c., 11s. 3d.	4	18	3
	„ Mr. M'Manis, for horse, &c.	9	8	0
	„ to Race Committee, for training horses	1	10	0
	„ Mr. Robt. Ritchie, for iron gates, &c.	9	13	6
	„ Commissioner for Railways, for 300 sleepers	3	15	0
	„ Mr. Chapman, for dray	4	0	0
Jan., 1872	„ Labour from July, 1871, up to January, 1872	124	7	2
	„ Tayton, for cart, horse, &c.	5	5	6
	„ Stamped cheque book, 8s. 4d.; expenses on trough, 7s. 6d.	0	15	10
up to	„ F. Lasseter & Co., for galvanized iron	13	14	10
	„ Mr. Rochester, £3 4s.; Mr. Henderson, £2 2s.	5	6	0
July, 1872	„ Labour from January, 1872, up to July, 1872	128	0	7½
up to	„ Mr. Chapman, for fencing	4	11	0
Jan., 1873	„ Labour from July up to January, 1873	125	13	4
	„ Mr. Saml. Burge, for cart harness	4	19	6
up to	„ Mr. Reuben Rose, for a bull	5	0	0
	„ Goodlet & Smith, for drain piping	5	5	0
July, 1873	„ Labour from January, 1873, up to July, 1873	102	14	9
	£	2,886	16	3

No. 3.

NUMBER of Meetings of the Trustees of the Parramatta Park, from August, 1865, to July, 1873 :—

1st, on November, 1865. Present :—Messrs. Byrnes, Gooden, and Payten.
2nd, on December 15th, 1866. Present :—Messrs. J. B. Suttor, Byrnes, and Payten.
3rd, on 23rd December, 1867. Present :—Messrs. Byrnes, Payten, and Gooden.
4th, on November 9th, 1868. Present :—Messrs. Byrnes, Suttor, Gooden, and Payten.
5th, on August 9th, 1869. Present :—Messrs. Byrnes, Suttor, Gooden, and Payten.
6th, on November 8th, 1869. Present :—Messrs. Byrnes, Gooden, and Payten.
7th, on February 21st, 1870. Present :—Messrs. Byrnes and Payten.
8th, on August 20th, 1870. Present :—Messrs. Byrnes, Payten, Gooden, and Suttor.
9th, on April 11th, 1871. Present :—Messrs. Byrnes, Payten, and Gooden.
10th, on May 20th, 1871. Present :—Messrs. Byrnes, Payten, Gooden, and Fulligar.
11th, on August 19th, 1871. Present :—Messrs. Byrnes, Gooden, Payten, and Fulligar.
12th, on April 10th, 1872. Present :—Messrs. Gooden, Byrnes, and Payten.
13th, on October 2nd, 1872. Present :—Messrs. Byrnes, Fulligar, Payten, and Gooden.
14th, on January 24th, 1872. Present :—Messrs. Payten, Gooden, and Fulligar.
15th, on May 7th, 1873. Present :—Messrs. Byrnes, Payten, Gooden, and Fulligar.
16th, on June 27th, 1873. Present :—Messrs. Byrnes, Payten, and Gooden.

[3*d*.] Sydney : Thomas Richards, Government Printer.—1873.

1873.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

FIELD OF MARS COMMON.

(REPORT FROM MESSRS. RICHARDSON & WRENCH, AS TO VALUE OF.)

Ordered by the Legislative Assembly to be printed, 17 September, 1873.

FIELD OF MARS COMMON.

MESSRS. Richardson & Wrench invited to report—

1. The present value of the Common.
2. The value so soon as the bridges, proposed to be erected on the Common in question, have been completed.
3. The prospective value, say ten or fifteen years hence, or from time of completion of the bridges referred to.

27th February, 1873.

MESSRS. RICHARDSON & WRENCH to THE UNDER SECRETARY FOR LANDS.

28 February, 1873.

SIR,

We have the honor to acknowledge receipt of your favour of yesterday's date, with instructions to make, as early as practicable, a valuation of the Field of Mars Common, which shall have our best and prompt attention. For this object, will you please furnish us with a surveyor's description and plan of the land, the latter on a scale so as to include the position of the bridges proposed to be erected to the Common.

The area of the Common is large (over 6,000 acres), and as, even to give an approximate valuation and report, it will be necessary for us to travel over and inspect the whole, we would respectfully request the services of a surveyor, or other officer of the Government, acquainted with the land, to accompany our Mr. Richardson on inspection and point out the boundaries.

We would also be glad to have copies of reports, if any, in possession of the Government, as to the nature of the land and its relative natural characteristics.

We have, &c.,

RICHARDSON & WRENCH.

MESSRS. RICHARDSON & WRENCH to THE UNDER SECRETARY FOR LANDS.

Field of Mars Common.

10 March, 1873.

DEAR SIR,

Referring to our respects of the 28th ultimo, we beg to inform you that Mr. E. Terry, the Mayor of Ryde Municipality, has kindly offered to point out the boundaries, and to render every assistance in his power to enable us to make a thorough inspection of the land.

We therefore will only require a tracing or plan of the Common before proceeding to inspection.

Faithfully yours,

RICHARDSON & WRENCH.

R. P. Richardson, Esq., to The Under Secretary for Lands.

Field of Mars Common—6,235 *acres.*

Sydney, 31 May, 1873.

Dear Sir,

I have the honor to reply to the queries in your favour of the 27th February last, relative to the above, as follows:—

1. The present value of the Common?—£30,000.
2. The value so soon as the bridges proposed to be erected have been completed?—If the proposed bridges were erected and good roads formed through the land, the Common would be enhanced in value fully 50 per cent.
3. The prospective value, say ten or fifteen years hence, or from time of completion of the bridges referred to?—Accessibility, increase of population, and improvements made in any locality have the effect of greatly enhancing the value of landed properties. All these benefits to a very great extent may be anticipated in the course of ten or fifteen years after the erection of bridges to Hunter's Hill (a suburban parish of the metropolis), but it is impossible definitely to determine even an approach to a prospective value.

The valuations above must be considered approximate, and are estimated on the assumption that the land is judiciously brought into the market as the demand arises, in such lots as will suit all classes of buyers, and that good roads are formed on the subdivision.

With regard to the bridges proposed to be built, there can be no question as to the very great advantages derivable, not only to the Common land, but to the locality in the immediate neighbourhood, and even considerably beyond, in the northerly and north-westerly directions. The distance from Sydney would be materially reduced, and a continuous road open at all hours for passenger traffic and conveyance of produce, &c., direct to and from Sydney. These bridges would also render available a considerable area of the Common which (though rocky and unfit for cultivation), from its picturesque position and proximity to Sydney, would be purchased for suburban villa sites.

Prior to coming to any decision with regard to this report, I may state that, guided by Mr. Gollard (a respectable resident, who has lived all his life on or in the immediate vicinity of the Common), I inspected the land as minutely as circumstances would permit, and formed my rough estimate of approximate areas and qualities from such inspection; that the sales which have been made of land in the immediate vicinity of the Common for the last twelve or fourteen years have fluctuated to such an extent, and have been made under such varied circumstances, that it was with considerable difficulty, and after a deal of consideration, I arrived at any distinct conclusion as to the present average value of the Common. I have however generally found that, when a fair quality of land has been sold at a low figure, it has arisen from sales being made in a depressed market, or in such areas and on such terms as prohibited small buyers from competing, and that good prices have been realized in more prosperous times, and when lands have been judiciously subdivided and sold as the demand has arisen, without forcing the market.

I have, &c.,
R. P. RICHARDSON.

Sydney: Thomas Richards, Government Printer.—1873.

[3*d.*]

1873–4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

FIELD OF MARS COMMON RESUMPTION BILL.

(PETITION OF ISAAC SHEPHERD, RESPECTING).

Ordered by the Legislative Assembly to be printed, 3 June, 1874.

To the Honorable the Legislative Assembly of New South Wales.

The humble Petition of Isaac Shepherd, of Ryde, gentleman,—

SHOWETH:—

That your Petitioner is a landholder residing on the Parramatta River, Ryde.

That several years ago your Petitioner, with other persons having a right to the Field of Mars Common, brought an action in equity against the then acting Trustees of the Common, and succeeded in the suit, when an order was made by the presiding Judge (the late Judge Terry) that all costs in the case should be paid out of the first money to be derived from the Common, and there is still a balance of one hundred pounds, with interest, due on account to your Petitioner.

That your Petitioner having heard that it is intended to bring in a Bill enabling the Government to resume and sell the Field of Mars Common,

Your Petitioner would most respectfully and earnestly pray your Honorable House not to sanction any measure that will tend to deprive your Petitioner from enjoying his right of Common, and also may prevent him from receiving the balance due in the Equity suit.

And your Petitioner will ever pray, &c.

ISAAC SHEPHERD.

Ryde, 1st June, 1874.

[3d.] 614—

1873–4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

FIELD OF MARS COMMON RESUMPTION BILL.

(PETITION AGAINST—LANDHOLDERS AND OTHERS INTERESTED IN.)

Ordered by the Legislative Assembly to be printed, 5 June, 1874.

To the Honorable the Legislative Assembly of New South Wales.

The humble Petition of the undersigned Landholders and others interested in the Field of Mars and Eastern Farms Common,—

SHOWETH:—

That your Petitioners are entitled to the said Common under a grant from the Crown.

That your Petitioners have and still are deriving considerable advantages from having the use of the said Common, which, to be deprived of, would entail considerable loss and injury, not only on your Petitioners but on their families.

That your Petitioners view with alarm the attempt that is being made to influence your Honorable House to pass an Act enabling the Government to resume possession of the said Common.

Your Petitioners, therefore, humbly pray that your Honorable House will not pass any measure that may tend to deprive your Petitioners and their offspring from enjoying the use of the said Common.

And your Petitioners will ever pray, &c.

Dated at Ryde, this first day of June, 1874.

[*Here follow* 200 *Signatures.*]

[3*d.*] 620—

1873–4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

COMMONS REGULATION ACT.

(PETITION OF THE MAYOR OF NOWRA, RESPECTING.)

Ordered by the Legislative Assembly to be printed, 8 *April*, 1874.

To the Honorable the Legislative Assembly of New South Wales.

The Memorial of the Mayor, on behalf of the Nowra Municipal Council,—

MOST HUMBLY SHOWETH:—

That an Act "to enable Trustees of Commons in New South Wales to have perpetual succession and to empower them to regulate the use of such Commons and for other purposes relating thereto,"—was passed by your Honorable House, and assented to 25th April, 1873.

That, in the opinion of your Memorialists, certain sections of the said Act, which interfere with the rights and privileges of Municipalities, guaranteed by the Municipalities Act of 1867, ought to be repealed, for the following reasons:—

That the powers conferred on Municipal Councils over Commonages by the Crown Alienation Act of 1861, and the Municipalities Act of 1867, are rendered thereby quite void and inoperative.

That Municipal Councils being permanent and responsible institutions, and undoubtedly a reflex of the interests and opinions of the majority, by reason of their election under a strict system devised by municipal law, and elected by *bonâ fide* ratepayers (all having kindred interests), by vote by ballot, are more likely to inspire confidence and prove useful in the control and management of Commonages than a number of Trustees selected indiscriminately at an open meeting.

That the Petition for the Incorporation of the Nowra Municipality was supported by many (including your Memorialist), under the inducement held out in the Municipalities Act, that the Council, on its Incorporation, would have the control of the lands dedicated to the public, which the Municipality is now dispossessed of by reason of the Commons Regulation Act referred to.

That by reason of the said Commons Regulation Act no improvement can be made on the said Commons for the use and recreation of the inhabitants as originally contemplated, inasmuch as the Commons Regulation Act prohibits the Trustees of any Common "to grant leases of portions of said Common for any term of years or for any purpose or on any condition whatever."

That considering a great injustice has been unintentionally perpetrated on Municipal Institutions having the right, according to the Municipalities Act, of full control over the lands set apart for the use of the ratepayers,—your Memorialist, therefore, relying on your well-known desire to do justice to all, and in the fullest confidence that you will take the several reasons urged herein into your earnest consideration, humbly prays your Honorable House will consent to a repeal of that portion of the Commons Regulation Act of 1873 which interferes with the rights of Councils over lands set apart for the use and recreation of the inhabitants, as being opposed to the spirit and principles guaranteed by the Municipalities Act of 1867.

And your Memorialist, as in duty bound, will ever pray.

Signed for and on behalf of the Nowra Municipal Council,—

HENRY MOSS,
Mayor.

Council Chambers, 20 March, 1874.

[3*d*.] 521—

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